

House Bill 1189

By: Representatives Sims of the 169<sup>th</sup>, Lunsford of the 110<sup>th</sup>, Lane of the 167<sup>th</sup>, Cheokas of the 134<sup>th</sup>, Teilhet of the 40<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated,  
2 relating to abuse of governmental office, so as to provide for the offense of malfeasance in  
3 office; to provide for definitions; to provide for criminal penalties; to provide for related  
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Article 1 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to  
8 abuse of governmental office, is amended by adding a new Code section to read as follows:  
9 "16-10-10.

10 (a) As used in this Code section, the term:

11 (1) 'Malfeasance in office' means knowingly:

12 (A) Failing to conduct audits as required by law;

13 (B) Failing to comply with court orders;

14 (C) Misappropriating any sales and use tax levied by or pursuant to Article 2 of  
15 Chapter 8 of Title 48, Part 1 of Article 3 of Chapter 8 of Title 48, or Part 2 of Article 3  
16 of Chapter 8 of Title 48;

17 (D) Failing to comply with the requirements prescribed by Chapter 14 of Title 50  
18 relating to open meetings;

19 (E) Failing to comply with Article 4 of Chapter 18 of Title 50 relating to open records;

20 (G) Failing to maintain records and reports required by law for collection and  
21 remittance of revenue, forfeitures, fees, and fines; or

22 (H) Using county or municipal equipment on private property for a nongovernmental  
23 purpose.

24 (2) 'Public officer' means every elected county or municipal official and every elected  
25 member of a local board of education.

26 (b) A public officer committing the offense of malfeasance in office shall be guilty of a  
27 misdemeanor of a high and aggravated nature."

28 **SECTION 2.**

29 All laws and parts of laws in conflict with this Act are repealed.