

Chapter 30

COURTS*

Article I. In General

Secs. 30-1—30-30. Reserved.

Article II. Municipal Court

Sec. 30-31. Bond forfeiture.
Sec. 30-32. Information technology fee imposed.
Secs. 30-33—30-40. Reserved.

Article III. Prosecuting Attorney of the Municipal Court

Sec. 30-40. Short title.
Sec. 30-41. Findings and intent.
Sec. 30-42. Establishment of office.
Sec. 30-43. Qualifications.
Sec. 30-44. Oath.
Sec. 30-45. Term of office.
Sec. 30-46. Jurisdiction, duties, and authority.
Sec. 30-47. Assistant prosecuting attorney.
Sec. 30-48. Ratification.

***Cross references**—Administration, ch. 2; offenses and miscellaneous provisions, ch. 42; traffic and vehicles, ch. 66.

ARTICLE I. IN GENERAL

Secs. 30-1—30-30. Reserved.

ARTICLE II. MUNICIPAL COURT

Sec. 30-31. Bond forfeiture.

The municipal court shall have the authority to forfeit cash or personal bonds given by offenders for their appearance before that court and provide for their collection in accordance with the provisions in the Charter and state law.

(Ord. of 7-1-1968)

Sec. 30-32. Information technology fee imposed.

There shall be imposed by the municipal court a technology surcharge in the amount of \$18.00 per offense for all offenses except O.C.G.A §§ 40-8-76 and 40-8-76.1, said technology surcharge to be in addition to all other fines and fees imposed by the municipal court. All revenue derived from the technology surcharge shall be utilized by the city to provide technology support for the police department and municipal court functions.

(Ord. No. 04-O-001, 3-1-2004; Ord. No. 11-O-005, 2-7-2011)

Secs. 30-33—30-40. Reserved.

ARTICLE III. PROSECUTING ATTORNEY OF THE MUNICIPAL COURT

Sec. 30-40. Short title.

This article shall be known as the "Gray Office of Prosecuting Attorney of the Municipal Court Ordinance."

(Ord. No. 12-O-006, 8-20-2012)

Sec. 30-41. Findings and intent.

This article is adopted to address requirements made under Georgia law for the city to pass an ordinance or resolution creating the office of prosecuting attorney of the municipal court should the city choose to hire or have a prosecuting attorney of the municipal court. Under state law, in order to have a municipal court prosecutor, the city must pass this ordinance or resolution and provide to the prosecuting attorneys' council of the State of Georgia a copy of the same. The city is also required to submit the name of the person appointed to be the prosecuting attorney of the municipal court within 30 days of such appointment in order to maintain the office of prosecuting attorney of the municipal court. It is therefore the intent of the city to comply with Georgia law, particularly Article 5, of Chapter 18, of Title 15 of the Official Code of Georgia, Annotated, and to enact this article.

(Ord. No. 12-O-006, 8-20-2012)

Sec. 30-42. Establishment of office.

The office of prosecuting attorney of the municipal court is hereby established for the purpose of providing representation of the City of Gray in matters pertaining to ordinance violations of the city and state offenses enforceable in the municipal court as allowed by Georgia law. The prosecuting attorney for the municipal court shall be a part time or contract position.

(Ord. No. 12-O-006, 8-20-2012)

Sec. 30-43. Qualifications.

Any person appointed as the prosecuting attorney for the Municipal Court of the City of Gray shall be a member in good standing of the State Bar of Georgia and admitted to practice before the trial and appellate courts of this state. Nothing in this article shall prevent the city from appointing the city attorney to be the prosecuting attorney for the municipal court so long as all other requirements under the law are met.

(Ord. No. 12-O-006, 8-20-2012)

Sec. 30-44. Oath.

The prosecuting attorney of the Municipal Court for the City of Gray shall take and subscribe to the following oath:

"I swear (or affirm) that I will well, faithfully, and impartially and without fear, favor, or affection discharge my duties as prosecuting attorney of the Municipal Court for the City of Gray."

(Ord. No. 12-O-006, 8-20-2012)

Sec. 30-45. Term of office.

The prosecuting attorney for the municipal court shall serve at the pleasure of the mayor and city council unless a term of office is otherwise provided for by written agreement of the parties.

(Ord. No. 12-O-006, 8-20-2012)

Sec. 30-46. Jurisdiction, duties, and authority.

The Office of Prosecuting Attorney of the Municipal Court for the City of Gray shall have the duty and authority to represent the city as defined by the city charter and by state law, particularly as described in O.C.G.A. § 15-18-96.

(Ord. No. 12-O-006, 8-20-2012)

Sec. 30-47. Assistant prosecuting attorney.

One or more assistant prosecuting attorneys for the municipal court may be recommended by the prosecuting attorney and appointed by the city council in its discretion. Such

appointments shall be subject to budgetary funding. Such assistant prosecuting attorney shall be a member in good standing of the State Bar of Georgia or satisfy the provisions of the Third Year Practice Act, found in the O.C.G.A. § 15-18-22.

(Ord. No. 12-O-006, 8-20-2012)

Sec. 30-48. Ratification.

This article shall ratify all actions that have been taken by the persons acting in the positions of the office of the prosecuting attorney for the municipal court to date as authorized by the mayor and city council.

(Ord. No. 12-O-006, 8-20-2012)

Chapters 31—33

RESERVED

