

House Bill 550

By: Representatives Scott of the 76th, Mitchell of the 88th, and Dukes of the 154th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to
2 controlled substances, so as to provide that possession of certain quantities of marijuana
3 constitute a misdemeanor; to change provisions relating to punishment; to amend Title 15,
4 Title 16, Chapter 7 of Title 17, and Code Section 36-32-6 of the Official Code of Georgia
5 Annotated, relating to courts, crimes and offenses, pretrial proceedings, and municipal court
6 jurisdiction in marijuana possession cases, respectively, so as to provide for conforming
7 cross-references; to amend Code Section 35-3-33, relating to the duties of the Georgia Crime
8 Information Center, so as to revise provisions relating to obtaining fingerprints and other
9 identifying data on persons arrested or taken into custody for misdemeanor marijuana
10 possession; to provide for related matters; to provide for an effective date and applicability;
11 to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 PART I
14 SECTION 1-1.

15 Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled
16 substances, is amended by revising subsection (b) of Code Section 16-13-2, relating to
17 possession of marijuana and conditional discharge for possession of controlled substances
18 as first offense and certain nonviolent property crimes, as follows:

19 "(b) Notwithstanding any law to the contrary, any person who is charged with possession
20 of marijuana, which possession is of ~~one ounce~~ two ounces or less, shall be guilty of a
21 misdemeanor and punished by ~~imprisonment for a period not to exceed 12 months~~ or a fine
22 not to exceed ~~\$1,000.00, or both, or public works not to exceed 12 months~~ \$300.00."

23 **SECTION 1-2.**

24 Said chapter is further amended by revising paragraph (2) of subsection (j) of Code Section
 25 16-13-30, relating to purchase, possession, manufacture, distribution, or sale of controlled
 26 substances or marijuana, as follows:

27 "(2) Except as otherwise provided in subsection (c) of Code Section 16-13-31 or in Code
 28 Section 16-13-2, any person who violates this subsection shall be guilty of a felony and,
 29 upon conviction thereof, shall be punished by imprisonment for not less than one year nor
 30 more than ~~ten~~ five years."

31 **PART II**32 **SECTION 2-1.**

33 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising
 34 subsection (b) of Code Section 15-7-4, relating to state court jurisdiction, as follows:

35 "(b) Each state court shall have jurisdiction, within the territorial limits of the county or
 36 counties for which it was created and concurrent with other courts having such jurisdiction,
 37 over possession of ~~one ounce~~ two ounces or less of marijuana, in accordance with Code
 38 Sections 16-13-2 and 16-13-30."

39 **SECTION 2-2.**

40 Said title is further amended by revising paragraph (1) of subsection (a) of Code Section
 41 15-9-30.6, relating to probate court jurisdiction over certain drug and alcohol offenses, as
 42 follows:

43 "(1) Possession of ~~one ounce~~ two ounces or less of marijuana, in accordance with Code
 44 Sections 16-13-2 and 16-13-30; and"

45 **SECTION 2-3.**

46 Said title is further amended by revising paragraph (1) of subsection (c) of Code Section
 47 15-10-260, relating to magistrate court jurisdiction, as follows:

48 "(1) For possession of ~~less than one ounce~~ two ounces or less of marijuana, as provided
 49 in subsection (b) of Code Section 16-13-2;"

50 **SECTION 2-4.**

51 Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled
 52 substances, is amended by revising paragraph (2) of subsection (a) of Code Section 16-13-5,
 53 relating to immunity from arrest or prosecution for persons seeking medical assistance for
 54 drug overdose, as follows:

55 "(2) 'Drug violation' means:

56 (A) A violation of subsection (a) of Code Section 16-13-30 for possession of a
57 controlled substance if the aggregate weight, including any mixture, is less than four
58 grams of a solid substance, less than one milliliter of liquid substance, or if the
59 substance is placed onto a secondary medium with a combined weight of less than four
60 grams;

61 (B) A violation of paragraph (1) of subsection (j) of Code Section 16-13-30 for
62 possession of ~~less than one ounce~~ two ounces or less of marijuana; or

63 (C) A violation of Code Section 16-13-32.2, relating to possession and use of drug
64 related objects."

65 **SECTION 2-5.**

66 Chapter 7 of Title 17 of the Official Code of Georgia Annotated, relating to pretrial
67 proceedings, is amended by revising Code Section 17-7-72, relating to jurisdiction of probate
68 courts to try certain drug and alcohol offenses, as follows:

69 "17-7-72.

70 In probate courts which have jurisdiction over misdemeanor possession of marijuana in
71 accordance with Code Sections 16-13-2 and 16-13-30 and certain misdemeanor violations
72 of Code Section 3-3-23 pursuant to Code Section 15-9-30.6, the following offenses may
73 be tried upon a summons or citation without an accusation:

74 (1) Possession of ~~one ounce~~ two ounces or less of marijuana, in accordance with Code
75 Sections 16-13-2 and 16-13-30; and

76 (2) Any violation of paragraph (2) of subsection (a) of Code Section 3-3-23 which is
77 punishable as a misdemeanor, but not violations punishable as high and aggravated
78 misdemeanors."

79 **SECTION 2-6.**

80 Code Section 36-32-6 of the Official Code of Georgia Annotated, relating to municipal court
81 jurisdiction in marijuana possession cases, is amended by revising subsections (a) and (c) as
82 follows:

83 "(a) The municipal court of any municipality is granted jurisdiction to try and dispose of
84 cases where a person is charged with the possession of ~~one ounce~~ two ounces or less of
85 marijuana if the offense occurred within the corporate limits of such municipality. The
86 jurisdiction of any such court shall be concurrent with the jurisdiction of any other courts
87 within the county having jurisdiction to try and dispose of such cases."

88 "(c) Any defendant charged with possession of ~~an ounce~~ two ounces or less of marijuana
89 in a municipal court shall be entitled on request to have the case against him or her

90 transferred to the court having general misdemeanor jurisdiction in the county wherein the
91 alleged offense occurred."

92 **PART III**

93 **SECTION 3-1.**

94 Code Section 35-3-33 of the Official Code of Georgia Annotated, relating to the duty of the
95 Georgia Crime Information Center to obtain fingerprints and other identifying data on
96 persons, is amended by revising subparagraph (a)(1)(A) as follows:

97 "(A) Have been or are hereafter arrested or taken into custody in this state:

98 (i) For an offense which is a felony;

99 (ii) For an offense which is a misdemeanor or a violation of an ordinance involving
100 burglary tools, commercial gambling, dealing in gambling devices, contributing to the
101 delinquency of a child, dealing in stolen property, dangerous drugs, ~~marijuana~~,
102 narcotics, firearms, dangerous weapons, explosives, pandering, prostitution, sexual
103 offenses where children are victims, or worthless checks;"

104 **PART IV**

105 **SECTION 4-1.**

106 This Act shall become effective on July 1, 2019, and shall apply to offenses which occur on
107 or after such date. Any offense occurring before July 1, 2019, shall be governed by the law
108 in effect at the time of such offense.

109 **SECTION 4-2.**

110 All laws and parts of laws in conflict with this Act are repealed.