



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council Members

FROM: Cynthia Clanton, Judicial Council Secretary

RE: Meeting Materials for Consideration

DATE: October 19, 2018

As communicated in a message from Chief Justice Harold D. Melton on October 1, 2018, the previously scheduled Judicial Council teleconference meeting for October 19 was cancelled. In the absence of convening, there are several items that require your consideration as they will be put forward for action at the December 7 Judicial Council meeting in Atlanta.

Please find the attached reports and draft materials from the Standing Committee on Technology and the Ad Hoc Committee on Criminal Justice Reform. Any comments or feedback should be directed to the appropriate contacts noted in those materials.

Additionally, the following committees are expected to present items for a vote on December 7:

- Standing Committee on Legislation: vote on legislative recommendations (TBD)
- Ad Hoc Committee on Process Servers: vote on updated rules (information was presented at the August 8, 2018, Judicial Council meeting)
- Emergency Preparedness and Continuity of Judicial Operations Subcommittee of the Strategic Plan Standing Committee: vote on updated emergency plan (materials to be sent at a later date)
- Standing Committee on Technology: vote on new civil e-filing rules and standards
- Ad Hoc Committee on Criminal Justice Reform: vote on new uniform misdemeanor citation form and rules

Work is ongoing within these committees and materials will be shared through the usual distribution process approximately one week prior to the December 7 meeting.

Please feel free to contact Cynthia Clanton at cynthia.clanton@georgiacourts.gov with any questions. Thank you for your service on the Judicial Council.



Judicial Council of Georgia


Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council Members

FROM: Chief Justice Harold D. Melton, Chair 

RE: E-Filing Rules Update - Judicial Council Standing Committee on Technology

DATE: October 11, 2018

The General Assembly passed SB 407 during the 2018 legislative session which outlined new directives for civil e-filing in the state of Georgia. The legislation will become effective on January 1, 2019. The Judicial Council of Georgia has been charged with creating and adopting civil e-filing rules and standards for state and superior courts in the state of Georgia. The Judicial Council Standing Committee on Technology undertook the task of examining the enacted legislation and a review of the current e-filing rules and standards. A subcommittee was created to facilitate this charge.

The subcommittee was chaired by Senior Judge Jim Altman and included several stakeholders ranging from e-filing service providers, clerks of court, and judges from the different classes of court impacted by the new legislative directives. The subcommittee met on three different occasions over the summer and fall, and presented their work product to the full Standing Committee on Technology during the September 13, 2018 meeting. The Committee unanimously approved the work product of the subcommittee in concept, and those drafts are now presented for consideration.

The draft documents attached to this memo are as follows:

- Judicial Council Statewide Minimum Standards and Rules for Electronic Filing
- Uniform Transfer Rules
- Superior Court Rule 36.16

Please direct any comments or feedback to Tyler Mashburn at tyler.mashburn@georgiacourts.gov by Friday, November 2, 2018. The Committee will present final documents to the full Judicial Council for a vote at its December 7, 2018 meeting in Atlanta.

**Judicial Council of Georgia
Administrative Office of the Courts
Statewide Minimum Standards and Rules for Electronic Filing
Effective Immediately Upon Adoption**

Existing Standards¹

1. *Definitions.*

For purposes of these standards:

- (a) *Court or Courts.* Court(s) means all trial courts of the State.
- (b) *Electronic Filing or E-Filing.* Electronic filing is the electronic transmission of documents to and from the court for the purposes of creating a court record in a format authorized by these standards.
- (c) *Electronic Filing Service Provider.* An e-filing service provider (EFSP) is an entity or system authorized to transmit and retrieve court filings electronically.
- (d) *Electronic Service or E-Service.* Electronic service is the electronic notice that registered filers in a case receive of a document's filing and their ability to access the document electronically.
- (e) *Public Access Terminal.* A public access terminal is a computer terminal provided for free electronic filing and/or viewing of documents.
- (f) *Registered User.* A registered user is a party, attorney, or member of the public or other authorized user, including judges, clerks and other court personnel, registered with an authorized EFSP to file, receive service of, or retrieve documents electronically.

