

House Bill 985

By: Representatives Kirby of the 114<sup>th</sup>, Lindsey of the 54<sup>th</sup>, Oliver of the 82<sup>nd</sup>, Williamson of the 115<sup>th</sup>, Teasley of the 37<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated,  
2 relating to obstruction of public administration and related offenses, so as to change  
3 provisions relating to filing false liens or encumbrances against public employees; to expand  
4 the protection against the filing of false liens to all citizens; to provide for exceptions; to  
5 provide for 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 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to  
9 obstruction of public administration and related offenses, is amended by revising Code  
10 Section 16-10-20.1, relating to filing false liens or encumbrances against public employees,  
11 as follows:

12 "16-10-20.1.

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

14 (1) ~~'Public employee' means every person employed by the executive, legislative, or~~  
15 ~~judicial branch of state government, or any department, board, bureau, agency,~~  
16 ~~commission, or authority thereof, and any person employed by a county, municipality,~~  
17 ~~consolidated government, or local board of education.~~

18 (2) ~~'Public officer' shall have the same meaning as set forth in Code Section 21-5-3.~~

19 (b) Notwithstanding Code Sections 16-10-20 and 16-10-71, it shall be unlawful for any  
20 person to knowingly file, enter, or record a false lien, or encumbrance, or any other  
21 instrument relating to a security interest in or title to real or personal property in a public  
22 record or private record that is generally available to the public against the real or personal  
23 property of a public officer or public employee on account of the performance of such  
24 public officer or public employee's official duties, knowing or having reason to know that  
25 such lien, or encumbrance, or other instrument is false or contains a materially false,  
26 fictitious, or fraudulent statement or representation.

27 ~~(e)~~(b) Any person who violates subsection ~~(b)~~ (a) of this Code section shall be guilty of  
28 a felony and, upon conviction thereof, shall be punished by imprisonment of not less than  
29 one nor more than ten years, a fine not to exceed \$10,000.00, or both.

30 (c) This Code section shall not apply to a court clerk, registrar of deeds, or any other  
31 government employee who is acting in the course of his or her official duties. This Code  
32 section shall not apply to an attorney who in good faith files a lien, encumbrance, or any  
33 other instrument relating to a security interest in or title to real or personal property on  
34 behalf of his or her client when, in good faith, he or she believes that the validity of the  
35 lien is supported by law."

36 **SECTION 2.**

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