OFFICIAL CODE OF GEORGIA ANNOTATED

2025 Supplement

Including Acts of the 2025 Regular
Session of the General Assembly

Prepared by

The Code Revision Commission

The Office of Legislative Counsel

and

The Editorial Staff of LexisNexis®

Published Under Authority of the State of Georgia

Volume 38

2023 Edition

Title 49. Social Services

Title 50. State Government
(Chapters 1—12)

Including Annotations to the Georgia Reports
and the Georgia Appeals Reports

Place in Pocket of Corresponding Volume of Main Set

LexisNexis®
Miamisburg, Ohio

ISBN 978-0-327-11074-3 (set)
ISBN 978-1-66335-749-6

509496

(Pub. 41805)

THIS SUPPLEMENT CONTAINS

Statutes:

All laws specifically codified by the General Assembly of the State of Georgia through the 2025 Regular Session of the General Assembly.

Annotations of Judicial Decisions:

Case annotations reflecting decisions posted to LexisNexis® through May 12, 2025. These annotations will appear in the following traditional reporter sources: Georgia Reports; Georgia Appeals Reports; Southeastern Reporter; Supreme Court Reporter; Federal Reporter; Federal Supplement; Federal Rules Decisions; Lawyers' Edition; United States Reports; and Bankruptcy Reporter.

Annotations of Attorney General Opinions:

Constructions of the Official Code of Georgia Annotated, prior Codes of Georgia, Georgia Laws, the Constitution of Georgia, and the Constitution of the United States by the Attorney General of the State of Georgia posted to LexisNexis® through May 12, 2025.

Other Annotations:

References to:

- Emory Bankruptcy Developments Journal.
- Emory International Law Review.
- Emory Law Journal.
- Georgia Journal of International and Comparative Law.
- Georgia Law Review.
- Georgia State University Law Review.
- John Marshall Law Review.
- Mercer Law Review.
- Georgia State Bar Journal.
- Georgia Journal of Intellectual Property Law.
- American Jurisprudence, Second Edition.
- American Jurisprudence, Pleading and Practice Forms Annotated.
- American Jurisprudence, Proof of Facts.
- American Jurisprudence, Trials.
- Corpus Juris Secundum.
- Uniform Laws Annotated.
- American Law Reports, First through Seventh Series.
- American Law Reports, Federal.

Tables:

In Volume 41, a Table Eleven-A comparing provisions of the 1976 Constitution of Georgia to the 1983 Constitution of Georgia and a Table Eleven-B comparing provisions of the 1983 Constitution of Georgia to the 1976 Constitution of Georgia.

In Volume 41A, an updated version of Table Fifteen reflects legislation through the 2025 Regular Session of the General Assembly.

Indices:

A cumulative replacement index to laws codified in the 2025 supplement pamphlets and in the bound volumes of the Code.

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TITLE 49

SOCIAL SERVICES

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CHAPTER 3

COUNTY AND DISTRICT DEPARTMENTS, BOARDS, AND DIRECTORS OF FAMILY AND CHILDREN SERVICES

Sec.
49-3-6. Functions of county department.

49-3-6. Functions of county department.

(a) The primary purpose of county departments shall be to protect children. To achieve this primary purpose, the county departments shall, in accordance with rules and regulations of the Division of Family and Children Services of the department:

(1) Investigate reports of abuse or neglect;

(2) Assess, promote, and support the safety of a child in a safe and stable family or other appropriate placement in response to allegations of abuse or neglect;

(3) Work cooperatively with law enforcement regarding reports that include criminal conduct allegations;

(4) In collaboration with the family treatment court division planning group, if one exists, establish a written protocol to assess cases involving substantiated reports of abuse or neglect for possible referral to a family treatment court division. Such protocol shall be consistent with the Council of Accountability Court Judges of Georgia's certification requirements and include sufficient criteria to determine the need for substance abuse treatment; and

(5) Without compromising child safety, coordinate services to achieve and maintain permanency on behalf of the child, strengthen the family, and provide prevention, intervention, and treatment services pursuant to this title.

(b) In addition to the purpose in subsection (a) of this Code section, and subject to the rules and regulations of the board, the county department shall be charged with the administration of all forms of public assistance in the county, including home relief; indoor and outdoor care for those in need; temporary assistance for needy families; old-age assistance; aid to the blind and otherwise disabled; the care and treatment of dependent and neglected children; and such other welfare activities as shall be delegated to it by the Division of Family and Children Services of the department or by the county commissioners.

History.

Ga. L. 1937, p. 355, § 13; Ga. L. 1995, p. 1302, § 14; Ga. L. 1997, p. 1021, § 7; Ga. L. 2009, p. 453, §§ 2-2, 2-3/HB 228; Ga. L. 2015, p. 422, § 5-100/HB 310; Ga. L. 2015, p. 552, § 3/SB 138; Ga. L. 2017, p. 585, § 1-5/SB 174; Ga. L. 2025, p. 1029, § 49(1)/SB 153, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, part of an Act to revise, modernize, and correct the Code, substituted "Council of Accountability Court Judges" for "Council of Accountability Courts" in the second sentence of paragraph (a)(4); and substituted "board" for "Board of Human Services" in subsection (b).

CHAPTER 4

PUBLIC ASSISTANCE

Article 7

Medical Assistance Generally

Sec.	
49-4-148.	Recovery of assistance from third party liable for sickness, injury, disease, or disability.
49-4-156.	Comprehensive Health Coverage Commission; membership; purpose; termination.
49-4-159.2.	Remote maternal health clinical services; reporting; termination.
49-4-159.4.	Coverage for continuous glucose monitors.

ARTICLE 1

GENERAL PROVISIONS

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49-4-20. Drug testing requirements; penalties; reapplication; confidentiality.

Law reviews.
For article, "Crimes of Suspicion," see 72 Emory L.J. 1429 (2023).

ARTICLE 7

MEDICAL ASSISTANCE GENERALLY

49-4-142.1. Legislative notification of request for waiver.

Law reviews.
For article, "Section 1115 Waivers: Innovation Through Experimentation, or Stagnation Through Routine?," see 72 Emory L.J. 965 (2023).

49-4-142.3. Waiver request to federal government on income threshold for Medicare and Medicaid services.

Law reviews.
For article, "Section 1115 Waivers: Innovation Through Experimentation, or Stagnation Through Routine?," see 72 Emory L.J. 965 (2023).

49-4-148. Recovery of assistance from third party liable for sickness, injury, disease, or disability.

(a) Should medical assistance be paid in behalf of a recipient of medical assistance on account of any sickness, injury, disease, or disability for which another person is legally liable, the Department of Community Health may seek reimbursement for such medical assistance from such other person. The department shall be subrogated, but only to the extent of the reasonable value of the medical assistance paid and attributable to such sickness, injury, disease, or disability, to the rights of the recipient of medical assistance against the person so legally liable; the commissioner of community health may compromise, settle, and execute a release of any such claim or waive, expressly, any such claim, in whole or in part, for the convenience of the Department of Community Health. This Code section is cumulative of the remedies of the Department of Community Health which specifically include, but are not limited to, the use of hospital liens as provided in Code Sections 44-14-470 through 44-14-477; and further, the payment of medical assistance to a hospital provider shall in no way be construed to discharge the obligation of a third party to satisfy a hospital lien.