2. *Minimum Technical Standards for E-Filing.*

(a) *Minimum Standards for Courts Making E-filing Available.*

A court may make electronic filing available only if:

- 1. *Rules.* The court's class of court has adopted uniform rules for e-filing or the court has itself promulgated such rules by standing order in the form set forth in Proposed Uniform Superior Court Rules 48 & 49, Exhibit A to the Resolution of the Statewide Judiciary Civil E-Filing Steering Committee;
- 2. *EFSP or EFSPs.* The EFSP or EFSPs authorized to conduct e-filing maintain compliance with the standards set forth in paragraph 4 below;
- 3. *E-Filing Alternative.* The clerk provides a no cost alternative to remote electronic filing by making available at no charge at the courthouse during regular business hours a public access terminal for free e-filing via the EFSP, by continuing to accept paper filings, or both; and
- 4. *Public Access.* The clerk ensures that electronic documents are publicly accessible upon filing for viewing at no charge on a public access terminal available at the courthouse during regular business hours.

¹ Adopted by the Judicial Council September 25, 2014

(b) *Minimum Standards for Electronic Filing Service Providers.*

An electronic filing service provider may be authorized to conduct e-filing only if:

1. *Technical Standards and Approval by Judicial Council.* The EFSP complies with all Judicial Council e-filing standards, including use of the latest version of OASIS LegalXML Electronic Court Filing for legal data exchange and such technical and other standards as the Council may adopt in the future to facilitate the establishment of a reliable and effective statewide electronic filing and retrieval system for judicial records (including provision for electronic judicial signatures, uniform document index fields, interchangeable registered user names and passwords, etc.);
2. *Disclaimer of Ownership.* The EFSP disclaims any ownership right in any electronic case or document or portion thereof, including any commercial right to resell, recombine, reconfigure or retain any database, document or portion thereof transmitted to or from the court;
3. *Minimum Standards for Courts.* The EFSP agrees to commit its best efforts to ensure that the court and its electronic filing system and procedures are in compliance at all times with the rules and requirements referenced in the minimum standards set forth in paragraph 3 above;
4. *Other Requirements.* The EFSP likewise agrees to comply with other reasonable requirements imposed or agreed upon with respect to such issues as registration procedures, fees, hours of operation, system maintenance, document storage, system and user filing errors, etc.; and
5. *Terms of Use.* The EFSP develops, maintains and makes available, to registered users and the public, terms of use consistent with the foregoing.

Newly Proposed Standards

3. *Accommodation of Pro Se Filers.* To protect and promote access to the courts, courts shall reasonably accommodate pro se parties by accepting and then converting and maintaining in electronic form paper pleadings or other documents received from pro se filers.
4. *Consent to E-Service.*
 - (a) *Automatic Consent.* When an attorney or pro se party files a pleading in a case via an authorized electronic filing service provider, such person shall be deemed to have consented to be served electronically with future pleadings for such case and must include his or her e-mail address to be used for this purpose in or below the signature block of all e-filed pleadings.
 - (b) *Rescission of Consent.* In courts or cases in which e-filing is mandatory, only a pro se party may file a rescission of consent pursuant to O.C.G.A. § 9-11-5 (f) (2).*
 - (c) This section applies to cases filed on or after January 1, 2019, unless the local court has opted into mandatory electronic filing prior to that date, in which case the earlier date applies.

*This provision is directly counter to OCGA § 9-11-5 (f) (4) as currently drafted. “When an attorney files a pleading in a case via an electronic filing service provider, such attorney shall be deemed to have consented to be served electronically with future pleadings for such case unless he or she files a rescission

of consent as set forth in paragraph (2) of this subsection.” We would need a statutory amendment in order to effectuate this provision.

5. *“Original” and “Official” As Applied to Electronic Court Records.*

(a)*Original and Official Files.* Except as provided in paragraph (c) below, the original version of all filed documents is the electronic copy maintained by the court. The official record of the court shall be this electronic file and such paper files as are permitted by Judicial Council standards.

