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Citation Form

The Official Code of Georgia Annotated may be cited as "O.C.G.A." See Code Section 1-1-8 as to citation of the Official Code of Georgia Annotated.

Arrangement and Numbering System

The Official Code of Georgia Annotated is arranged into 53 Code titles. In addition to the 53 titles, the Constitution of the United States and the Constitution of Georgia are included in separate volumes with their original internal numbering systems retained. No Code title numbers have been assigned to the Constitutions.

With the exception of Title 1, "General Provisions," titles within the Code are arranged in alphabetical order. A list of the Code title numbers and names appears in the front of each volume of the Code.

Where appropriate, titles within the Code are divided into chapters, chapters are divided into articles, articles are divided into parts, and parts are divided into subparts. An exception to this arrangement occurs in Title 11, "Commercial Code." Because of the importance of maintaining the numbering scheme of the Uniform Commercial Code throughout the United States, Title 11 does not follow the numbering scheme used in the remaining titles of the Code.

Titles, chapters, articles, parts, and subparts of the Code are designated with Arabic numerals. If a new title, chapter, article, part, or subpart is

added between two existing titles, chapters, articles, parts, or subparts, it will be designated by the preceding numeral plus a capital letter. Thus, if two new chapters are to be added between Chapters 4 and 5 of a title, they will be designated as Chapters 4A and 4B.

A three-unit numbering system is used to designate Code sections. Thus, Code Section 2-5-1 is the first Code section of Chapter 5 of Title 2. Code section numbers are not consecutive in the Code. At the end of each article, part, and subpart, gaps are left in Code section numbers to allow for future legislation. If a new Code section is added between two existing Code sections, the new Code section will be designated with the preceding Code section number followed by a period and one or more numerals. Thus, if two new Code sections are added between Code Sections 2-5-38 and 2-5-39, the new Code sections will be designated as Code Sections 2-5-38.1 and 2-5-38.2.

Where appropriate, Code sections are divided into subsections, subsections are divided into paragraphs, paragraphs are divided into subparagraphs, subparagraphs are divided into divisions, and divisions are divided into subdivisions. These units are designated as follows:

Subsections—(a), (b), (c), (d), etc.

Paragraphs—(1), (2), (3), (4), etc.

Subparagraphs—(A), (B), (C), (D), etc.

Divisions—(i), (ii), (iii), (iv), etc.

Subdivisions—(I), (II), (III), (IV), etc.

If it becomes necessary to add new subsections, paragraphs, subparagraphs, divisions, or subdivisions between existing subsections, paragraphs, subparagraphs, divisions, or subdivisions, the new material will be designated as follows:

Subsection—(a), (a.1), (a.2), (b)

Paragraph—(1), (1.1), (1.2), (2)

Subparagraph—(A), (A.1), (A.2), (B)

Division—(i), (i.1), (i.2), (ii)

Subdivision—(I), (I.1), (I.2), (II)

If a Code section has introductory language followed by a list, subsection designations are not used to designate the items in the list, but each item is given a paragraph designation. This helps to maintain the flexibility of the numbering system. Definitions sections are examples of this system of numbering items in a list.

Arrangement of Specific Types of Material Within the Code

Title 1 of the Official Code of Georgia Annotated relates to general provisions applicable either to the adoption of the Code itself or to the enactment of laws generally. Title 1 contains an expression of legislative intent in the enactment of the Code, provides for severability for the Code and future laws as well, preserves certain types of Acts which are not codified, provides for the specific repeal of prior codes and laws, describes classes and categories of persons, provides for rights of persons, provides for rules of statutory construction, and provides for definitions of terms used throughout the Code. All persons are urged to read Title 1 prior to using the Code.

In the same manner that Title 1 contains material which is applicable to the entire Code, most titles within the Code contain a general provisions chapter as Chapter 1 of the title. This chapter contains definitions and other material of general application throughout the particular title.

Within each chapter, article, part, and subpart, certain types of material generally will be arranged in a uniform manner throughout the Code. The short title of a law, if any, will be the first Code section, followed by the Code section stating the purpose or legislative findings, followed by Code section defining certain words and phrases used in that law. Within the body of the chapter, article, part, or subpart, related Code sections will be grouped together. Penalty Code sections are generally at the end of the material to which they relate.

Title and Chapter Analyses

Preceding each title in the Code is a title analysis which lists the numbers and captions of each chapter within the title.

Preceding each chapter in the Code is a chapter analysis which lists each article, part, and subpart within the chapter and each Code section and its catchline.

History Lines

Generally, each Code section is followed by a history line which includes citations to the Georgia Laws and prior official compilations of the laws of the state, pertaining to substantially the same subject matter as the present Code section. Unofficial codes are not cited in the history lines. No history line is included for those Code sections which are enacted by the Official Code of Georgia Annotated itself. Examples of these types of Code sections include those Code sections in Title 1 dealing with the enactment of the Official Code of Georgia Annotated and Code sections in other titles which provide new title-wide definitions not previously included in the law.

Quite often the history lines not only will reflect the most recent specific enactment of a Code section but also will trace similar provisions of law

existing prior to the most recent specific enactment, even though that enactment may not have expressly amended any of the prior similar provisions and may in fact have repealed them. For example, Ga. L. 1977, p. 396 enacted a new game and fish code (now codified primarily at Title 27) which repealed most of the then-existing provisions of law relating to game and fish. However, rather than beginning each history line in Title 27 with the most recent specific enactment (Ga. L. 1977, p. 396), the editors have examined the pre-1977 game and fish Acts, compared the subject matter of those Acts with the subject matter of each section of Ga. L. 1977, p. 396, and added history where appropriate. This tracing procedure serves the purpose of providing more complete historical information and recognizes the fact that many repeals by the General Assembly have the practical effect of amending or renumbering existing provisions of law.