(b) All insurers, as defined in Code Section 33-24-57.1, including but not limited to group health plans as defined in Section 607(1) of the federal Employee Retirement Security Act of 1974, managed care entities as defined in Code Section 33-20A-3, which offer health benefit plans, as defined in Code Section 33-24-59.5, pharmacy benefits managers, as defined in Code Section 33-64-1, and any other parties that are, by statute, contract, or agreement, legally responsible for payment of a claim for a healthcare item or service shall comply with this subsection. Such entities set forth in this subsection shall:

(1) Cooperate with the department in determining whether a person who is a recipient of medical assistance may be covered under that entity's health benefit plan and eligible to receive benefits thereunder for the medical services for which that medical assistance was provided and respond to any inquiry from the state regarding a claim for payment for any healthcare item or service submitted not later than three years after such item or service was provided;

(2) Accept the department's payment for a healthcare item or service on behalf of a recipient of medical assistance as the third-party payer's authorization for the provision of those services and shall not refuse to pay for a healthcare item or service solely on the basis that the third-party payer did not previously authorize such item or service;

(3) Respond to a department inquiry regarding the status of a claim for payment for any healthcare item or service within 60 days of receiving the inquiry;

(4) Comply with the requirements of Code Section 33-24-59.5, regarding the timely payment of claims submitted by the department for medical services provided to a recipient of medical assistance and covered by the health benefit plan, subject to the payment to the department of interest as provided in that Code section for failure to comply;

(5) Provide the department, on a quarterly basis, eligibility and claims payment data regarding applicants for medical assistance or recipients for medical assistance;

(6) Accept the assignment to the department or a recipient of medical assistance or any other entity of any rights to any payments for such medical care from a third party; and

(7) Agree not to deny a claim submitted by the department solely on the basis of the date of submission of the claim, type or format of the claim, or a failure to present proper documentation at the point-of-sale which is the basis of the claim, if:

(A) The claim is submitted to the department within three years from when the item or service was furnished; and

(B) Any action by the department to enforce its rights with respect to such claim commenced within six years of the department's submission of the claim.

The requirements of paragraphs (2) and (4) of this subsection shall only apply to a health benefit plan which is issued, issued for delivery, delivered, or renewed on or after April 28, 2001.

History.

Ga. L. 1977, p. 384, § 9; Ga. L. 1978, p. 1520, § 1; Ga. L. 1999, p. 296, § 24; Ga. L. 2001, p. 1240, § 8; Ga. L. 2007, p. 348, § 1/HB 505; Ga. L. 2020, p. 654, § 6/HB 918; Ga. L. 2025, p. 770, § 1/SB 276, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, substituted "healthcare" for "health care" in the first sentence in subsection (b) and in paragraph (b)(1); rewrote paragraph (b)(2); added paragraph (b)(3); redesignated former paragraphs (b)(3) through (b)(6) as (b)(4) through (b)(7), respectively; and substituted "(4) of this" for "(3) of this" in the undesignated paragraph following paragraph (b)(7).

49-4-156. Comprehensive Health Coverage Commission; membership; purpose; termination.

(a) There is created the Comprehensive Health Coverage Commission. The commission shall be attached to the Department of Community Health for administrative purposes only as provided by Code Section 50-4-3.

(b) The commission shall consist of nine members, who shall be appointed no later than July 1, 2024, as follows:

(1) The chairperson, who shall be a subject matter expert on health policy, and shall not be an employee of the State of Georgia, to be appointed by the Governor;

(2) Three nonlegislative members to be appointed by the Speaker of the House of Representatives;

(3) Three nonlegislative members to be appointed by the President of the Senate;

(4) One nonlegislative member to be appointed by the minority leader of the Senate; and

(5) One nonlegislative member to be appointed by the minority leader of the House of Representatives.

(c) Members of the commission shall not be registered lobbyists in the State of Georgia.

(d) Members of the commission shall serve without compensation.

(e) The purpose of the commission shall be to advise the Governor, the General Assembly, and the Department of Community Health, as the administrator of the state medical assistance program, on issues related to access and quality of healthcare for Georgia's low-income and uninsured populations. The commission shall be tasked with reviewing the following:

(1) Opportunities related to reimbursement and funding for Georgia healthcare providers, including premium assistance programs;

(2) Opportunities related to quality improvement of healthcare for Georgia's low-income and uninsured populations; and

(3) Opportunities to enhance service delivery and coordination of healthcare among and across state agencies.

(f) Subject to appropriations, the commission shall contract with experts and consultants to produce a semiannual report on its findings for the Governor and the General Assembly. The commission shall provide its initial report to the Governor and the General Assembly no later than December 1, 2024.

(g) The commission shall stand abolished on December 31, 2026, unless extended by the General Assembly prior to such date.

History.

Code 1981, § 49-4-156, enacted by Ga. L. 2024, p. 45, § 12/HB 1339, effective April 19, 2024.

Effective date.

This Code section became effective April 19, 2024.

Editor's notes.

The former Code section, concerning rights and duties under existing transactions, was based on Ga. L. 1977, p. 384, § 15 and was repealed by Ga. L. 1999, p. 296, § 20, effective July 1, 1999. Subsequently, another former version of this Code section, concerning tax exemption for health maintenance organizations with respect to contracts pursuant to this article, was based on Code 1981, § 49-4-156, enacted by Ga. L. 2005, p. 1438, § 3/SB 140, and was repealed by Ga. L. 2010, p. 125, § 1, effective July 1, 2010.

Law reviews.

For article on the 2024 enactment of this Code section, see 41 Ga. L. Rev. 95 (2024).

49-4-159.2. Remote maternal health clinical services; reporting; termination.

(a)(1) As used in this Code section, the term "remote maternal health clinical services" means the use of digital technology:

(A) To collect medical and other forms of health data from a patient and electronically transmit that information securely to a healthcare provider in a different location for interpretation and recommendation; and

(B) Through a device that is compliant with the federal Health Insurance Portability and Accountability Act of 1996 and approved by the federal Food and Drug Administration.

(2) Such term includes a device that:

(A) Performs remote fetal monitoring, including maternal heart rate, fetal heart rate, amniotic fluid, placenta location, fetal presentation, tone, and movement;

(B) Measures physiological data, including blood pressure, pulse, pulse oximetry, weight, blood glucose levels, or other such data determined to be medically necessary;

(C) Uses remote non-stress test technology;

(D) Uses remote ultrasound technology; or

(E) Uses Doppler effect technology.

(b) No later than October 31, 2025, the department shall submit a detailed written report on the provision of remote maternal health clinical services for Fiscal Year 2024 and Fiscal Year 2025 to recipients of medical assistance who meet eligibility criteria established by the department to the Governor, Lieutenant Governor, Speaker of the House of Representatives, and the chairpersons of the House Committee on Health, the Senate Health and Human Services Committee, the House Committee on Appropriations, and the Senate Appropriations Committee.

(c) This Code section shall stand repealed and reserved by operation of law on December 31, 2025.

History.

Code 1981, § 49-4-159.2, enacted by Ga. L. 2023, p. 321, § 3/SB 106, effective July 1, 2023; Ga. L. 2025, p. 1029, § 49(2)/SB 153, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, part of an Act to revise, modernize, and correct the Code, substituted "transmit" for "transmitting" in subparagraph (a)(1)(A); and substituted "repealed and reserved" for "repealed" in subsection (c).

Code Commission notes.

Pursuant to Code Section 28-9-5, in 2024, Code Section 49-4-159.2, as enacted by Ga. L. 2024, p. 911, § 1/SB 35, was redesignated as Code Section 49-4-159.4.