(b)*Maintenance of Underlying Documents.* A document that requires original signatures or is believed by a party to maintain legal significance not held by a copied version shall be e-filed, and the electronic copy maintained by the court shall be considered the original, except that the filing party shall maintain the underlying document for a period of two (2) years following the expiration of the time for filing an appeal and make such document available upon reasonable notice for inspection by another party or the court.

(c)*Non-Conforming Documents.* Exhibits or other materials that may not be readily converted to an electronic format and e-filed may be filed manually. The filing party shall e-file a notice of manual filing to denote that a manual filing has been made. The original version of such manually filed materials shall be the version maintained by the court.

6. *Transfer of Case Files.*

(a)*Method of Transfer.* When transferring a case record to another trial court, a transferor court that maintains its records in electronic form shall transmit such official record to the transferee court in electronic form via CD, DVD, Electronic Filing Service Provider or, if the transferee court so requests, by means of a File Transfer Protocol (FTP) or email application approved for such use by the Administrative Office of the Courts.

(b)*Form of Documents.* Whenever possible, a transferor court that maintains its records in electronic form shall transmit such records in a searchable, PDF/A format as prescribed by the Administrative Office of the Courts.

7. *E-Filing Signature and Authorization Issues.*

(a)*Electronic Signatures.* Any pleading or document filed electronically shall include the electronic signature of the person whose account is used to file the document or on whose behalf the filing is made. Consistent with Georgia law, “electronic signature” means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(b)*Multiple Signatures.* An e-filed document may include the electronic signature of additional attorneys or unrepresented parties. In affixing additional signatures to the document, the filer certifies that any such signature is authorized.

(c)*Responsibility for Filings.* No registered user shall knowingly permit his or her login sequence to be used by someone other than an authorized agent or employee. Each registered user is responsible for all documents filed using his or her login and password.

8. *Courts May Maintain Certain Sealed Documents in Electronic Form.* Georgia uniform rules prohibit the filing of records under seal via a court's e-filing provider or providers. Nevertheless, where sealing is authorized by law or by court order, a court may itself maintain documents in electronic form under seal in the court's case management system.

9. *Electronic Treatment of Deposition Transcripts.*

(a) *E-filing.* Depositions placed in a sealed envelope pursuant to O.C.G.A. § 9-11-30(f) are not sealed within the meaning of Uniform Superior Court Rule 36.16(B) and may be electronically filed.

(b) *Part of Record.* Absent contrary court order, deposition transcripts on file in a case, whether opened or unopened, and whether sealed by the court reporter or not, shall be included in the case's electronic record.

10. *Redaction Obligations of E-Filers.* All EFSPs shall require e-filers prior to each filing to acknowledge, by way of a checkbox, their obligation to redact personal or confidential information prior to e-filing as required by O.C.G.A. § 9-11-7.1 as follows:

IMPORTANT NOTICE OF REDACTION RESPONSIBILITY: All filers must redact personal or confidential information, including Social Security numbers, as required by O.C.G.A. § 9-11-7.1. This requirement applies to all documents, including attachments.

I understand that, if I file, I must comply with the redaction rules. I have read this notice.

11. *Procedure For Handling Misfiled or Otherwise Deficient or Defective E-Filings.* Upon physical acceptance and review of an e-filing and discovery that it was misfiled or is otherwise deficient or defective, a court shall as soon as practicable provide the e-filer notice of the defect or deficiency and an opportunity to cure or, if appropriate, strike the filing altogether. In any case, the court shall retain a record of the action taken by the court in response, including its date, time, and reason. Such records shall be maintained until a case is finally concluded including the exhaustion of all appeals. Absent a court order to the contrary, such records shall be accessible to the parties and public upon request without the necessity for a subpoena.

UNIFORM TRANSFER RULES

These rules are adopted pursuant to the authority of Art. VI, Sec. IX, Par. I on the 1983 Constitution of the State of Georgia to implement Art. VI, Sec. I, Par. VIII of the 1983 Constitution which provides that: "Any court shall transfer to the appropriate court in this state any civil case in which it determines that jurisdiction or venue lies elsewhere."

