

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 ([Application for Execution of a Writ of Possession in a Dispossessory \(Eviction\) Proceeding by Off-Duty Peace Officers](#)) 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.