49-4-159.4. Coverage for continuous glucose monitors.

(a) On and after July 1, 2025, the department shall include coverage for continuous glucose monitors as a benefit under Medicaid via the most cost-effective benefit delivery channel. The criteria for such coverage shall be updated to align with current standards of care and shall include, but shall not be limited to, requirements that:

(1) The recipient has been diagnosed with diabetes mellitus by a treating practitioner;

(2) The recipient's treating practitioner has concluded that the recipient or the recipient's caregiver has had sufficient training in using a continuous glucose monitor as evidenced by the provision of a prescription therefor; and

(3) The recipient:

(A) Is treated with at least one daily administration of insulin;

(B) Has gestational diabetes; or

(C) Has a history of problematic hypoglycemia with documentation of at least one of the following:

(i) Recurrent level 2 hypoglycemic events (glucose less than 54 mg/dL (3.0 mmol/L)) that persist despite two or more attempts to adjust medication, modify the diabetes treatment plan, or both; or

(ii) A history of a level 3 hypoglycemic event (glucose less than 54 mg/dL (3.0 mmol/L)) characterized by altered mental or physical state requiring third-party assistance for treatment for hypoglycemia.

(b) Within six months prior to prescribing a continuous glucose monitor for a recipient, the treating practitioner shall have had an in-person or telehealth visit with the recipient to evaluate the recipient's diabetes control and shall have concluded that the recipient meets the criteria set forth in subsection (a) of this Code section.

(c) Every six months following the initial prescription of a continuous glucose monitor, the treating practitioner shall have an in-person or telehealth visit with the recipient to assess adherence to his or her continuous glucose monitor regimen and diabetes treatment plan.

History.

Code 1981, § 49-4-159.4, enacted by Ga. L. 2024, p. 911, § 1/SB 35, effective July 1, 2024; Ga. L. 2025, p. 641, § 2/HB 352, effective July 1, 2025.

Effective date.

This Code section became effective July 1, 2024. See Editor's notes for effective date.

Amendments.

The 2025 amendment, effective July 1, 2025, substituted "July 1, 2025" for "July 1, 2023" in the first sentence of subsection (a); deleted "or" at the end of subparagraph (a)(3)(A); added subparagraph (a)(3)(B); and redesignated former subparagraph (a)(3)(B) as subparagraph (a)(3)(C).

Cross references.

Georgia Diabetes Control Grant Program, § 31-2A-14.

Code Commission notes.

Pursuant to Code Section 28-9-5, in 2024, Code Section 49-4-159.2, as enacted by Ga. L. 2024, p. 911, § 1/SB 35, was redesignated as Code Section 49-4-159.4.

Editor's notes.

Ga. L. 2024, p. 911, § 1/SB 35, approved by the Governor on May 6, 2024, provided that the effective date of this Code section is July 1, 2023. See Op. Att'y Gen. No. 76-76 for construction of effective date provisions that precede the date of approval by the Governor.

Ga. L. 2025, p. 641, § 1/HB 352, not codified by the General Assembly, provides: "This Act shall be known and may be cited as the 'Georgia Gestational Diabetes Management Act.'"

ARTICLE 7B

FALSE MEDICAID CLAIMS

49-4-168.1. Civil penalties for false or fraudulent Medicaid claims.

RESEARCH REFERENCES

ALR.

Liability Under False Claims Act, 31 U.S.C.A. §§ 3729 to 3733 for False or Fraudulent Certification of Medical Necessity for Genetic Testing, 81 A.L.R. Fed. 3d 1.

Liability Under False Claims Act (31 U.S.C.A. § 3729(a)(1)(A), (B)) for Submitting False Claims or Making False Statements Regarding Hospice Care, 83 A.L.R. Fed. 3d 4.

ARTICLE 9

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

49-4-193. Drug testing requirements; penalties; reapplication; confidentiality; exceptions.

Law reviews.

For article, "Crimes of Suspicion," see 72 Emory L.J. 1429 (2023).

CHAPTER 4A

DEPARTMENT OF JUVENILE JUSTICE

Sec.	
49-4A-2.	Board of Juvenile Justice created; membership; appointment; terms; chairperson; duties.
49-4A-7.	Powers and duties of department.
49-4A-8.	Commitment of delinquent children; procedures.

49-4A-2. Board of Juvenile Justice created; membership; appointment; terms; chairperson; duties.

(a)(1) There is created a Board of Juvenile Justice which shall establish the general policy to be followed by the Department of Juvenile Justice created in this chapter. The Board of Juvenile Justice shall be the successor entity to the Board of Children and Youth Services and the change is intended to be one of name only. The board shall consist of 15 members, with at least one but not more than two from each congressional district in the state, appointed by the Governor and confirmed by the Senate. The Governor shall make such appointments with a view toward achieving minority representation, representation of women, and equitable geographic representation on the board.

(2) The Governor shall designate the initial terms of the members of the board as follows: three members shall be appointed for one year; three members shall be appointed for two years; three members shall be appointed for three years; three members shall be appointed for four years; and three members shall be appointed for five years. Thereafter, all succeeding appointments shall be for five-year terms from the expiration of the previous term.

(3) Vacancies in office shall be filled by appointment by the Governor in the same manner as the appointment to the position on the board which becomes vacant, and the appointment shall be submitted to the Senate for confirmation at the next session of the General Assembly. An appointment to fill a vacancy, other than by expiration of a term of office, shall be for the balance of the unexpired term.

(4) There shall be a chairperson of the board, elected by and from the membership of the board, who shall be the presiding officer of the board.

(5) The members of the board shall receive per diem and expenses as shall be set and approved by the Office of Planning and Budget and in conformance with rates and allowances set for members of other state boards.

(b) The board shall:

(1) Provide leadership in developing programs to successfully rehabilitate delinquent children committed to the state's custody;

(2) Provide technical assistance to private and public entities for prevention programs for children at risk;

(3) Ensure that detention assessment, risk assessment, and risk and needs assessment instruments that are utilized by intake personnel and courts are developed in consultation with the Criminal Justice Coordinating Council and the Council of Juvenile Court Judges and ensure that such instruments are validated at least every five years;

(4) Adopt rules and regulations governing the management and treatment of children committed to the department to ensure that evidence based programs or practices, including the use of a risk and needs assessment and any other method the board deems appropriate, guide decisions related to placing a committed child in a facility or into the community, preparing a child's release into the community, and managing children probationers in the community;

(5) Require the department to collect and analyze data and performance outcomes, including, but not limited to, data collected and maintained pursuant to subsection (n) of Code Section 49-4A-8 and prepare an annual report regarding such information which shall be submitted to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the chairpersons of the House Committee on Judiciary Non-civil and the Senate Judiciary Committee; and

(6) Adopt rules and regulations governing the transfer of children who are at least 17 years of age and are released from restrictive custody due to an adjudication for a Class A designated felony act or Class B designated felony act, as such terms are defined in Code Section 15-11-2, to the Department of Community Supervision to ensure balanced attention to the protection of the community, the imposition of accountability, and the development of competencies to enable each child to become a responsible and productive member of the community, taking into consideration a child's level of participation in the department's educational, vocational, and other services prior to such release.

(c) The board shall perform duties required of it by this chapter and shall, in addition thereto, be responsible for promulgation of all rules and regulations not in conflict with this chapter that may be necessary and appropriate to the administration of the department, to the accomplishment of the purposes of this chapter, and to the performance of the duties and functions of the department as set forth in this chapter.

