

Senate Bill 299

By: Senators Davis of the 22nd, James of the 35th, Hamrick of the 30th, Carter of the 42nd and Ramsey, Sr. of the 43rd

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 4 of Chapter 2 of Title 18 of the Official Code of Georgia Annotated, the  
2 "Uniform Fraudulent Transfers Act," so as to define certain terms; to provide that a charitable  
3 contribution made to a charitable organization shall not be deemed a fraudulent transfer  
4 where the charitable organization receives such contribution in good faith; to provide for  
5 related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 4 of Chapter 2 of Title 18 of the Official Code of Georgia Annotated, the "Uniform  
9 Fraudulent Transfers Act," is amended by adding a new Code section to read as follows:

10 "18-2-81.

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

12 (1) 'Charitable contribution' means the grant of any money or property of any kind or  
13 value to a charitable organization.

14 (2) 'Charitable organization' means a religious, benevolent, philanthropic, patriotic, or  
15 eleemosynary organization qualified under Section 501(c)(3) of the Internal Revenue  
16 Code of 1986, as now or hereafter amended.

17 (3) 'Good faith' means the receipt of a charitable contribution under circumstances where  
18 the receiving charitable organization had no knowledge that such transfer was made  
19 fraudulently within the meaning of this article.

20 (b) A charitable contribution made to a charitable organization shall not be considered a  
21 fraudulent transfer and shall not be subject to avoidance, attachment, recapture, or other  
22 relief where a charitable organization receives such contribution in good faith."

23 **SECTION 2.**

24 All laws and parts of laws in conflict with this Act are repealed.