T-1. These rules are applicable to Superior Courts, State Courts, Probate Courts, Magistrate Courts, and Juvenile Courts except when in conflict with the Juvenile Proceedings Code.

T-2. These rules are applicable only when the court in which the case is pending is alleged to lack jurisdiction or venue or both. [All references to filing or documents to be filed or documents on file shall include both paper and electronically filed or maintained documents.](#)

T-3. These rules are applicable to transfers of civil cases from a court within a county to another court within that county, and from a court within a county to a court in another county.

T-4. These rules shall become operative when a party makes a motion to dismiss, or any other motion or defense, on the basis that the court in which the case is pending lacks jurisdiction or venue or both. Such motion shall be treated as a motion to transfer pursuant to these rules. A motion to transfer shall be made only in the court in which the case is pending. These rules also become operative when a court on its own motion, after a hearing thereon, determines that it lacks subject matter jurisdiction.

T-5. A party making a motion to transfer on the basis that the court in which the case is pending lacks jurisdiction or venue or both shall do so in compliance with OCGA § 9-11-12, except as otherwise provided in rule T-6 (and except that a motion to transfer made in a Magistrate Court need not comply with OCGA § 9-11-12 but such motion shall be made pursuant to rules applicable to Magistrate Courts). Unless otherwise ordered by the court, notice of a written motion to transfer shall be served upon all parties, including any who failed to file pleadings in the matter, at least 10 days before the motion is heard.

T-6. If the basis for the motion to transfer is that a defendant necessary to the court's jurisdiction has been dismissed either during or at the conclusion of trial, such motion shall be made immediately and orally. If the motion to transfer the case against the remaining defendant is granted, the case against the dismissed defendant shall be severed from that case so that the order of dismissal will be final for purposes of appeal.

T-7. A party making a motion to transfer shall specify the court in which jurisdiction and venue lies (except in Magistrate Courts).

T-8. A party opposing a written motion to transfer shall notify the court of such opposition promptly and in no event more than ten days after the making and service of such motion. A motion required to be in writing shall be opposed in writing. A motion made orally, if opposed, shall be opposed orally and at the time of its being made. A party opposing a motion to transfer shall specify the basis on which the court in which the case is pending has jurisdiction, or venue, or both (except in Magistrate Courts).

T-9. After the filing of a motion to transfer, the court in which the case is pending may stay all other proceedings pending determination of the motion to transfer.

T-10. No action or proceeding shall be transferred except upon written order of the court in which the case is pending, notice of which shall be given to all parties. Such order shall specify the court to which the case is to be transferred. (a) Such order shall also provide notice to the plaintiff that if costs are not paid within twenty (20) days as provided in rule T-11, the case shall automatically stand dismissed without prejudice. The court granting (or denying) an order of transfer may impose reasonable attorney fees incurred in relation to such motion in favor of the

prevailing party. Unless the court in its discretion expressly determines otherwise in such order of transfer, and except in Magistrate Courts (see OCGA § 15-10-80), a transfer fee of \$50 shall automatically be imposed. (b) Where a party has filed a successful claim of indigence, the payment of costs shall not be a condition of transfer.

T-11. Upon the filing of an order transferring a case with the clerk of the court entering such order, the clerk shall promptly compute the court costs, including the costs incident to preparing and transferring the record as provided in rule T-12 and the \$50 transfer fee provided for in rule T-10, and notify counsel for plaintiff (or the plaintiff if there be no counsel) in writing of the amount of the court costs. Plaintiff shall pay the unpaid costs within twenty (20) days of mailing or delivery of the cost bill. If costs are not paid within twenty (20) days, the case shall automatically stand dismissed, without prejudice, except where the plaintiff has filed as an indigent. Rule T-11 shall not be applicable in Magistrate Courts.

