

House Bill 308

By: Representatives Wilson of the 80th, Holcomb of the 81st, Hutchinson of the 107th, Frye of the 118th, 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 to adopt ordinances governing and punishing the possession of one ounce or less of
5 marijuana in the unincorporated areas of a county; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

13 "(b)(1) Except as provided in paragraph (2) of this Code section, Notwithstanding any
14 law to the contrary, any person who is charged with possession of marijuana, which
15 possession is of one ounce or less, shall be guilty of a misdemeanor and punished by

16 imprisonment for a period not to exceed 12 months or a fine not to exceed \$1,000.00, or
17 both, or public works not to exceed 12 months.

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

26

SECTION 2.

27 All laws and parts of laws in conflict with this Act are repealed.