In some cases the history lines may provide a quick method of translating sections of the Code to sections of prior codes. However, since the history lines do not cite unofficial codifications of provisions of Georgia law, reference generally should be made to the conversion tables in Volume 41 whenever a translation of a new Code section to a prior provision of law is desired.

Bill numbers are included in history lines for Acts enacted in 2005 and later.

History lines are provided for those numbered paragraphs of the 1983 Georgia Constitution that have been amended or added since that Constitution was ratified in 1982.

Repeal Lines

When a Code section is repealed, its Code section number and catchline are set out, followed by a notation that the particular section has been repealed. An Editor's note under the repeal line lists citations to the Georgia Laws on which the repealed Code section was based, and refers the user to the Code provisions, if any, now covering the subject of the repealed Code section.

Cross References

Appropriate cross references between related provisions of the Code are included at the beginning of the annotations for a particular title, chapter, article, part, subpart, or Code section.

Case Annotations

LexisNexis® has prepared and included in the Official Code of Georgia Annotated a complete set of case annotations. All decisions of the Supreme Court of Georgia and the Court of Appeals of Georgia and all decisions of the federal courts in cases which arose in Georgia construing any portion of the general statutory law of the state, the Constitution of the United States,

and the Constitution of Georgia have been examined and appropriate annotations have been prepared and included under a "Judicial Decisions" heading following the title, chapter, article, part, subpart, or Code section designation of the Official Code of Georgia Annotated to which they relate. Annotations contain the name of the case, the complete official and unofficial citations, and the year of the decision. Normally, constructions of statutes relating to constitutionality thereof appear first in the annotations for a particular provision of the Code.

Editor's Notes and Code Commission Notes

If the editorial staff of LexisNexis®, the Code Revision Commission, or the commission's staff felt that an explanatory note would be helpful to users of the Code, such notes were added as editor's notes or Code Commission notes.

Law Reviews

Appropriate articles and notes from each law review which is published in the State of Georgia are noted following the title, Code section, or other designation to which they relate.

Opinions of the Attorney General of Georgia

Where appropriate, annotations are included concerning relevant opinions of the Attorney General of Georgia, and citations to those opinions are given. These annotations are included under the heading "Opinions of the Attorney General" following the particular title, Code section, or other designation to which they relate.

Advisory Opinions of the State Bar

Where appropriate, annotations are included concerning relevant advisory opinions of the State Bar of Georgia, and citations to those opinions are given. These annotations are included under the heading "Advisory Opinions of the State Bar" following the particular title, Code section, or other designation to which they relate.

Decisions and Opinions Under Prior Law

Editor's notes or the subheadings "Decisions Under Prior Law" and "Opinions Under Prior Law" appear in the case annotations and the annotations to Attorney General opinions. These editor's notes and subheadings are utilized to indicate a judicial decision or an Attorney General opinion under a provision of law which was specifically repealed subsequent to the decision or opinion but which was succeeded by a provision similar to the repealed provision, so that the decision or opinion has continued relevance to an effective provision of law.

Research References

To aid in legal research, collateral references have been included to appropriate material in American Jurisprudence, Corpus Juris Secundum,

American Law Reports, and Uniform Laws Annotated. These annotations are included under the heading "Research References" following the particular title, Code section, or other designation to which they relate.

Indexes

—*General Index*

The Official Code of Georgia Annotated contains a completely new general index prepared by LexisNexis®. Index entries have been produced by an actual reading of the body of the statutes and other material and not merely from headings or catchlines. All major headings in the Code are represented in the index.

—*Volume Indexes*

In addition to the general index, each volume of the Code contains an individual volume index covering the material contained in that volume. Individual volume indexes will not be revised in the annual supplements to the volumes but will be revised and updated when a volume is recompiled and republished.

—*Index of Local and Special Laws and General Laws of Local Application*

In addition to the general index, a complete, new index to local and special laws and general laws of local application has been compiled and published as a part of the Code. This index contains citations to the Georgia Laws from 1730 to the present. Entries are divided into current and noncurrent laws in order to eliminate the necessity of having to examine repealed laws when attempting to locate currently effective laws. Index entries were prepared after a complete reading of each statute. After the index was prepared, each entry was compared with the Georgia Laws to ensure the accuracy of the index entries.

For further information regarding the index to local and special laws and general laws of local application, see the foreword to that index and the user's guide preceding the portion of that index dealing specifically with general laws of local application.

Conversion Tables

Conversion tables have been included in Volume 41 to assist the user of the Code in converting citations between the Official Code of Georgia Annotated and the Georgia Code Annotated, the Code of Georgia of 1933, and all previous codes of the State of Georgia. Also included are a table showing the location of each section of the Georgia Laws which has been codified in the Official Code of Georgia Annotated and tables which indicate corresponding provisions of the 1877 Constitution of Georgia, the 1945 Constitution of Georgia, the 1976 Constitution of Georgia, and the 1983 Constitution of Georgia. Conversion tables for the present and prior Constitutions of Georgia are also contained in Volume 2.

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Dictionary

In the preparation of this Code, the Code Revision Commission and The Michie Company utilized Funk & Wagnalls Standard College Dictionary, copyright 1977 by Harper & Row, Publishers, Inc., as a standard reference work.

Secretary of State's Certificates

In each statutory volume as well as in the volume containing the Constitution of Georgia, there is included in the front matter a certification by the Secretary of State of Georgia that the statutes or constitutional provisions contained in that volume are true and correct copies of such material as enacted by the General Assembly of Georgia, all as the same appear of file and record in the office of the Secretary of State.