

House Bill 783

By: Representatives Stanley of the 50th, Stanley of the 49th, Holmes of the 53rd, McKinney of the 51st and Ashe of the 46th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-13-49 of the Official Code of Georgia Annotated, relating to the
2 forfeiture of certain contraband, so as to provide for the distribution of certain property so
3 forfeited; to provide restrictions; to amend Code Section 48-4-61 of the Official Code of
4 Georgia Annotated, relating to land bank authorities, so as to authorize the acquisition of
5 certain forfeited property; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 16-13-49 of the Official Code of Georgia Annotated, relating to the forfeiture
9 of certain contraband, is amended by striking in its entirety paragraph (2) of subsection (u)
10 and inserting in lieu thereof the following:

11 "(2) When property, other than money, is forfeited under this article, the court may:

12 (A) Order the property to be sold, with the proceeds of the sale to be distributed as
13 provided in paragraph (4) of this subsection; or

14 (B) Provide for the in-kind distribution of the property as provided for in paragraph (4)
15 of this subsection;

16 (C) Order the clerk to deed real property to any nonprofit corporation organized under
17 the laws of this state which is exempt from taxation under Section 501(c)(3) of the
18 Internal Revenue Code of 1986 or to a land bank authority created pursuant to Article
19 4 of Chapter 4 of Title 48 with a right of reversion to the state in the event such
20 property ceases to be used by such organization in furtherance of its stated purpose
21 upon payment to the office of the district attorney reimbursement of the expenses and
22 court costs of the foreclosure proceeding under this Code section; or

23 (D) Order the property deeded to the state or to a political subdivision for use by a law
24 enforcement agency to use for law enforcement purposes including, without limitation,
25 the housing of law enforcement personnel to impede the distribution of controlled
26 substances in the area."

SECTION 2.

Code Section 48-4-61 of the Official Code of Georgia Annotated, relating to land bank authorities, is amended by striking in their entirety subsections (b) and (c) and inserting in lieu thereof the following:

"(b) The authority shall be a public body corporate and politic with the power to sue and be sued, to accept and issue deeds in its name, including without limitation the acceptance of real property in accordance with the provisions of subparagraph (C) of paragraph (1) of subsection (u) of Code Section 16-13-49, and to institute quia timet actions and shall have any other powers necessary and incidental to carry out the powers granted by this article.

(c) The authority shall be established to acquire the tax delinquent properties of the parties and any property deeded to it pursuant to subparagraph (C) of paragraph (1) of subsection (u) of Code Section 16-13-49 in order to foster the public purpose of returning land which is in a nonrevenue-generating, nontax-producing status to an effective utilization status in order to provide housing, new industry, and jobs for the citizens of the county. The authority shall have the powers provided in this article and those necessary and incidental to the exercise of such powers."

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.