

House Bill 51

By: Representative Day of the 163rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 35-3-8 of the Official Code of Georgia Annotated, relating to the
2 powers of agents of the Georgia Bureau of Investigation generally, so as to maintain the
3 bureau's ability to enforce criminal statutes pertaining to the operation of bingo games; to
4 amend Part 2 of Article 2 of Chapter 12 of Title 16 of the Official Code of Georgia
5 Annotated, relating to bingo, so as to transfer the responsibility for regulation of bingo games
6 and issuance of bingo licenses from the Georgia Bureau of Investigation to the Department
7 of Revenue; to preserve the Georgia Bureau of Investigation's authority to assist the
8 Department of Revenue in the criminal enforcement of bingo provisions; to provide for
9 related matters; to provide an effective date; to provide for applicability; to repeal conflicting
10 laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

SECTION 1-1.

14 Code Section 35-3-8 of the Official Code of Georgia Annotated, relating to the powers of
15 agents of the Georgia Bureau of Investigation generally, is amended as follows:

16 "35-3-8.

17 (a) All properly appointed agents of the bureau shall have the powers, including the power
18 of making arrests and appearing in court, for the enforcement of all criminal statutes
19 pertaining to the manufacture, transportation, distribution, sale, or possession of liquor,
20 wine, beer, alcoholic beverages, cigars, cigarettes, little cigars, cheroots, stogies, and loose
21 or smokeless tobacco and all criminal statutes pertaining to bingo games and shall
22 concurrently with agents and enforcement officers appointed by the state revenue
23 commissioner have the authority throughout ~~the~~ this state to:

24 (1) Obtain and execute warrants for the arrest of persons charged with violations of such
25 laws;

26 (2) Obtain and execute search warrants in the enforcement of such laws;

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27 (3) Arrest without warrant any person found in violation of such laws, or endeavoring
 28 to escape, or if for other cause there is likely to be a failure of enforcement of such laws
 29 for want of an officer to issue a warrant;

30 (4) Make investigations in the enforcement of such laws and in connection therewith to
 31 go upon any property outside of buildings, posted or otherwise, in the performance of
 32 such duties;

33 (5) Seize and take possession of all property which is declared contraband under such
 34 laws; and

35 (6) Carry firearms while performing their duties.

36 (b) The enforcement powers conferred in this Code section upon agents of the bureau shall
 37 relate only to the enforcement of the criminal provisions relating to bingo games and the
 38 manufacture, transportation, distribution, sale, or possession of liquor, wine, beer, alcoholic
 39 beverages, cigars, cigarettes, little cigars, cheroots, stogies, and loose or smokeless tobacco
 40 and shall not extend to regulatory matters with respect to such products or activities under
 41 the jurisdiction of the state revenue commissioner."

42 PART II

43 SECTION 2-1.

44 Part 2 of Article 2 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,
 45 relating to bingo, is amended by replacing "Director" with "Commissioner" and "director"
 46 with "commissioner" wherever the former word occurs in:

47 (1) Code Section 16-12-51, relating to definitions pertaining to bingo;

48 (2) Code Section 16-12-52, relating to license required to operate bingo game and
 49 recreational bingo exception;

50 (3) Code Section 16-12-53, relating to bingo licensing procedures, fees, and renewals;

51 (4) Code Section 16-12-55, relating to certification of tax-exempt status of organization,
 52 issuance of certificate of licensure, and evidentiary nature of certificate;

53 (5) Code Section 16-12-56, relating to issuance of annual one-day license to nonprofit,
 54 tax-exempt school and application;

55 (6) Code Section 16-12-59, relating to annual report to be filed with the director;

56 (7) Code Section 16-12-61, relating to promulgation of necessary rules and regulations by
 57 director authorized; and

58 (8) Code Section 16-12-62, relating to penalties.

59 **SECTION 2-2.**

60 Said part is further amended by replacing "Bureau of Investigation" with "Department of
61 Revenue" wherever the former words occur in:

- 62 (1) Code Section 16-12-51, relating to definitions pertaining to bingo; and
63 (2) Code Section 16-12-53, relating to bingo licensing procedures, fees, and renewals.

64 **SECTION 2-3.**

65 Said part is further amended in Code Section 16-12-54, relating to revocation of licenses and
66 access to premises by law enforcement agencies, as follows:

67 "16-12-54.

68 (a) The ~~director~~ commissioner shall have the specific authority to suspend or revoke any
69 license for any violation of this part or for any violation of any rule or regulation
70 promulgated under this part. Any licensee accused of violating any provision of this part
71 or of any rule or regulation promulgated hereunder shall be entitled, unless waived, to a
72 hearing on the matter of the alleged violation conducted in accordance with Chapter 13 of
73 Title 50, the 'Georgia Administrative Procedure Act.'

74 (b) By making application for a license under this part, every applicant consents that the
75 ~~director~~ commissioner, as well as any of his or her agents and agents of the Georgia Bureau
76 of Investigation, together with any prosecuting attorney, as well as any of his or her agents,
77 may come upon the premises of any licensee or upon any premises on which any licensee
78 is conducting a bingo game for the purpose of examining the accounts and records of the
79 licensee to determine if a violation of this part has occurred."

80 **SECTION 5.**

81 This Act shall become effective on January 1, 2010, and shall apply to all bingo license
82 applications and bingo licenses issued on or after such date.

83 **SECTION 6.**

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