

The House Committee on Health and Human Services offers the following substitute to HB 899:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 31-7-12.1 of the Official Code of Georgia Annotated, relating to
2 unlicensed personal care homes, so as to revise provisions relating to penalties for owning
3 or operating an unlicensed personal care home; to provide for related matters; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 31-7-12.1 of the Official Code of Georgia Annotated, relating to unlicensed
8 personal care homes, is amended by revising subsection (f) and adding a new subsection to
9 read as follows:

10 "(f) It is declared that the owning or operating of an unlicensed personal care home in this
11 state constitutes a nuisance dangerous to the public health, safety, and welfare. The
12 commissioner or the district attorney of the judicial circuit in which such unlicensed
13 personal care home is located may file a petition to abate such nuisance as provided in
14 Chapter 2 of Title 41.

15 (g) Any person who owns or operates a personal care home in violation of subsection (b)
16 of Code Section 31-7-12 shall be guilty of a ~~misdemeanor~~ felony and, upon conviction,
17 shall be punished by imprisonment for not less than one nor more than five years, or the
18 judge may, in his or her discretion, impose punishment as for a misdemeanor as provided
19 in Code Section 17-10-5. Upon conviction for a second or subsequent such violation, such
20 person shall be guilty of a felony and, upon conviction, shall be punished by imprisonment
21 for not less than one nor more than ten years."

22 **SECTION 2.**

23 All laws and parts of laws in conflict with this Act are repealed.