(d) The board shall establish rules and regulations for the government, operation, and maintenance of all training schools, facilities, and institutions now or hereafter under the jurisdiction and control of the department, bearing in mind at all times that the purpose for existence and operation of such schools, facilities, and institutions and all activities carried on therein shall be to carry out the rehabilitative program provided for by this chapter and to restore and build up the self-respect and self-reliance of children and youths lodged therein so as to qualify and equip them for good citizenship and honorable employment.

History.

Code 1981, § 49-4A-2, enacted by Ga. L. 1992, p. 1983, § 24; Ga. L. 1997, p. 1453, § 5; Ga. L. 2013, p. 294, § 3-2/HB 242; Ga. L. 2014, p. 866, § 49/SB 340; Ga. L. 2015, p. 890, § 6/HB 263; Ga. L. 2016, p. 443, § 12-1/SB 367; Ga. L. 2025, p. 332, § 5-5/SB 96, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, substituted "with the Criminal Justice Coordinating Council and the" for "with the Governor's Office for Children and Families, the Criminal Justice Coordinating Council, and the" in paragraph (b)(3).

49-4A-7. Powers and duties of department.

(a) The department shall be authorized to:

(1) Accept for detention in a juvenile detention facility any child who is committed to the department under Article 6 of Chapter 11 of Title 15;

(2) Provide probation and other court services for children pursuant to a request from a court under Article 6 of Chapter 11 of Title 15;

(3) Provide casework services and care or payment of maintenance costs for children who have run away from their home communities within this state or from their home communities in this state to another state or from their home communities in another state to this state; pay the costs of returning such runaway children to their home communities; and provide such services, care, or costs for runaway children as may be required under Chapter 4B of this title;

(4) Enter into contracts and cooperative agreements with federal, state, county, and municipal governments and their agencies and departments; enter into contracts with public and private institutions and agencies of this and other states; enter into leases with private vendors selected to operate programs on behalf of the department which shall run concurrently with the department's service contracts; provided, however, that any such lease shall provide that if the property which is the subject of the lease is sold and conveyed during the term of the lease, such lease shall expire by operation of law 90 days after the closing of such sale and conveyance; and enter into contracts with individuals, as may be necessary or desirable in effectuating the purposes of this chapter; and

(5) Solicit and accept donations, contributions, and gifts and receive, hold, and use grants, devises, and bequests of real, personal, and mixed property on behalf of the state to enable the department to carry out its functions and purposes.

(b) When given legal custody over a child for detention in a juvenile detention facility under court order under Article 6 of Chapter 11 of Title 15, the department shall have:

(1) The right of physical possession of such child;

(2) The right and duty to protect, train, and discipline such child;

(3) The responsibility to provide such child with food, clothing, shelter, and education;

(4) The right to determine in which facility such child shall live and to transfer such child as provided in subsection (b) of Code Section 42-5-52; and

(5) The right and duty to provide or obtain for such child medical, hospital, psychiatric, surgical, or dental care or services as may be considered appropriate and necessary by competent medical authority without securing prior consent of parents or legal guardians.

(c) The board may authorize the commissioner to enter into contracts and agreements provided for in this Code section subject to the approval of the board or may, through appropriate action of the board, delegate such authority to the commissioner; provided, however, that any contract or agreement that provides services to delinquent children shall be a performance based contract that includes financial incentives or consequences based on the results achieved by the contractor as measured by output, quality, or outcome measures.

History.

Code 1981, § 49-4A-7, enacted by Ga. L. 1992, p. 1983, § 24; Ga. L. 1994, p. 304, § 1; Ga. L. 1995, p. 955, § 1; Ga. L. 1997, p. 1414, § 1; Ga. L. 1998, p. 128, § 49; Ga. L. 2013, p. 294, § 3-7/HB 242; Ga. L. 2014, p. 763, § 3-2/HB 898; Ga. L. 2024, p. 1052, § 6(35)/SB 448, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, part of an Act to revise, modernize, and correct the Code, substituted "this title" for "Title 49" at the end of paragraph (a)(3).

49-4A-8. Commitment of delinquent children; procedures.

(a) When the court does not release a delinquent child unconditionally or place him or her on probation or in a suitable public or private institution or agency, the court may commit such child to the department as provided in Article 6 of Chapter 11 of Title 15; provided, however, that no delinquent child shall be committed to the department until the department certifies to the Governor that it has facilities available and personnel ready to assume responsibility for delinquent children.

(b) When the court commits a delinquent child to the department, it may order such child conveyed forthwith to any facility designated by the department or direct that such child be left at liberty until otherwise ordered by the department under such conditions as will ensure his or her availability and submission to any orders of the department. If such delinquent child is ordered conveyed to the department, the court shall assign an officer or other suitable person to convey such child to any facility designated by the department, provided that the person assigned to convey a girl must be female. The cost of conveying such child committed to the department to the facility designated by the department shall be paid by the county from which such child is committed, provided that no compensation shall be allowed beyond the actual and necessary expenses of the party conveying and the child conveyed.

(c) When a court commits a delinquent child to the department, the court shall at once electronically submit a certified copy of the order of commitment to the department, and the court, the juvenile probation officer, the community supervision officer, the prosecuting and police authorities, the school authorities, and other public officials shall make available to the department all pertinent information in their possession pertaining to the case, including, but not limited to, any predisposition investigation report as set forth in Code Section 15-11-590 and any risk assessment. Such reports shall, if the department so requests, be made upon forms furnished by the department or according to an outline provided by the department.

(d)(1) When a delinquent child has been committed to the department, the department shall, under rules and regulations established by the board, forthwith examine and study such child and investigate all pertinent circumstances of his or her life and behavior. The department shall make periodic reexaminations of all such children within its control, except those on release under supervision of the department. Such reexaminations may be made as frequently as the department considers desirable, and every such child shall be reexamined at intervals not exceeding one year. Failure of the department to examine such a child committed to it or to reexamine him or her within one year of a previous examination shall not of itself entitle such child to discharge from control of the department but shall entitle such child to petition the committing court for an order of discharge; and the court shall discharge him or her unless the department, upon due notice, satisfies the court of the necessity of further control.

(2) The department shall keep written records of all examinations and reexaminations, of conclusions based thereon, and of all orders concerning the disposition or treatment of every delinquent child subject to its control. Records maintained by the department pertaining to a delinquent child committed to the department shall not be public records but shall be privileged records and may be disclosed by direction of the commissioner pursuant to federal law regarding disseminating juvenile criminal history records only to those persons having a legitimate interest therein; provided, however, that the commissioner shall permit the Council of Juvenile Court Judges to

inspect and copy such records for the purposes of obtaining statistics on juveniles.

(e) Except as provided by subsection (e.1) of this Code section and subsection (c) or (d) of Code Section 15-11-602, when a delinquent child has been committed to the department for detention and a diagnostic study for the purpose of determining the most satisfactory plan for such child's care and treatment has been completed, the department may:

(1) Permit such child liberty under supervision and upon such conditions as the department may believe conducive to acceptable behavior;

(2) Order such child's confinement under such conditions as the department may believe best designed to serve such child's welfare and as may be in the best interest of the public;

(3) Order reconfinement or renewed release as often as conditions indicate to be desirable;

(4) Revoke or modify any order of the department affecting such child, except an order of final discharge, as often as conditions indicate to be desirable; or

(5) Discharge such child from control of the department pursuant to Code Section 15-11-32 and subsection (c) of Code Section 15-11-607 when it is satisfied that such discharge will best serve such child's welfare and the protection of the public.

