

GOOD BEHAVIOR WARRANTS

Issuance:

May only be issued by judicial officer authorized to hold court of inquiry [OCGA § 17-6-90]. Generally, Pre-Warrant Hearings are held prior to the issuance of a Good Behavior Warrant.

Probable Cause Basis:

- A. May be based upon another's sworn affidavit; **OR**
- B. Court's own motion. " Probable cause **MUST** exist.

Grounds:

- A. Conduct of person in the county;
- B. Directed at person or property in the county;
- C. Justifying belief that:
 - 1. safety of person is endangered, or
 - 2. personal peace may be disturbed, or
 - 3. person's property may be disturbed, or
 - 4. person's property may be injured [OCGA § 17-6-90(a)]
- D. Can't be purely speculative. Some conduct must have occurred.

Court may set reasonable conditions with same limitations as set out in [OCGA § 17-6-90].

Duration of the warrant is (6) months from the date the Defendant is served with the Good Behavior Warrant.

EXTENSION OF GOOD BEHAVIOR WARRANT

The existing Good Behavior Warrant may be extended beyond the statutory (6) months on request of complaining party accompanied by probative evidence by said party to the Court. This extension may require a hearing prior to the extension being granted or may be granted at the Court's discretion.

Each warrant extension is for a period of (6) months. [OCGA § 17-6-93]. Extensions are discretionary, but discretion of court will be exercised reasonably.

REMEDIES FOR VIOLATION OF BOND:

Indirect criminal contempt:

- A. Initiated by:
 - 1. oral or written complaint by injured party [OCGA § 17-6-94], or
 - 2. motion by prosecuting attorney.
 - 3. possible incarceration as a result of probative evidence presented to the Court as to conduct determined to be in violation of the Good Behavior Warrant.

Situations where Good Behavior Warrants are issued (but not limited to):

- When a crime has occurred, but the victim is reluctant to pursue criminal prosecution.
- Where probable cause exists for cross warrants against both Parties.
- Where threats were made, but without corroboration.
- Where the seriousness of the criminal conduct does not yet warrant criminal prosecution, but some action is needed to prevent further escalation.

Good Behavior Warrants, when approved by the Court, are oftentimes served upon the Defendant without the necessity of arrest or bail. The decision of arrest and bail are at the discretion of the Court.

Frequently asked questions about Good Behavior Warrants:

What is a Good Behavior Warrant?

A Good Behavior Warrant is an order, not an arrest warrant. This order does state that a specific individual (Defendant) is to stay away from you, your home, your job, and your family, by person, telephone, email, text message, or any other communicative means, along with any third party contact. Other special conditions relating to the issuance of the warrant may be instituted at the discretion of the Court. The warrant is valid for six (6) months upon service to the opposing party (Defendant). The warrant is only valid in the county to which it has been issued and deals with conduct within said county.

Is a Good Behavior Warrant used for situations involving Domestic Violence?

No; Domestic Violence situations are generally handled through the issuance of a Temporary Protective Order (TPO). A (TPO) is issued through the Superior Court and not within the jurisdiction of the Magistrate Court of Walton County. A (TPO) is a court order from the Superior Court indicating some type of domestic violence or the threat therein of said violence. The requirements for the issuance of a (TPO) are available through the following locations:

Walton County District Attorney’s Office (Victim Witness Program)	Walton County Government Building 303 South Hammond Drive, Suite 334 Monroe, Georgia 30655	770-267-1355
Walton County Sheriff’s Office (Victim Witness Program)	1425 South Madison Avenue Monroe, Georgia 30655	770-267-6557

Good Behavior Warrants are generally issued for individuals not residing together who are harassing another party in a non-violent manner.