

Senate Bill 260

By: Senators Ramsey, Sr. of the 43rd, Brown of the 26th, Carter of the 42nd, Shafer of the 48th and Butler of the 55th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 15-9-37 of the Official Code of Georgia Annotated, relating to
2 duties of clerks or probate judges acting as clerks, so as to provide that clerks shall provide
3 for the scanning and electronic retention of wills; to provide that clerks shall create a registry
4 of powers of attorney executed by elder persons; to amend Chapter 5 of Title 30 of the
5 Official Code of Georgia Annotated, relating to protection of disabled adults and elder
6 persons, so as to provide that any general power of attorney executed by an elder person must
7 be recorded in the probate court; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 15-9-37 of the Official Code of Georgia Annotated, relating to duties of clerks
11 or probate judges acting as clerks, is amended by adding two new subsections to read as
12 follows:

13 "(c) Each clerk or probate judge acting as such shall provide for the scanning and
14 electronic storage of executed wills. The fee established for the safekeeping of wills shall
15 apply to such service.

16 (d) Each clerk or probate judge acting as such shall establish a registry for the recording
17 of powers of attorney executed by elder persons in accordance with Code Section 30-5-11."

18 **SECTION 2.**

19 Chapter 5 of Title 30 of the Official Code of Georgia Annotated, relating to protection of
20 disabled adults and elder persons, is amended by adding a new Code section to read as
21 follows:

22 "30-5-11.

23 Each general power of attorney executed by an elder person shall be recorded in the
24 probate court. No power of attorney executed by an elder person on or after January 1,
25 2012, shall be valid until such document is recorded in the probate court."

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SECTION 3.

27 All laws and parts of laws in conflict with this Act are repealed.