

House Bill 977

By: Representatives Jones of the 91st, Davis of the 87th, Carter of the 92nd, Kendrick of the 93rd, and Mitchell of the 88th

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 certain counties to adopt ordinances
8 governing and punishing the possession of one ounce or less of marijuana; to repeal
9 conflicting laws; 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:

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

33

SECTION 3.

34 All laws and parts of laws in conflict with this Act are repealed.