

Senate Bill 188

By: Senators Unterman of the 45th, Moody of the 56th and Balfour of the 9th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Titles 16 and 36 of the Official Code of Georgia Annotated, relating to crimes and
 2 offenses and to local government, respectively, so as to provide for the protection and
 3 training of code officials; to provide for the offense of obstructing or hindering code officials
 4 whose duty it is to assure code compliance; to provide for definitions; to provide for criminal
 5 penalties; to provide for the training of code officials through the creation of the Georgia
 6 Code Enforcement Training Board; to provide for a short title; to provide for creation and
 7 composition of the board; to provide for selection and appointment of members; to provide
 8 for the terms and removal of members; to provide for the requirement of an oath of office for
 9 board members; to provide for meetings, procedures, and vacancies; to provide for the
 10 powers and duties of the board; to provide for certain expenses for the board members; to
 11 amend various Code sections of Title 36 for purposes of conformity; to provide for related
 12 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
 16 amended by adding a new Code section to read as follows:

17 "16-10-24.4.

18 (a) As used in this Code section, the term 'code official' means any authorized agent or
 19 employee of a county or municipality whose duty it is to assure code compliance.

20 (b) Except as otherwise provided in subsection (c) of this Code section, a person who
 21 knowingly and willfully obstructs or hinders any code official in the lawful discharge of
 22 the code official's official duties shall be guilty of a misdemeanor.

23 (c) Whoever knowingly and willfully resists, obstructs, or opposes any code official in the
 24 lawful discharge of the code official's official duties by threatening or doing violence to the
 25 person of such code official shall be guilty of a felony and shall, upon conviction thereof,
 26 be punished by imprisonment for not less than one nor more than five years."

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27 **SECTION 2.**

28 Title 36 of the Official Code of Georgia Annotated, relating to the local government, is
 29 amended in Chapter 74, relating to the 'Local Government Code Enforcement Boards Act,'
 30 by adding a new article to read as follows:

31 "ARTICLE 432 36-74-60.

33 This article shall be known and may be cited as the 'The Georgia Code Enforcement
 34 Training Act.'

35 36-74-61.

36 It is declared to be the policy of this state that local code enforcement is central to the
 37 promotion of the health, safety, and welfare of the citizens of this state and that, to promote
 38 the quality of life of all Georgia citizens and the enhanced security of our communities,
 39 proper training of code enforcement officials is essential to ensure the highest level of
 40 professional conduct.

41 36-74-62.

42 As used in this article, the term:

43 (1) 'Board' means the Georgia Code Enforcement Training Board.

44 (2) 'Code official' means any authorized agent or employee of the county or municipality
 45 whose duty it is to assure code compliance.

46 (3) 'Georgia Municipal Courts Training Council' means the Georgia Municipal Courts
 47 Training Council created by Code Section 36-32-22.

48 (4) 'Georgia Magistrate Courts Training Council' means the Georgia Magistrate Courts
 49 Training Council created by Code Section 15-10-132.

50 36-74-63.

51 (a) There is established a board which shall be known and designated as the 'Georgia Code
 52 Enforcement Training Board.'

53 (b) The board shall be composed of the following seven members:

54 (1) Three voting members shall be code officials who shall be appointed by the Governor
 55 from a list of nominees submitted by the Carl Vinson Institute of Government of the
 56 University of Georgia in consultation with the Georgia Association of Code Enforcement;

57 (2) One voting member shall be a code official appointed by the President of the Senate;

58 (3) One voting member shall be a code official appointed by the Speaker of the House
59 of Representatives;

60 (4) The chairperson of the Georgia Municipal Courts Training Council or his or her
61 designee, which member shall not be a voting member; and

62 (5) The chairperson of the Georgia Magistrate Courts Training Council or his or her
63 designee, which member shall not be a voting member.

64 (c) The initial voting members shall be appointed on or before June 1, 2009, and shall take
65 their positions on July 1, 2009. The three voting members appointed by the Governor shall
66 serve until December 31, 2011, and until their respective successors are appointed and
67 qualified. The voting members appointed by the President of the Senate and the Speaker
68 of the House of Representatives shall serve until December 31, 2010, and until their
69 respective successors are appointed and qualified. Thereafter, successors shall be
70 appointed to terms of two years and until their respective successors are appointed and
71 qualified.

