

H.B. 1203

H.B. 1203, as enacted, amends subsection (e) of O.C.G.A. § 44-7-55 to provide that:

If the sheriff, sheriff deputy, constable, or marshal is unable to execute the writ within 14 days of the landlord's request, the landlord may employ an off-duty sheriff, sheriff deputy, constable, marshal, or another individual certified by the Georgia Peace Officer Standards and Training Council, who has authority within the jurisdiction of the property, to carry out the writ at the landlord's sole expense. The sheriff, sheriff deputy, constable, or marshal is responsible for maintaining a list of authorized off-duty officers and certified individuals and must make this list available to the landlord upon request. The sheriff, sheriff deputy, constable, or marshal retains administrative authority over anyone executing writs under this provision. The landlord must notify the sheriff, sheriff deputy, constable, or marshal in writing at least five calendar days before the execution of the writ by the off-duty officer or certified individual, to allow time for the sheriff, sheriff deputy, constable, or marshal to record the execution in their records.

Calculation of 14-day threshold

It is the policy of the DeKalb County Marshal's Office that the 14-day threshold period will be calculated from the date when a judge grants a writ of possession (in a dispossessory proceeding), as evidenced by the judge's signature.

Landlords Utilizing the Services of Off-Duty Peace Officers

A landlord or their agent entitled to use an off-duty certified peace officer to execute a writ of possession may exercise this right by submitting an *Application for Execution of a Writ of Possession in a Dispossessory Proceeding by Off-Duty Peace Officers*. The completed application must be submitted in person to the DeKalb County Marshal's Office at 556 N McDonough St #G-10, Decatur, GA 30030, at least five (5) days before the scheduled execution. The person submitting the application must present a valid government-issued ID and allow a Marshal's Office staff member to copy or scan it. Upon submission, an employee of the Marshal's Office will provide a copy of the writ of possession to the landlord or agent. Once the landlord or agent receives the writ, the Marshal's Office relinquishes any future authority over the execution of the writ. The landlord, agent, or executing peace officer will be responsible for making the proper return to the appropriate clerk of court after the writ is executed.

Application for Execution of a Writ of Possession in a Dispossessory (Eviction) Proceeding

List of Peace Officers Authorized to Execute Writs of Possession Off-Duty

A certified peace officer authorized to execute writs of possession while off-duty and wishing to be included on the list of authorized off-duty certified peace officers maintained by the DeKalb County Marshal may submit an *Application for Listing*. The application must be submitted in person to the DeKalb County Marshal's Office at 556 N McDonough St #G-10, Decatur, GA 30030. The peace officer submitting the application must present a valid law enforcement agency identification and allow a Marshal's Office staff member to copy or scan it. In accordance with O.C.G.A. § 16-10-3, the peace officer must also provide a copy of an authorization from their

employing law enforcement agency, granting approval to execute writs of possession off-duty. The list of certified peace officers authorized to execute writs of possession while off-duty is public record. A current electronic (PDF) version of the list will be provided to any person, including landlords, upon request at no charge. A printed (hardcopy) version of the most recent list will be available for a fee of \$0.10 (10¢) per page.



DEKALB COUNTY MARSHAL'S OFFICE

K.E. Richardson, Marshal

Application for Execution of a Writ of Possession in a Dispossession (Eviction) Proceeding by Off-Duty Peace Officers

TO BE COMPLETED BY A LANDLORD OR LANDLORD'S AGENT

I, the undersigned, am the landlord or an agent for the landlord in the dispossession proceeding described below.

Landlord (Plaintiff)	Tenant (Defendant)
Case Number	<input type="checkbox"/> State Court of DeKalb County <input type="checkbox"/> Magistrate Court of DeKalb County
Address of Premises Subject to the Dispossession Proceeding and Writ of Possession	

I, the undersigned, declare that the Marshal of DeKalb County and his deputies were unable to execute the Writ of Possession in this case within 14 days from the landlord's application or request for the execution of the writ. The landlord is, therefore, entitled to utilize the services of an off-duty certified peace officer (with authority in the jurisdiction where the premises lie) to execute the writ at the landlord's sole cost and expense.

The landlord has contracted with certified peace officers to execute the Writ of Possession on the date and at the time indicated below.

Anticipated Date of Execution	Anticipated Time of Execution AM/PM
Officer Name (Last, First, MI)	Agency
Officer Name (Last, First, MI)	Agency

Initial

I, the undersigned, acknowledge that the writ of possession may be executed only by a peace officer certified by the Georgia Peace Officer Standards and Training Council who has authority within the jurisdiction wherein the premises lie to execute such writ.

Initial

I, the undersigned, waive execution of the Writ of Possession by the Marshal of DeKalb County. I acknowledge that the Marshal of DeKalb County will not execute the writ in the future and a new writ must be obtained from the court.

Initial

I, the undersigned, declare that the information included in this application is true and correct to the best of my knowledge.

Initial

I, the undersigned, acknowledge that O.C.G.A. § 16-10-20 provides
A person who knowingly and willfully . . . makes or uses any false writing or document, knowing the same to contain any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of state government or of the government of any county, city, or other political subdivision of this state shall, upon conviction thereof, be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor more than five years, or both.

Signature _____

Date _____

Name (Print) _____