

House Bill 899 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Cooper of the 43rd, Houston of the 170th, Lindsey of the 54th, Kelley of the 16th, Rynders of the 152nd, and others

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 style="text-align:center">**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 for a first violation, unless such
17 violation is in conjunction with abuse, neglect, or exploitation as defined in Code Section
18 30-5-3, in which case such person shall be guilty of a felony and, upon conviction, shall
19 be punished by imprisonment for not less than one nor more than five years. Upon
20 conviction for a second or subsequent such violation, such person shall be guilty of a
21 felony and, upon conviction, shall be punished by imprisonment for not less than one nor
22 more than ten years."

23 style="text-align:center">**SECTION 2.**

24 All laws and parts of laws in conflict with this Act are repealed.