

Senate Bill 419

By: Senators Harp of the 29th, Hudgens of the 47th, Shafer of the 48th, Tolleson of the 20th and Bulloch of the 11th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 27 of Title 50 of the Official Code of Georgia Annotated,  
2 relating to setoff of debt collection against lottery prizes, so as to provide a method to recover  
3 delinquent child support payments from certain lottery proceeds; to amend Chapter 6 of Title  
4 19 of the Official Code of Georgia Annotated, relating to alimony and child support  
5 generally, so as to require the child support enforcement agency to present claims for  
6 delinquent child support with the Georgia Lottery Corporation for the protection of the  
7 interest of the state and families owed delinquent due child support; to change certain  
8 provisions relating to said articles; to provide for applicability and an effective date; to repeal  
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

12 Article 2 of Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to  
13 setoff of debt collection against lottery prizes, is amended by striking Code Section 50-27-51,  
14 relating to definitions, in its entirety and inserting in its place a new Code Section 50-27-51  
15 to read as follows:

16 "50-27-51.

17 As used in this article, the term:

18 (1) 'Claimant agency' means any state agency, department, board, bureau, commission,  
19 or authority to which an individual owes a debt or which acts on behalf of an individual  
20 to collect a debt.

21 (2) 'Debt' means any liquidated sum due and owing any claimant agency or individual  
22 claimant, which sum has accrued through contract, subrogation, tort, or operation of law  
23 regardless of whether there is an outstanding judgment for the sum, or any sum which is  
24 due and owing any person and is enforceable by the state or any of its agencies or  
25 departments.

1 (3) 'Debtor' means any individual owing money to or having a delinquent account with  
 2 any claimant agency or owing delinquent child support to an individual claimant, which  
 3 obligation has not been adjudicated as satisfied by court order, set aside by court order,  
 4 or discharged in bankruptcy.

5 (4) 'Individual claimant' means a person owed \$500.00 or more in delinquent child  
 6 support.

7 ~~(4)~~(5) 'Prize' means the proceeds of any lottery prize awarded under Article 1 of this  
 8 chapter."

## 9 SECTION 2.

10 Said article is further amended by striking Code Section 50-27-53, relating to debts owed to  
 11 state agencies lien against lottery winnings, prizes paid out by retailers or noncorporate  
 12 entities, time periods, rules and regulations, immunity, and costs, and inserting in its place  
 13 a new Code Section 50-27-53 to read as follows:

14 "50-27-53.

15 (a) Any claimant agency may submit to the corporation a list of the names of all persons  
 16 owing debts in excess of \$100.00 to such claimant agency or to persons on whose behalf  
 17 the claimant agency is acting. The full amount of the debt shall be collectable from any  
 18 lottery winnings without regard to limitations on the amounts that may be collectable in  
 19 increments through garnishment or other proceedings. Such list shall constitute a valid lien  
 20 upon and claim of lien against the lottery winnings of any debtor named in such list. The  
 21 list shall contain the names of the debtors, their social security numbers if available, and  
 22 any other information which would assist the corporation in identifying the debtors named  
 23 in the list.

24 (b) Any individual claimant may submit to the corporation a claim of delinquent child  
 25 support by providing a certified copy of an order of support and affidavit stating under  
 26 oath the amount of support owed and the claim shall constitute a valid lien upon and claim  
 27 of lien against the lottery winnings of the indicated debtor.

28 ~~(b)~~(c) The corporation is authorized and directed to withhold any winnings subject to the  
 29 lien created by this Code section and send notice to the winner by certified mail or statutory  
 30 overnight delivery, return receipt requested, of such action and the reason the winnings  
 31 were withheld. However, if the winner appears and claims winnings in person, the  
 32 corporation shall notify the winner at that time by hand delivery of such action. If the  
 33 debtor does not protest the withholding of such funds in writing within 30 days of such  
 34 notice, the corporation shall pay the funds over to the claimant agency or individual  
 35 claimant. If the debtor protests the withholding of such funds within 30 days of such  
 36 notice, the corporation shall file an action in interpleader in the superior court of the county

1 in which the debtor resides, pay the disputed sum into the registry of the court, and give  
 2 notice to the claimant agency or individual claimant and debtor of the initiation of such  
 3 action.

4 ~~(e)~~(d) The liens created by this Code section shall rank among themselves as follows:

5 (1) Taxes due the state;

6 (2) Delinquent child support; and

7 (3) All other judgments and liens in order of the date entered or perfected.

8 ~~(d)~~(e) The corporation shall not be required to deduct claimed debts from prizes paid out  
 9 by retailers or entities other than the corporation with the exception of delinquent child  
 10 support claims filed pursuant to this Code section. Each retailer or other entity is required  
 11 to hold lottery proceed winnings in excess of \$500.00 to verify whether claims for support  
 12 have been filed with the corporation.

13 ~~(e)~~(f) Any list of debt provided pursuant to this article shall be provided periodically as the  
 14 corporation shall provide by rules and regulations and the corporation shall not be obligated  
 15 to retain such lists or deduct debts appearing on such lists beyond the period determined  
 16 by such rules and regulations.

17 ~~(f)~~(g) The corporation is authorized to prescribe forms and promulgate rules and  
 18 regulations which it deems necessary to carry out the provisions of this article.

19 ~~(g)~~(h) The corporation and any claimant agency or individual claimant shall incur no civil  
 20 or criminal liability for good faith adherence to the provisions of this Code section.

21 ~~(h)~~(i) The claimant agency or individual claimant shall pay the corporation for all costs  
 22 incurred by the corporation in setting off debts in the manner provided in this article."

### 23 SECTION 3.

24 Said article is further amended by striking Code Section 50-27-55, relating to applicability  
 25 of article to prizes of \$5,000.00 or more, and inserting in its place a new Code Section  
 26 50-27-55 to read as follows:

27 "50-27-55.

28 The provisions of this article shall only apply to prizes of \$5,000.00 or more and shall not  
 29 apply to any retailers authorized by the board to pay prizes of up to \$5,000.00 after  
 30 deducting the price of the ticket or share; excepting that a claim for delinquent child  
 31 support filed by the Child Support Enforcement Agency of the Department of Human  
 32 Resources or an individual claimant shall apply to all prizes of \$500.00 or more."

### 33 SECTION 4.

34 Chapter 6 of Title 19 of the Official Code of Georgia Annotated, relating to alimony and  
 35 child support generally, is amended in Code Section 19-6-33.1, relating to the family support

