

Chapter 14 COURT¹

Sec. 14-1. Scope of jurisdiction.

The Municipal Court of this Municipality shall try violations of Municipal Ordinances, State traffic laws, and certain misdemeanor offenses as identified in State law, and shall have the power and authority to impose fines upon persons convicted of said offenses, with the alternative of other punishment allowed by law if such fines are not paid.

(Code 2005, § 5-101)

Sec. 14-2. Appointment and qualifications of Judge.

The Mayor, with consent of the City Council, shall appoint a Chief Judge and any such Associate Judges in accordance with the qualifications contained in the City Charter. In the event that the Chief Judge and the duly appointed Associate Judges are not able to attend court, the Chief Judge shall have the authority to appoint a judge pro hac vice.

(Code 2005, § 5-102)

Sec. 14-3. Record of cases.

A record of all cases heard in the Municipal Court for violation of this Code or other municipal ordinances shall be kept in a suitable bound volume or in appropriate electronic format by the Court Administrator. Such record shall contain the name of the defendant, the nature of the offense charged, the final disposition of the case, and the date of final disposition.

(Code 2005, § 5-103)

Sec. 14-4. Service of summons.

Any person charged with violating any City ordinance shall receive notice by service of a summons or citation as provided in this section. Such summons or citation may be issued by the Court Administrator, a Code Enforcement Officer, ~~and/or~~ any police officer of the City or duly authorized Citizen Police Volunteer. The summons or citation shall be directed to the accused and shall distinctly state the offense charged, the time and place, as far as practicable, of the offense charged, and the day, hour and place of trial, requiring the accused to appear before the Judge of the Municipal Court to answer the accusation made. Service of the summons or citation shall be made by a police officer or Code Enforcement Officer of the City either by serving the accused personally or by leaving a copy at his most notorious place of abode, except that in the case of a summons or citation issued for violation of laws or ordinances relating to the parking of motor vehicles, such summons or citation may be directed to an

¹State law reference(s)—Appointment of judge, O.C.G.A. § 36-32-2; maximum punishment authorized, O.C.G.A. § 36-35-6(a)(2); powers of judges of municipal courts in criminal cases, O.C.G.A. §§ 36-32-5 et seq., 40-13-22, 40-13-23.

unknown person as owner of an automobile designated in the summons or citation and may be served upon such person by leaving a copy in or attached to such automobile.

(Code 2005, § 5-104)

Sec. 14-5. Subpoenas.

The Court Administrator shall issue subpoenas for the appearance of all witnesses necessary for the prosecution or for the defense in any case pending before the Municipal Court. All subpoenas shall be served in the same manner as a summons.

(Code 2005, § 5-105)

Sec. 14-6. Failure to obey summons or subpoena.

Any person who fails to appear at the time and place set out in any summons or subpoena served upon him shall be guilty of contempt of court and, upon conviction thereof, shall be punished for same.

(Code 2005, § 5-106)

Sec. 14-7. Arrest and bond.

(a) *Appearance bond; procedure for accepting.* Offenses against the ordinances of the City shall be bailable as follows:

- (1) The Police Chief, Judge, Court Administrator or any other officer designated by the Police Chief may accept bond of the accused payable to the City, conditioned upon the appearance of the accused at the next session or any subsequent session of the Municipal Court as stated in the bond to answer the charge.
- (2) The bond shall be in writing in an amount established in a schedule approved by the Municipal Court Judge.
- (3) A person arrested for violation of a City ordinance may be released on his own recognizance or may deposit, in lieu of an appearance bond, his driver's license with the arresting officer, the Police Chief or the Judge if, in any of these officials' determination, the person will appear at the time set for the court appearance in view of the following considerations:
 - a. The seriousness of the offense charged;
 - b. The penalty provided by law;
 - c. The number of charges pending against the defendant;
 - d. The criminal record of the defendant;
 - e. The residence of the defendant and the length of time of residence;
 - f. The defendant's age;
 - g. Marital status and number of children;
 - h. Residency of the relatives of the defendant;
 - i. Employment of defendant (by whom, nature of work and how long employed);
 - j. Former employment;