T-12. Upon timely payment of costs, the clerk of the court ordering transfer shall promptly make copies of (1) the complaint or initial pleading, (2) the motion to transfer if in writing, and (3) the order of transfer. The foregoing copies shall be retained by the clerk of the court ordering transfer. The originals [and/or official electronic versions](#) of all pleadings, orders, depositions and other papers on file shall be indexed and certified by the clerk of the court ordering transfer and transmitted, [concurrently](#) with the \$50 transfer fee (if applicable), to the clerk of the court to which the case is to be transferred in the manner provided by [law for transmittal of records to the appellate courts by Judicial Council standards](#).

T-13. Upon receipt by the clerk of the court to which the case is transferred of the pleadings, orders, depositions and other [papers documents](#) specified above, such clerk shall assign the case the appropriate number. The case shall continue in the court to which transferred as though initially commenced there and all pleadings, orders, depositions and other papers shall be deemed to be amended accordingly. It shall not be necessary that service be perfected a second time upon the defendants, except that any publication which is required to be made in a newspaper in the proper venue shall be republished. Any interlocutory or other order already entered in the case shall, upon motion of any party, be reviewed and reissued or vacated by the court to which the case is transferred.

Draft - Revised Uniform Superior Court Rule 36.16

Rule 2.6 Filing

The term “filing” as used in these rules includes any submission to a clerk of court either in paper or electronic form. Electronic filing is governed by Rule 36.16.

Rule 36.16. Electronic Filing

(A) Availability. Electronic filing shall be available when required by law and may be made available in other courts, or certain classes of cases therein, in conformity with statewide minimum standards for electronic filing adopted by the Judicial Council.

(B) Documents that may be filed electronically. Where electronic filing is available, a document may be electronically filed in lieu of paper by the court, the clerk and any registered filer unless electronic filing is expressly prohibited by law, these rules or court order. Electronic filing is expressly prohibited for documents that according to law must be filed under seal or presented to a court in camera, or for documents to which access is otherwise restricted by law or court order. Original depositions are not “sealed documents” within the meaning of this paragraph and are authorized. See Judicial Council Rule 7.

(C) Signatures. An electronically filed document is deemed signed by the registered filer submitting the document as well as by any other person who has authorized signature by the filer. By electronically filing the document, the filer verifies that the signatures are authentic. .

(D) Time of filing. An electronic document is presumed filed upon its receipt by the electronic filing service provider, which provider must automatically confirm the fact, date and time of receipt to the filer. Absent evidence of such confirmation, there is no presumption of filing.

(E) Electronic service. Upon filing, an electronically filed document is deemed served on all unrepresented parties ~~and counsel~~ who have waived any other form of service by registering with the electronic filing system to receive electronic service in the case and who receive notice via the system of the document’s filing. Attorneys must register and be served electronically where electronic filing is required.

(F) System or user filing errors. If electronic filing or service is prevented or delayed because of a failure of the electronic filing system, a court will enter appropriate relief such as the allowance of filings nunc pro tunc or the provision of extensions to respond.

(G) Force and effect. Electronically filed court records have the same force and effect and are subject to the same right of public access as are documents filed by traditional means.

(H) Courts must reasonably accommodate pro se filers by allowing paper filing.

(I) Procedure For Handling Misfiled or Otherwise Deficient or Defective E-Filings. Upon physical acceptance and review of an e-filing and discovery that it was misfiled or is otherwise deficient or defective, a court shall as soon as practicable provide the e-filer notice of the defect or deficiency and an opportunity to cure or, if appropriate, strike the filing altogether. In any case, the court shall retain a record of the action taken by the court in response, including its date, time, and reason. Such records shall be maintained until a case is finally concluded including the exhaustion of all appeals. Absent a court order to the contrary, such records shall be accessible to the parties and public upon request without the necessity for a subpoena.



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice Harold D. Melton
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council Members

FROM: Justice Michael Boggs, Chair
Ad Hoc Committee on Criminal Justice Reform

RE: Draft Uniform Misdemeanor Citation Form and Rules

DATE: October 17, 2018

The Judicial Council Ad Hoc Committee on Criminal Justice Reform was established for the purposes of complying with the directives within SB 407 (2018) relative to the duties of the Judicial Council, and to provide statewide judicial leadership regarding previous criminal justice policies enacted upon the recommendations made by the Georgia Council on Criminal Justice Reform from 2011 through 2018. SB 407 charged the Judicial Council with creating a uniform misdemeanor citation and complaint form, and the rules for the use of such citation.

