

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE AMENDING CHAPTER 30, ARTICLE II, BOND FORFEITURES AND
DISPOSITION OF UNCLAIMED BOND FORFEITURES, OF SANDY SPRINGS CODE
OF ORDINANCES**

WHEREAS, the Mayor and City Council of the City of Sandy Springs find that from time to time it is necessary to amend sections of the Code to correct, clarify and update the provisions of the Ordinance; and

WHEREAS, O.C.G.A. 36-32-4 authorizes municipal corporations to provide for forfeiture of appearance bonds; and

WHEREAS, Georgia Law further provides that “any municipal corporation shall have the full power and authority to provide, by ordinance, for the forfeiture of bonds given by offenders for their appearance before municipal courts and to provide for the collection of the same from the principal and sureties on such bonds by judgment, execution and sale.”; and

WHEREAS, some cash bonds or bail is posted and may go unclaimed, by either the offender, principal or the surety; and

WHEREAS, an amendment to the ordinances is needed to set clear processes and provisions for the posting of cash bonds generally, the furnishing of a receipt to any person posting bond, the recordation of the receipt of bond on the docket and the disposal of unclaimed bonds.

NOW, THEREFORE, to accomplish the foregoing, the City Council of the City of Sandy Springs, Georgia, pursuant to its authority, does hereby adopt the following Ordinance:

Section 1.

Chapter 30, Article II Sec: 30-41:

- (a) Any party, defendant, accused, or other person required or permitted by law to give or post bond (or bail) as surety or security for the happening of any event or act in criminal matters or ordinance violation may discharge the requirement by depositing cash in the amount of the bond so required with the appropriate person, official or other depository.
- (b) Any official or other person receiving such bond shall give a receipt therefor and shall cause the fact of the receipt to be entered and recorded on the docket of the case in which it was given. If bond is given in a matter not appearing as a separate court case on a docket, a docket shall be prepared, maintained and kept of all such transactions and the name and address of the person giving or making the bond, the date of the receipt of the bond, the name of the person receiving the bond, the amount of the bond and a description of the cause for giving the bond, together with any and all other information desirable concerning the bond, shall be a part of the record in that separate docket.

- (c) In the event that any cash bail posted pursuant to this Code section is not later claimed by the surety on such bond after a period of one year from the later of either the date on which the defendant was required to appear in court or the date of the disposition of the case by the prosecutor or the court, including any appeal or a verdict or sentence, then the cash shall be paid into the general fund of the City, as in the case of forfeited bonds, provided that the officer who accepted such cash bail shall first have notified the surety, by mailing notice to such surety at the last address given by such surety. If no address is known or found, then said notice shall be given by publishing notice in the legal organ and by placing notice on the website of the City of Sandy Springs, Georgia, at least thirty days prior to transfer of said funds to the general fund of the City. The notice shall state that such funds shall be forfeited if they are not claimed within 30 days following the date of mailing or publication of such notice. Any claim by a surety for refund of a cash bond shall include acceptable documentary proof of disposition of the case from the prosecuting official or appropriate court records or such other documentation as may be acceptable to the official holding such cash bail as proof that the case has been settled.

Section 2.

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein;

Section 3.

This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Sandy Spring;

Section 4.

- (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.
- (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
- (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 5.

All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 6.

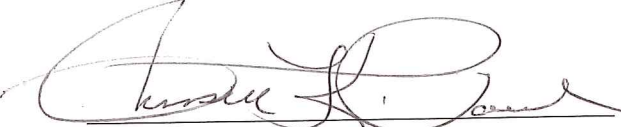
Unless otherwise provided for herein, penalties in effect for violations of the Code of Ordinances of the City of Sandy Springs at the time of the effective date of this Ordinance shall be; and,

Section 7.

The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

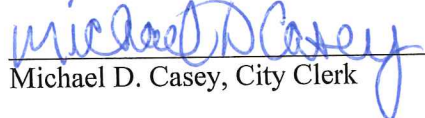
APPROVED AND ADOPTED this the 19th day of September, 2017.

Approved:



Russell K. Paul, Mayor

Attest:



Michael D. Casey, City Clerk

(Seal)