(e.1)(1) When a child who has been adjudicated for the commission of a class A designated felony act or class B designated felony act as defined in Code Section 15-11-2 is released from confinement or custody of the department, it shall be the responsibility of the department to provide notice to any person who was the victim of such child's acts that such child is being released from confinement or custody.

(2) The department and employees of the department shall not be liable for damages incurred by reason of the department's failure to provide the notice required by paragraph (1) of this subsection.

(3) When a child convicted of a felony offense in a superior court is released from confinement or custody of the department, the department shall provide written notice, including the delinquent act or class A designated felony act or class B designated felony act committed, to the superintendent of the school system in which such child was enrolled or, if the information is known, the school in which such child was enrolled or plans to be enrolled.

(4) The department and employees of the department shall not be liable for damages incurred by reason of the department's failure to provide notice required by paragraph (3) of this subsection.

(f) As a means of correcting the socially harmful tendencies of a delinquent child committed to it, the department may:

(1) Require participation by such child in moral, academic, vocational, physical, and correctional training and activities, and provide such child the opportunity for religious activities where practicable in the institutions under the control and supervision of the department;

(2) Require such modes of life and conduct as may seem best adapted to fit and equip him or her for return to full liberty without danger to the public;

(3) Provide such medical, psychiatric, or casework treatment as is necessary; or

(4) Place him or her, if physically fit, in a park, maintenance camp, or forestry camp or on a ranch owned by the state or by the United States and require any child so housed to perform suitable conservation and maintenance work, provided that the children shall not be exploited and that the dominant purpose of such activities shall be to benefit and rehabilitate the children rather than to make the camps self-sustaining.

(g) When funds are available, the department may:

(1) Establish and operate places for detention and diagnosis of all delinquent children committed to it;

(2) Establish and operate additional treatment and training facilities, including parks, forestry camps, maintenance camps, ranches, and group residences necessary to classify and handle juvenile delinquents of different ages and habits and different mental and physical conditions, according to their needs; and

(3) Establish aftercare supervision to aid children given conditional release to find homes and employment and otherwise to assist them to become reestablished in the community and to lead socially acceptable lives.

(h) Whenever the department finds that any child committed to the department is mentally ill or has a developmental disability, as defined in Code Section 15-11-2, the department shall have the power to return such child to the court of original jurisdiction for appropriate disposition by that court or may, if it so desires, request the court having jurisdiction in the county in which the juvenile detention facility is located to take such action as the condition of the child may require.

(i)(1) A child who has been committed to the department for detention in a juvenile detention facility or who has been otherwise taken into custody and who has escaped therefrom or who has been placed under supervision and broken the conditions thereof may be taken into custody without a warrant by a sheriff, deputy sheriff, constable, police officer, probation officer, or any other officer of this state authorized to serve criminal process upon a written request made by an employee of the department having knowledge of the escape or of the violation of conditions of supervision. Before a child may be taken into custody for violation of the conditions of supervision, such written request shall be reviewed by the commissioner or his or her designee. If the commissioner or his or her designee finds that probable cause exists to believe that such child has violated his or her conditions of supervision, he or she may issue an order directing that such child be picked up and returned to custody.

(2) The commissioner may designate as a peace officer who is authorized to exercise the power of arrest any employee of the department whose full-time duties include the preservation of public order, the protection of life and property, the detection of crime, or the supervision of delinquent children or children in need of services in its institutions, facilities, or programs, the supervision of delinquent children or children in need of services under intensive supervision in the community, or any employee who is a line supervisor of any such employee. The commissioner also may designate as a peace officer who is authorized to exercise the power of arrest any employee of a person or organization which contracts with the department pertaining to the management, custody, care, and control of delinquent children or children in need of services retained by the person or organization if that employee's full-time duties include the preservation of public order, the protection of life and property, the detection of crime, or the supervision of delinquent children in the department's institutions, facilities, or programs, or any employee who is a line supervisor of such employee. The commissioner may designate one or more employees of the department to investigate and apprehend children who have escaped from a juvenile detention facility or who have broken the conditions of supervision; provided, however, that the employees so designated shall only be those with primary responsibility for the security functions of such facilities or whose primary duty consists of the apprehension of youths who have escaped from such facilities or who have broken the conditions of supervision. An employee of the department so designated shall have the police power to investigate, to apprehend such children, and to arrest any person physically interfering with the proper apprehension of such children. An employee of the department so designated in the investigative section of the department shall have the power to obtain a search warrant for the purpose of locating and apprehending such children. Additionally, such employee, while on the grounds or in the buildings of the department's institutions or facilities, shall have the same law enforcement powers, including the power of arrest, as a

law enforcement officer of the local government with police jurisdiction over such institutions or facilities. Such employee shall be authorized to carry weapons, upon written approval of the commissioner, notwithstanding Code Sections 16-11-126 and 16-11-129. The commissioner shall also be authorized to designate any person or organization with whom the department contracts for services pertaining to the management, custody, care, and control of delinquent children or children in need of services detained by the person or organization as a law enforcement unit under paragraph (7) of Code Section 35-8-2. Any employee or person designated under this subsection shall be considered to be a peace officer within the meaning of Chapter 8 of Title 35 and shall be certified under that chapter.

(3) For the purposes of investigation of children who have escaped from juvenile detention facilities of the department or of children who are alleged to have broken the conditions of supervision, the department is empowered and authorized to request and receive from the Georgia Crime Information Center any information in the files of the Georgia Crime Information Center which will aid in the apprehension of such children.

(4) An employee designated pursuant to paragraph (2) of this subsection may take a child into custody without a warrant upon personal knowledge or written request of a person having knowledge of the escape or violation of conditions of supervision, or a child may be taken into custody pursuant to Code Section 15-11-501. When taking a child into custody pursuant to this paragraph, a designated employee of the department shall have the power to use all force reasonably necessary to take such child into custody.

(5) The child shall be kept in custody in a suitable place designated by the department and there detained until such child may be returned to the custody of the department.

(6) Such taking into custody shall not be termed an arrest; provided, however, that any person taking a child into custody pursuant to this subsection shall have the same immunity from civil and criminal liability as a peace officer making an arrest pursuant to a valid warrant.

(j) The department shall ensure that each child it releases under supervision or otherwise has suitable clothing, transportation to his or her home or to the county in which a suitable home or employment has been found for him or her, and such an amount of money as the rules and regulations of the board may authorize. The expenditure for clothing and for transportation and the payment of money to such child released may be made from funds for support and maintenance appropriated by the General Assembly to the department or to the institution from which such child is released or from local funds.

(k) Every child committed to the department, if not already discharged, shall be discharged from custody of the department when he or she reaches his or her twenty-first birthday.

(l) Commitment of a child to the custody of the department shall not operate to disqualify such child in any future examination, appointment, or application for public service under the government either of the state or of any political subdivision thereof.

(m) A commitment to the department shall not be received in evidence or used in any way in any proceedings in any court, except in subsequent proceedings for delinquency or being in need of services involving the same child and except in imposing sentence in any criminal proceeding against the same person.