The Committee prioritized this task and has focused the majority of its three meetings to date on gathering information and developing the form and rules. Presentations were heard from judges, law enforcement and the Department of Natural Resources, and included a comprehensive review of other states' practices as well. The Committee last met on September 27 to review the first draft of the form and rules and, following edits made to reflect that discussion, the Committee agreed to send the attached drafts to the Judicial Council for consideration and feedback.

The draft documents attached to this memo are as follows:

- Uniform Misdemeanor Citation, Accusation and Summons
- Proposed Rules for use of Uniform Misdemeanor Citation, Accusation and Summons

The Committee will receive comment and feedback from the Council and interested stakeholders. Please direct any comments or feedback to Tracy Mason at tracy.mason@georgiacourts.gov by Friday, November 2, 2018. The Committee will present final documents to the full Judicial Council for a vote at its December 7, 2018 meeting in Atlanta.

**STATE OF GEORGIA
UNIFORM CITATION, ACCUSATION & SUMMONS
GA000000 NCIC NUMBER**

CITATION NUMBER

AOC000001

COURT COPY



Page 1 of 2

COUNTY OF		AGENCY			LATITUDE		AGENCY INCIDENT/SUMMARY NO	
CITY OF (IF APPLICABLE)					LONGITUDE		COURT CASE NUMBER	
DAY OF WEEK	MONTH	DAY	YEAR	TIME OF DAY				
LOCATION OF OCCURRENCE					LOCATION DESCRIPTION			

PERSON(S)

DEFENDANT	NAME (FIRST) NAME (MIDDLE) NAME (LAST)			DATE OF BIRTH & AGE	JUV	R	S	HGT	WGT	HAIR	EYES	
	OTN		PLACE OF BIRTH		OLN / ID NUMBER		STATE	TYPE OF I.D.		ID EXPIRES		
	SCARS/MARKS/TATTOOS						ENDORSEMENTS					
	STREET				CITY		STATE	ZIP CODE	PROBATION / PAROLE <input type="checkbox"/> Yes <input type="checkbox"/> No			
	DATE OF ARREST			LOCATION OF ARREST								
	DEFENDANT EMAIL						DEFENDANT CELL #					

VEHICLE(S)

TAG / REG	STATE	EXPIRATION	VIN	YEAR	MAKE	MODEL
-----------	-------	------------	-----	------	------	-------

CHARGE(S)

IN VIOLATION OF		VIOLATION LEVEL	
<input type="checkbox"/> GEORGIA CODE	CODE SECTION	CODE DESCRIPTION	<input type="checkbox"/> MUST APPEAR BEFORE JUDGE <input type="checkbox"/> FINGERPRINTING REQUIRED <input type="checkbox"/> CRIMINAL HISTORY REVIEWED
IN VIOLATION OF			
<input type="checkbox"/> COUNTY ORDINANCE	CODE SECTION	<input type="checkbox"/> CITY ORDINANCE	CODE DESCRIPTION

EVIDENCE

ITEM NO	QUANTITY	DESCRIPTION	STORAGE LOCATION

NARRATIVE(S)

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant, did commit at the place and time aforementioned, the above violation(s), of law.

NARRATIVE DESCRIPTION (IF SUPPLEMENTAL)

OFFICER NAME	OFFICER'S SIGNATURE
ID NO	ORGANIZATION / UNIT

COURT INFORMATION

YOU ARE HEREBY ORDERED TO APPEAR BEFORE / REPORT TO THE	DEFENDANT SIGNATURE:
{INSERT COURT INFORMATION or JAIL INFORMATION}	_____
PHONE:	COURT DATE: _____
To answer to the above charge. Your failure to appear shall result in a warrant issued for your arrest to be brought to court to answer the charge(s) above. By my signature, I authorize the court or a third party on their behalf to send text messages or phone calls to my cell phone to convey information regarding court appearances. I understand that standard text messaging rates will apply. I also understand that I may revoke this permission in writing at any time by filing a notice to "opt-out" with the clerk. THIS SUMMONS/CITATION IS ISSUED BY AUTHORITY OF THE LAWS OF THE STATE OF GEORGIA.	COURT TIME: _____

STATE OF GEORGIA
CITATION, ACCUSATION & SUMMONS
GA0000000 NCIC NUMBER
XXXXXXXXXX CITATION NUMBER

DEFENDANT COPY

NOTICE TO APPEAR

If you do NOT sign the summons, you may be arrested and held in custody until bail is determined.