72 (d) In the event of death, resignation, disqualification, or removal for any reason of any
73 member of the board, vacancies shall be filled in the same manner as the original
74 appointment, and successors shall serve for the unexpired term.

75 (e) Membership on the board does not constitute public office, and no member shall be
76 disqualified from holding office by reason of his membership.

77 36-74-64.

78 Immediately and before entering upon the duties of office, the members of the board shall
79 take an oath of office and shall, upon taking the oath of office, receive a certificate of
80 appointment.

81 36-74-65.

82 (a) A chairperson, vice chairperson, and secretary shall be elected at the first meeting of
83 each calendar year.

84 (b) A simple majority of the voting members of the board shall constitute a quorum for the
85 transaction of business.

86 (c) The board shall maintain minutes of its meetings and such other records as it deems
87 necessary.

88 36-74-66.

89 The members of the board shall receive no salary but shall be reimbursed for their
90 reasonable and necessary expenses actually incurred in the performance of their functions;
91 provided, however, that such expenses shall be approved and paid by the employing

92 governing authority of the county or municipality and shall not exceed those allowed to
 93 members of the General Assembly.

94 36-74-67.

95 The board is vested with the following functions, powers, and responsibilities:

96 (1) To create a voluntary training and certification program for code officials;

97 (2) To prescribe the requirements, curricula, and standards for specific training courses
 98 for certification of code officials, including standards for multiple levels of certification,
 99 if appropriate;

100 (3) To issue a certification to any code official satisfactorily complying with an approved
 101 training program;

102 (4) To keep records of training completed by code officials;

103 (5) To cooperate with local governing authorities and municipal court judges,
 104 magistrates, and recorder's courts judges in furtherance of the purposes of this article; and

105 (6) To do any and all things necessary or convenient to enable it wholly and adequately
 106 to perform its duties and to exercise the power granted to it.

107 36-74-64.

108 Nothing in this article shall be construed to make code enforcement training mandatory nor
 109 shall the fact that any code official has not completed training under this article be used in
 110 evidence in any proceeding or as a basis for any cause of action against a municipality or
 111 county."

112 **SECTION 3.**

113 The following Code sections of said title are amended by replacing "code inspector"
 114 wherever it occurs with "code official":

115 (1) Code Section 36-74-21, relating to definitions relative to enforcement boards created
 116 on or after January 1, 2003;

117 (2) Code Section 36-74-23, relating to initiating of proceedings, tie to correct violations,
 118 repeat violations, and hearings relative to enforcement boards created on or after January
 119 1, 2003;

120 (3) Code Section 36-74-24, relating to calling of hearings and hearing proceedings relative
 121 to enforcement boards created on or after January 1, 2003;

122 (4) Code Section 36-74-26, relating to administrative fines and public record relative to
 123 enforcement boards created on or after January 1, 2003;

124 (5) Code Section 36-74-29, relating to notice required and form of notice relative to
 125 enforcement boards created on or after January 1, 2003;

- 126 (6) Code Section 36-74-30, relating to other enforcement methods and the requirement of
127 probable cause for investigation relative to enforcement boards created on or after January
128 1, 2003;
- 129 (7) Code Section 36-74-41, relating to definitions relative to enforcement boards created
130 prior to January 1, 2003;
- 131 (8) Code Section 36-74-43, relating to initiating proceedings, time to correct violations,
132 repeat violations, and hearings relative to enforcement boards created prior to January 1,
133 2003;
- 134 (9) Code Section 36-74-44, relating to calling of hearings, hearing proceedings, and orders
135 relative to enforcement boards created prior to January 1, 2003;
- 136 (10) Code Section 36-74-49, relating to notice required and form of notice relative to
137 enforcement boards created prior to January 1, 2003; and
- 138 (11) Code Section 36-74-50, relating to other enforcement methods relative to enforcement
139 boards created prior to January 1, 2003.

140 **SECTION 4.**

141 This Act shall become effective upon its approval by the Governor or upon its becoming law
142 without such approval and shall apply with respect to conduct on or after that date.

143 **SECTION 5.**

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