(n)(1) The department shall conduct a continuing inquiry into the effectiveness of treatment methods it employs in seeking the rehabilitation of maladjusted children. To this end, the department shall maintain a statistical record of arrests and commitments of its wards subsequent to their discharge from the jurisdiction and control of the department and shall tabulate, analyze, and publish annually in print or electronically these data so that they may be used to evaluate the relative merits of methods of treatment. The department shall cooperate and coordinate with courts, juvenile court clerks, the Criminal Justice Coordinating Council, and public and private agencies in the collection of statistics and information regarding:

(A) Juvenile delinquency;

(B) Arrests made;

(C) Detentions made, the offense for which such detention was authorized, and the reason for each detention;

(D) Complaints filed;

(E) Informations filed;

(F) Petitions filed;

(G) The results of complaints, informations, and petitions, including whether such filings were dismissed, diverted, or adjudicated;

(H) Commitments to the department, the length of such commitment, and releases from the department;

(I) The department's placement decisions for commitments;

(J) Placement decisions to institutions, camps, or other facilities for delinquent children operated under the direction of courts or other local public authorities;

(K) Community programs utilized and completion data for such programs;

(L) Recidivism;

(M) Data collected by juvenile court clerks pursuant to Code Section 15-11-64; and

(N) Other information useful in determining the amount and causes of juvenile delinquency in this state.

(2) In order to facilitate the collection of the information required by paragraph (1) of this subsection, the department shall be authorized to inspect and copy all records of the court and law enforcement agencies pertaining to juveniles and collect data from juvenile court clerks.

(o) When a child committed to the department is under court order to make certain restitution as a part of his or her treatment by the court, the requirement that the restitution be paid in full shall not cease with the order of commitment. The provision of the order requiring restitution shall remain in force and effect during the period of commitment, and the department is empowered to enforce such restitution requirement and to direct that payment of funds or notification of service completed be made to the clerk of the juvenile court or another employee of that court designated by the judge.

History.

Code 1981, § 49-4A-8, enacted by Ga. L. 1992, p. 1983, § 24; Ga. L. 1993, p. 313, § 1; Ga. L. 1995, p. 619, § 8; Ga. L. 1996, p. 1016, §§ 1, 2; Ga. L. 1997, p. 582, § 3; Ga. L. 2000, p. 20, § 26; Ga. L. 2006, p. 293, § 4/HB 1145; Ga. L. 2010, p. 838, § 10/SB 388; Ga. L. 2010, p. 963, § 2-20/SB 308; Ga. L. 2013, p. 141, § 49/HB 79; Ga. L. 2013, p. 294, § 3-8/HB 242; Ga. L. 2014, p. 382, § 4/SB 324; Ga. L. 2015, p. 422, § 5-101/HB 310; Ga. L. 2015, p. 890, § 7/HB 263; Ga. L. 2025, p. 332, § 5-6/SB 96, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, in paragraph (n)(1), substituted "publish annually in print or electronically" for "publish in print or electronically annually" in the second sentence and deleted "the Governor's Office for Children and Families," following "juvenile court clerks," in the third sentence.

CHAPTER 4B

INTERSTATE COMPACT FOR JUVENILES

Sec.

49-4B-2. (For effective date, see note.) Compact.

49-4B-2. (For effective date, see note.) Compact.

The Governor of this state is authorized and directed to execute a compact on behalf of the State of Georgia with any of the United States legally joining therein in the form substantially as follows:

ARTICLE I.

PURPOSE.

The compacting states to this Interstate Compact recognize that each state is responsible for the proper supervision or return of juveniles, delinquents and status offenders who are on probation or parole and who have absconded, escaped or run away from supervision and control and in so doing have endangered their own safety and the safety of others. The compacting states also recognize that each state is responsible for the safe return of juveniles who have run away from home and in doing so have left their state of residence. The compacting states also recognize that Congress, by enacting the Crime Control Act, 4 U.S.C. Section 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime. It is the purpose of this compact, through means of joint and cooperative action among the compacting states to:

(A) Ensure that the adjudicated juveniles and status offenders subject to this compact are provided adequate supervision and services in the receiving state as ordered by the adjudicating judge or parole authority in the sending state;

(B) Ensure that the public safety interests of the citizens, including the victims of juvenile offenders, in both the sending and receiving states are adequately protected;

(C) Return juveniles who have run away, absconded or escaped from supervision or control or have been accused of an offense to the state requesting their return;

(D) Make contracts for the cooperative institutionalization in public facilities in member states for delinquent youth needing special services;

(E) Provide for the effective tracking and supervision of juveniles;

(F) Equitably allocate the costs, benefits and obligations of the compacting states;

(G) Establish procedures to manage the movement between states of juvenile offenders released to the community under the jurisdiction of courts, juvenile departments, or any other criminal or juvenile justice agency which has jurisdiction over juvenile offenders;

(H) Insure immediate notice to jurisdictions where defined offenders are authorized to travel or to relocate across state lines;

(I) Establish procedures to resolve pending charges (detainers) against juvenile offenders prior to transfer or release to the community under the terms of this compact;

(J) Establish a system of uniform data collection on information pertaining to juveniles subject to this compact that allows access by authorized juvenile justice and criminal justice officials, and regular reporting of Compact activities to heads of state executive, judicial, and legislative branches and juvenile and criminal justice administrators;

(K) Monitor compliance with rules governing interstate movement of juveniles and initiate interventions to address and correct noncompliance;

(L) Coordinate training and education regarding the regulation of interstate movement of juveniles for officials involved in such activity; and

(M) Coordinate the implementation and operation of the compact with the Interstate Compact on the Placement of Children, the Interstate Compact for Adult Offender Supervision and other compacts affecting juveniles particularly in those cases where concurrent or overlapping supervision issues arise. It is the policy of the compacting states that the activities conducted by the Interstate Commission created herein are the formation of public policies and therefore are public business. Furthermore, the compacting states shall cooperate and observe their individual and collective duties and responsibilities for the prompt return and acceptance of juveniles subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the purposes and policies of the compact.

ARTICLE II.

DEFINITIONS.

As used in this compact, unless the context clearly requires a different construction:

(A) "By-laws" means those by-laws established by the Interstate Commission for its governance, or for directing or controlling its actions or conduct.

(B) "Compact Administrator" means the individual in each compacting state appointed pursuant to the terms of this compact, responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this compact.

(C) "Compacting State" means any state which has enacted the enabling legislation for this compact.

(D) "Commissioner" means the voting representative of each compacting state appointed pursuant to Article III of this compact.

(E) "Court" means any court having jurisdiction over delinquent, neglected, or dependent children.

(F) "Deputy Compact Administrator" means the individual, if any, in each compacting state appointed to act on behalf of a Compact Administrator pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this compact.

(G) "Interstate Commission" means the Interstate Commission for Juveniles created by Article III of this compact.

(H) "Juvenile" means any person defined as a juvenile in any member state or by the rules of the Interstate Commission, including:

(1) Accused Delinquent — a person charged with an offense that, if committed by an adult, would be a criminal offense;

(2) Adjudicated Delinquent — a person found to have committed an offense that, if committed by an adult, would be a criminal offense;

(3) Accused Status Offender — a person charged with an offense that would not be a criminal offense if committed by an adult;

(4) Adjudicated Status Offender — a person found to have committed an offense that would not be a criminal offense if committed by an adult; and

(5) Non-Offender — a person in need of supervision who has not been accused or adjudicated a status offender or delinquent.

(I) "Non-Compacting state" means any state which has not enacted the enabling legislation for this compact.

(J) "Probation or Parole" means any kind of supervision or conditional release of juveniles authorized under the laws of the compacting states.

(K) "Rule" means a written statement by the Interstate Commission promulgated pursuant to Article VI of this compact that is of general applicability, implements, interprets or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Commission, and has the force and effect of statutory law in a compacting state, and includes the amendment, repeal, or suspension of an existing rule.