You have been served with a citation and summons. Signing the summons is not agreement with the charge or the information contained on the front of this citation. It is an agreement to appear at the time and place shown on the summons. By signing the summons and providing your e-mail address and/or cellular phone number, you agree that the court may use these, in addition to your address, to contact you. If you do not appear in court to answer the charge, a warrant will be issued for your arrest.

SPECIAL CONDITIONS

All charges require that you DO NOT VIOLATE THE LAW WHILE YOUR CASE IS BEING RESOLVED.

If you are charged with a violation of O.C.G.A. § 16-7-21 (CRIMINAL TRESPASS); O.C.G.A. § 16-8-14 (THEFT BY SHOPLIFTING); or O.C.G.A. § 16-8-14.1 (REFUND FRAUD), the Court requires that you:

- 1) DO NOT RETURN TO THE LOCATION WHERE THE OFFENSE IS ALLEGED TO HAVE HAPPENED; &
- 2) DO NOT HAVE CONTACT WITH ANY VICTIM(S) OR WITNESS(ES) NAMED IN THE CITATION;

These conditions remain in place until the Court modifies the conditions of your release or your charges are disposed of.

If you are to be released, any additional Bond Procedures will be explained to you.

WAIVER AND PLEA OF GUILTY FOR CHARGES NOT REQUIRING A COURT APPEARANCE
[DOES NOT APPLY IF "MUST APPEAR BEFORE JUDGE" BOX ON REVERSE SIDE IS CHECKED]

I, the undersigned, do hereby enter my written, rather than personal appearance in the court case resulting from the charge on the reverse side of this citation. I understand that by paying my fine and not personally appearing before the court I am waiving any right that I might have had to a trial by judge or jury and to be represented by counsel. I further understand that by paying the fine, I have pled guilty to the offense as charged. I further agree to mail this waiver and plea to the address shown below or to deliver it in person to the court. **This waiver will not be accepted for any charge requiring a court appearance before a judge.**

SIGNATURE OF ACCUSED _____

DATE _____

HOW TO CONTACT THE COURT

[Each agency should insert specific appearance instruction here and may include: methods for contacting the court, website information, map diagrams, any alternative dispute resolution which may be available, e-filing options, or procedures for resolving court conflicts or signing up for electronic notifications from the court.]

Proposed Rules for use of Uniform Misdemeanor Citation, Accusation & Summons 10/2018

Uniform Misdemeanor Citation and Complaint Form - Form and Style

- (1) The Uniform Citation, Summons, and Accusation, shall be used by all law enforcement officers who are empowered to enforce the criminal laws and ordinances in effect in this State. Such citation shall be by the following form in a four-part series, at least 8 ½ inches in width and 11 inches in length except that computer generated or electronically submitted citations shall not have a series requirement and may appear up to 8 ½ inches in width and 11 inches in length.
 - a. Court Copy, front and back:
Click here to view image
 - b. Defendant's copy, front and back:
Click here to view image
 - c. Issuing department copy, front and back:
Click here to view image
 - d. Officer's copy, front and back:
Click here to view image
- (2) The bar code and highlighted offender signature bar on the front of each part of the Uniform Citation form are optional.
- (3) The Judicial Council may review and approve additional or alternative versions of this form.

