

House Bill 809

By: Representatives Davis of the 87<sup>th</sup>, Scott of the 76<sup>th</sup>, McLeod of the 105<sup>th</sup>, Taylor of the 91<sup>st</sup>, and Schofield of the 60<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 16-13-2 of the Official Code of Georgia Annotated, relating to  
2 conditional discharge for possession of controlled substances as first offense and certain  
3 nonviolent property crimes, dismissal of charges, and restitution to victims, so as to authorize  
4 counties and municipal corporations to adopt ordinances governing and punishing the  
5 possession of one ounce or less of marijuana; to amend Code Section 36-1-20 of the Official  
6 Code of Georgia Annotated, relating to ordinances for governing and policing of  
7 unincorporated areas of county, so as to authorize counties to adopt ordinances governing  
8 and punishing the possession of one ounce or less of marijuana; to repeal conflicting laws;  
9 and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Code Section 16-13-2 of the Official Code of Georgia Annotated, relating to conditional  
13 discharge for possession of controlled substances as first offense and certain nonviolent  
14 property crimes, dismissal of charges, and restitution to victims, is amended by revising  
15 subsection (b) as follows:

H. B. 809

16 "(b) Except as provided in Code Sections 36-1-20 and 36-32-6, Notwithstanding any law  
17 to the contrary, any person who is charged with possession of marijuana, which possession  
18 is of one ounce or less, shall be guilty of a misdemeanor and punished by imprisonment for  
19 a period not to exceed 12 months or a fine not to exceed \$1,000.00, or both, or public  
20 works not to exceed 12 months."

21 **SECTION 2.**

22 Code Section 36-1-20 of the Official Code of Georgia Annotated, relating to ordinances for  
23 governing and policing of unincorporated areas of county, is amended by adding a new  
24 subsection to read as follows:

25 "(e) The governing authority of each county is authorized to adopt ordinances governing  
26 the possession of one ounce or less of marijuana within the unincorporated areas of the  
27 county. Violation of such ordinances may be punished by fines, and each such ordinance  
28 shall specify the maximum punishment which may be imposed for a violation of the  
29 ordinance. In no case shall the maximum punishment for the violation of any such  
30 ordinance exceed a fine of \$1,000.00. Any fines and bond forfeitures arising from the  
31 prosecution of such cases shall be retained by the county and shall be paid into the treasury  
32 of such county."

33 **SECTION 3.**

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