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- k. Amount of earnings;
 - l. The defendant's character, reputation and previous criminal history;
 - m. The defendant's mental condition; and
 - n. Whether the defendant has membership in any clubs or societies, church affiliation and other things which could show that he is a responsible member of the community with established community ties.
- (4) Any person released under subsection (a)(3) of this section shall receive a receipt for any driver's license deposited, or, if released on the person's own recognizance, shall sign and receive a copy of the citation or ticket describing the violation for which the person was arrested.
- (5) All persons arrested or notified by citation or ticket of parking violations shall be released on their own recognizance.
- (b) *Professional bondsman.*
- ~~(1) *Bond required.* No professional bondsman shall be accepted as surety on a bail bond unless he has deposited with the City Clerk the sum of \$10,000.00 to guarantee the payment of any bond, if forfeited, which he may sign. In the event the defendant named in any bond signed by a professional bondsman fails to appear according to the conditions of the bond, and the bond is forfeited, the City Clerk shall deduct the amount of the bond from the deposit made as required in this section and pay the same into the City treasury, and the bondsman shall not be accepted as surety on a bail bond again until he has deposited with the City Clerk an amount sufficient to restore the deposit to the original required amount.~~
- (12) *Qualifications.* In addition to the qualifications contained in O.C.G.A. § 17-6-50(b), professional bondsmen shall meet the following additional qualifications.
- a. Each bondsman shall provide the City with a current period financial statement, including a documented balance sheet.
 - b. Each bondsman shall provide the City with a copy of his business license for Gwinnett County or the City of Lawrenceville.
 - c. Each bondsman shall provide a written proposal outlining the steps it takes as a surety to identify and locate potential defendants after their bonds are forfeited.
 - d. Each bondsman shall provide a written history of his experience in the bonding business, including a statement listing the principals, officers, directors, and shareholders of his corporation.
 - e. Each bondsman shall provide to the Court Administrator with the business name, complete address, telephone number and email address of the chief operating officer or his designee.
 - f. Each bondsman shall update this information annually.
 - g. Each bondsman shall submit to and must pass a full investigation by the Gwinnett County Sheriff as provided in O.C.G.A. § 17-6-50. Any information which demonstrates any involvement in criminal activity shall be grounds for disqualification of the applicant.

(Code 2005, § 5-107)

Sec. 14-8. Forfeiture of appearance bonds.

- (a) The Judge or his designee shall call the case in its regular order, and, if the accused is not in Court and does not answer the call, and, if no good and sufficient reason is given for nonappearance, the Judge shall enter on the docket where the case is stated "bond forfeited," or similar words.
- (b) Upon forfeiture of any bond, ~~the~~any cash deposited as security ~~shall~~may be paid to the City Clerk by the Clerk of Court, and it shall become the property of the City.
- (c) Upon the forfeiture of any bond signed by a person as surety, the Clerk of Court shall issue an execution against the principal and surety on the bond for the amount thereof which shall be collected as tax executions are collected.

(Code 2005, § 5-108)

Sec. 14-9. Court costs.

The Chief Judge of the City of Lawrenceville Municipal Court shall be authorized to establish, by court order, a surcharge amount which shall be added to any penalty imposed for violation of City ordinances, codes or State law violations over which the Court has jurisdiction. The surcharge shall be used to defray the cost of operation associated with the prosecution of such offense and the amount set by the Chief Judge shall bear a reasonable relationship to the Court's operation costs, which sums shall be paid into the City Treasury. If the addition of the surcharge results in a total monetary penalty exceeding that which is allowed by law, such surcharge shall be reduced to ensure compliance with all applicable laws.

(Code 2005, § 5-109; Ord. of 7-2-2009; Ord. of 10-3-2011)

Sec. 14-10. Bench warrant fee.

The Judge of the Municipal Court is authorized to impose a bench warrant fee in the amount of \$200.00 whenever an accused fails to appear in Court on or before the date provided in the summons or citation.

Sec. 14-11. Collection of fines.

When directed by the Judge of the Municipal Court, the City Clerk shall issue executions for fines imposed by said Court, including the costs, which executions may be levied upon any goods or chattels, lands, or tenements of the person so fined.

(Code 2005, § 5-111)

Sec. 14-12. Terms of court.

Each term of court of the Municipal Court of Lawrenceville shall be for a period of 180 days.

(Code 2005, § 5-112)