Uniform Misdemeanor Citation and Complaint Form - record accountability

- (1) Each uniform citation, electronic or otherwise, shall have a unique number and shall include a designation of the agency issuing the citation.
- (2) Any law enforcement agency which utilizes the uniform citation shall establish a system of accountability for each citation, electronic or otherwise, which comes into its possession. This system shall include a file or files containing, in numerical order, or alphabetical order, the agency copy of each issued citation and such additional records and files as may be necessary to account, by unique number, for:
 - a. The date of distribution of each blank uniform citation (or block of citations) and the officer to whom given.
 - b. All copies of all voided citations.
 - c. The circumstances under which any uniform citation (or block of citations) has been lost or misplaced.

**Proposed Rules for use of Uniform Misdemeanor Citation, Accusation & Summons
10/2018**

- (3) Agency records concerning the uniform citation are public records. They shall be made available to any agent of the Governor, Attorney General, Secretary of State, or Georgia Bureau of Investigation upon request and to other persons at reasonable times and places.

**Uniform Misdemeanor Citation and Complaint Form - Signature on the summons;
procedure on failure to sign**

- (1) If the defendant is to be released upon receipt of a copy of the citation, he or she must sign the citation acknowledging receipt of the summons.
- (2) Signing the citation shall only be an acknowledgment of the obligation to appear at the court and on the time specified in the citation and is not an admission as to the validity of the citation or any information contained therein.
- (3) If the defendant cited refuses to sign the citation, the officer issuing the citation shall inform the person that:
 - a. signing the citation is only an acknowledgment of the duty to appear in court and is not an agreement with the correctness of the charge or the information about the charge on the citation;
 - b. failure to sign the citation will make the defendant ineligible for release upon receipt of a copy of the citation; and
 - c. defendants continuing to refuse to sign the citation shall be taken into custody and promptly brought before a judge if not released pursuant to a standing order or bail schedule.
- (4) Courts exercising jurisdiction over citations shall make provisions by standing order or bail schedule for a prompt determination of a reasonable bail when defendants are not released upon a receipt of a copy of citation.
 - a. If no bail schedule provides a bond for the defendant's release, the defendant shall be brought before a judge for the setting of bond as soon as possible, but in all events within 48 hours. At such time, the judge shall consider the financial factors provided for in O.C.G.A. § 17-6-1(e)(2). If the citation is for criminal trespass and it is known to the citing officer to be a family violence offense under O.C.G.A. § 19-13-1, the defendant shall be taken into custody and promptly brought before a judge for individual assessment of bail, including conditions of release, if any.
 - b. If the bail schedule permits release upon a signature bond from the defendant, no further action needs be taken with respect to bail.

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- c. If the bail schedule provides for a bond secured by cash, property, or surety, the financial circumstances of the defendant shall be reviewed as provided in O.C.G.A. § 17-6-1 (e)(2) as soon as possible, but in all events within 48 hours.

Uniform Misdemeanor Citation and Complaint Form - Bench Warrants; failure to appear

- (1) If a defendant fails to appear to appear at the time and place specified in the citation, the Court, absent a finding of sufficient excuse for their failure to appear at the time and place specified in the citation, shall issue a warrant ordering the apprehension of the defendant and commanding that he or she be brought before the court to answer the charge contained within the citation and the charge of his or her failure to appear as required. The defendant shall then be allowed to make a reasonable bond to appear on a given date before the court.
- (2) The court may, in its discretion, establish a procedure to informally notify defendants in other manners including by phone, electronic message or mail using any contact information known to the court. Any such notification is in addition to any notice as required by law.
- (3) When a citation is issued and the defendant fails to appear for court or otherwise dispose of his or her charges before his or her scheduled court appearance as stated on the citation, prior to the court issuing a bench warrant, the clerk of court may notify the defendant by first-class mail or by postcard at the address listed on the citation of his or her failure to appear. Such notice shall be dated and allow the defendant 30 days from such date to dispose of his or her charges or waive arraignment and plead not guilty. If after the expiration of such 30 day period the defendant fails to dispose of his or her charges or waive arraignment and plead not guilty, the court may issue a warrant. The court is not required, however, to institute any such procedure and may issue a warrant without delay.

Uniform Misdemeanor Citation and Complaint Form - Written Guilty Pleas

[RESERVED]