(L) "State" means a state of the United States, the District of Columbia (or its designee), the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands.

ARTICLE III.

INTERSTATE COMMISSION FOR JUVENILES.

(A) The compacting states hereby create the "Interstate Commission for Juveniles." The commission shall be a body corporate and joint agency of the compacting states. The commission shall have all the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

(B) The Interstate Commission shall consist of commissioners appointed by the appropriate appointing authority in each state pursuant to the rules and requirements of each compacting state and in consultation with the State Council for Interstate Juvenile Supervision created hereunder. The commissioner shall be the compact administrator, deputy compact administrator or designee from that state who shall serve on the Interstate Commission in such capacity under or pursuant to the applicable law of the compacting state.

(C) In addition to the commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners, but who are members of interested organizations. Such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general, Interstate Compact for Adult Offender Supervision, Interstate Compact for the Placement of Children, juvenile justice and juvenile corrections officials, and crime victims. All non-commissioner members of the Interstate Commission shall be ex-officio (non-voting) members. The Interstate Commission may provide in its by-laws for such additional ex-officio (non-voting) members, including members of other national organizations, in such numbers as shall be determined by the commission.

(D) Each compacting state represented at any meeting of the commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the by-laws of the Interstate Commission.

(E) The commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.

(F) The Interstate Commission shall establish an executive committee, which shall include commission officers, members, and others as determined by the by-laws. The executive committee shall have the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to the compact. The executive committee shall oversee the day-to-day activities of the administration of the compact managed by an executive director and Interstate Commission staff; administers enforcement and compliance with the provisions of the compact, its by-laws and rules, and performs such other duties as directed by the Interstate Commission or set forth in the by-laws.

(G) Each member of the Interstate Commission shall have the right and power to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the Interstate Commission. A member shall vote in person and shall not delegate a vote to another compacting state. However, a commissioner, in consultation with the state council, shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the compacting state at a specified meeting. The by-laws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication.

(H) The Interstate Commission's by-laws shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

(I) Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the Rules or as otherwise provided in the Compact. The Interstate Commission and any of its committees may close a meeting to the public where it determines by two-thirds vote that an open meeting would be likely to:

(1) Relate solely to the Interstate Commission's internal personnel practices and procedures;

(2) Disclose matters specifically exempted from disclosure by statute;

(3) Disclose trade secrets or commercial or financial information which is privileged or confidential;

(4) Involve accusing any person of a crime, or formally censuring any person;

(5) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(6) Disclose investigative records compiled for law enforcement purposes;

(7) Disclose information contained in or related to examination, operating or condition reports prepared by, or on behalf of, or for the use of, the Interstate Commission with respect to a regulated person or entity for the purpose of regulation or supervision of such person or entity;

(8) Disclose information, the premature disclosure of which would significantly endanger the stability of a regulated person or entity; or

(9) Specifically relate to the Interstate Commission's issuance of a subpoena, or its participation in a civil action or other legal proceeding.

(J) For every meeting closed pursuant to this provision, the Interstate Commission's legal counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed to the public, and shall reference each relevant exemptive provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefore, including a description of each of the views expressed on any item and the record of any roll call vote (reflected in the vote of each member on the question). All documents considered in connection with any action shall be identified in such minutes.

(K) The Interstate Commission shall collect standardized data concerning the interstate movement of juveniles as directed through its rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements. Such methods of data collection, exchange and reporting shall insofar as is reasonably possible conform to up-to-date technology and coordinate its information functions with the appropriate repository of records.

ARTICLE IV.

POWERS AND DUTIES OF THE INTERSTATE COMMISSION.

The commission shall have the following powers and duties:

(1) To provide for dispute resolution among compacting states.

(2) To promulgate rules to effect the purposes and obligations as enumerated in this compact, which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact.

(3) To oversee, supervise, and coordinate the interstate movement of juveniles subject to the terms of this compact and any by-laws adopted and rules promulgated by the Interstate Commission.

(4) To enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission, and the by-laws, using all necessary and proper means, including but not limited to the use of judicial process.

(5) To establish and maintain offices which shall be located within one or more of the compacting states.

(6) To purchase and maintain insurance and bonds.

(7) To borrow, accept, hire or contract for services of personnel.

(8) To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions including, but not limited to, an executive committee as required by Article III which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.

(9) To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to, inter alia, conflicts of interest, rates of compensation, and qualifications of personnel.

(10) To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it.

(11) To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed.

(12) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal or mixed.

(13) To establish a budget and make expenditures and levy dues as provided in Article VIII of this compact.

(14) To sue and be sued.

(15) To adopt a seal and by-laws governing the management and operation of the Interstate Commission.

(16) To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.

(17) To report annually to the legislatures, governors, judiciary, and state councils of the compacting states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.

(18) To coordinate education, training and public awareness regarding the interstate movement of juveniles for officials involved in such activity.

(19) To establish uniform standards of the reporting, collecting and exchanging of data.

(20) The Interstate Commission shall maintain its corporate books and records in accordance with the By-laws.

ARTICLE V.

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.

Section A. By-laws

(1) The Interstate Commission shall, by a majority of the members present and voting, within twelve months after the first Interstate Commission meeting, adopt by-laws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:

(a) Establishing the fiscal year of the Interstate Commission;

(b) Establishing an executive committee and such other committees as may be necessary;

(c) Provide for the establishment of committees governing any general or specific delegation of any authority or function of the Interstate Commission;

(d) Providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;

(e) Establishing the titles and responsibilities of the officers of the Interstate Commission;

(f) Providing a mechanism for concluding the operations of the Interstate Commission and the return of any surplus funds that may exist upon the termination of the Compact after the payment and/or reserving of all of its debts and obligations.

(g) Providing “start-up” rules for initial administration of the compact; and

(h) Establishing standards and procedures for compliance and technical assistance in carrying out the compact.

Section B. Officers and Staff

(1) The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson and a vice chairperson, each of whom shall have such authority and duties as may be specified in the by-laws. The chairperson or, in the chairperson’s absence or disability, the vice-chairperson shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for any ordinary and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the Interstate Commission.

(2) The Interstate Commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, but shall not be a Member and shall hire and supervise such other staff as may be authorized by the Interstate Commission.

Section C. Qualified Immunity, Defense and Indemnification

(1) The Commission’s executive director and employees shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to any actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that any such person shall not be protected from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

(2) The liability of any commissioner, or the employee or agent of a commissioner, acting within the scope of such person’s employment or duties for acts, errors, or omissions occurring within such person’s state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. Nothing in this subsection shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

(3) The Interstate Commission shall defend the executive director or the employees or representatives of the Interstate Commission and, subject to the approval of the Attorney General of the state represented by any commissioner of a compacting state, shall defend such commissioner or the commissioner's representatives or employees in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

(4) The Interstate Commission shall indemnify and hold the commissioner of a compacting state, or the commissioner's representatives or employees, or the Interstate Commission's representatives or employees, harmless in the amount of any settlement or judgment obtained against such persons arising out of any actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE VI.

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.

(A) The Interstate Commission shall promulgate and publish rules in order to effectively and efficiently achieve the purposes of the compact.

(B) Rulemaking shall occur pursuant to the criteria set forth in this article and the by-laws and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or such other administrative procedures act, as the Interstate Commission deems appropriate consistent with due process requirements under the U.S. Constitution as now or hereafter interpreted by the U. S. Supreme Court. All rules and amendments shall become binding as of the date specified, as published with the final version of the rule as approved by the Commission.

(C) When promulgating a rule, the Interstate Commission shall, at a minimum:

(1) Publish the proposed rule's entire text stating the reasons for that proposed rule;

(2) Allow and invite any and all persons to submit written data, facts, opinions and arguments, which information shall be added to the record, and be made publicly available;

(3) Provide an opportunity for an informal hearing if petitioned by ten or more persons; and

(4) Promulgate a final rule and its effective date, if appropriate, based on input from state or local officials, or interested parties.

(D) Allow, not later than 60 days after a rule is promulgated, any interested person to file a petition in the United States District Court for the District of Columbia or in the Federal District Court where the Interstate Commission's principal office is located for judicial review of such rule. If the court finds that the Interstate Commission's action is not supported by substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside. For purposes of this subsection, evidence is substantial if it would be considered substantial evidence under the Model State Administrative Procedures Act.

(E) If a majority of the legislatures of the compacting states rejects a rule, those states may, by enactment of a statute or resolution in the same manner used to adopt the compact, cause that such rule shall have no further force and effect in any compacting state.

(F) The existing rules governing the operation of The Interstate Compact on Juveniles superseded by this act shall be null and void 12 months after the first meeting of the Interstate Commission created hereunder.

(G) Upon determination by the Interstate Commission that a state-of-emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, but no later than ninety (90) days after the effective date of the emergency rule.

ARTICLE VII.

OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION BY THE INTERSTATE COMMISSION.

Section A. Oversight

(1) The Interstate Commission shall oversee the administration and operations of the interstate movement of juveniles subject to this

compact in the compacting states and shall monitor such activities being administered in non-compacting states which may significantly affect compacting states.

(2) The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall be received by all the judges, public officers, commissions, and departments of the state government as evidence of the authorized statute and administrative rules. All courts shall take judicial notice of the compact and the rules. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the Interstate Commission, it shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes.

Section B. Dispute Resolution

(1) The compacting states shall report to the Interstate Commission on all issues and activities necessary for the administration of the compact as well as issues and activities pertaining to compliance with the provisions of the compact and its bylaws and rules.

(2) The Interstate Commission shall attempt, upon the request of a compacting state, to resolve any disputes or other issues which are subject to the compact and which may arise among compacting states and between compacting and non-compacting states. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

(3) The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact using any or all means set forth in Article XI of this compact.

ARTICLE VIII.

FINANCE.

(A) The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

(B) The Interstate Commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of each compacting state and the volume of interstate movement of juveniles in each compacting state and shall promulgate a rule binding upon all compacting states which governs said assessment.

(C) The Interstate Commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

(D) The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its by-laws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

ARTICLE IX.

THE STATE COUNCIL.

Each member state shall create a State Council for Interstate Juvenile Supervision. While each state may determine the membership of its own state council, its membership must include at least one representative from the legislative, judicial, and executive branches of government, victims groups, and the compact administrator, deputy compact administrator or designee. Each compacting state retains the right to determine the qualifications of the compact administrator or deputy compact administrator. Each state council will advise and may exercise oversight and advocacy concerning that state's participation in Interstate Commission activities and other duties as may be determined by that state, including but not limited to, development of policy concerning operations and procedures of the compact within that state.

ARTICLE X.

COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT.

(A) Any state, the District of Columbia (or its designee), the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands as defined in Article II of this compact is eligible to become a compacting state.

(B) The compact shall become effective and binding upon legislative enactment of the compact into law by no less than 35 of the states. The initial effective date shall be the later of July 1, 2004 or upon enactment into law by the 35th jurisdiction. Thereafter it shall become effective and binding as to any other compacting state upon enactment of the compact into law by that state. The governors of non-member states or their designees shall be invited to participate in the activities of the Interstate Commission on a nonvoting basis prior to adoption of the compact by all states and territories of the United States.

(C) The Interstate Commission may propose amendments to the compact for enactment by the compacting states. No amendment shall become effective and binding upon the Interstate Commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.

ARTICLE XI.

WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT.

Section A. Withdrawal

(1) Once effective, the compact shall continue in force and remain binding upon each and every compacting state; provided that a compacting state may withdraw from the compact by specifically repealing the statute which enacted the compact into law.

(2) The effective date of withdrawal is the effective date of the repeal.

(3) The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other compacting states of the withdrawing state's intent to withdraw within sixty days of its receipt thereof.

(4) The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal.

(5) Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission.

Section B. Technical Assistance, Fines, Suspension, Termination and Default

(1) If the Interstate Commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under this compact, or the by-laws or

duly promulgated rules, the Interstate Commission may impose any or all of the following penalties:

(a) Remedial training and technical assistance as directed by the Interstate Commission;

(b) Alternative Dispute Resolution;

(c) Fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission; and

(d) Suspension or termination of membership in the compact, which shall be imposed only after all other reasonable means of securing compliance under the by-laws and rules have been exhausted and the Interstate Commission has therefore determined that the offending state is in default. Immediate notice of suspension shall be given by the Interstate Commission to the Governor, the Chief Justice or the Chief Judicial Officer of the state, the majority and minority leaders of the defaulting state's legislature, and the state council. The grounds for default include, but are not limited to, failure of a compacting state to perform such obligations or responsibilities imposed upon it by this compact, the by-laws, or duly promulgated rules and any other grounds designated in commission by-laws and rules. The Interstate Commission shall immediately notify the defaulting state in writing of the penalty imposed by the Interstate Commission and of the default pending a cure of the default. The commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the commission, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the compacting states and all rights, privileges and benefits conferred by this compact shall be terminated from the effective date of termination.

(2) Within 60 days of the effective date of termination of a defaulting state, the Commission shall notify the Governor, the Chief Justice or Chief Judicial Officer, the Majority and Minority Leaders of the defaulting state's legislature, and the state council of such termination.

(3) The defaulting state is responsible for all assessments, obligations and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.

(4) The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.

(5) Reinstatement following termination of any compacting state requires both a reenactment of the compact by the defaulting state and the approval of the Interstate Commission pursuant to the rules.

Section C. Judicial Enforcement

The Interstate Commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its offices, to enforce compliance with the provisions of the compact, its duly promulgated rules and by-laws, against any compacting state in default. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorneys fees.

Section D. Dissolution of Compact

(1) The compact dissolves effective upon the date of the withdrawal or default of the compacting state, which reduces membership in the compact to one compacting state.

(2) Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and any surplus funds shall be distributed in accordance with the by-laws.

ARTICLE XII.

SEVERABILITY AND CONSTRUCTION.

(A) The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

(B) The provisions of this compact shall be liberally construed to effectuate its purposes.

ARTICLE XIII.

BINDING EFFECT OF COMPACT AND OTHER LAWS.

Section A. Other Laws

(1) Nothing herein prevents the enforcement of any other law of a compacting state that is not inconsistent with this compact.

(2) All compacting states' laws other than state Constitutions and other interstate compacts conflicting with this compact are superseded to the extent of the conflict.

Section B. Binding Effect of the Compact

(1) All lawful actions of the Interstate Commission, including all rules and by-laws promulgated by the Interstate Commission, are binding upon the compacting states.

(2) All agreements between the Interstate Commission and the compacting states are binding in accordance with their terms.

(3) Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission actions, and upon a majority vote of the compacting states, the Interstate Commission may issue advisory opinions regarding such meaning or interpretation.

(4) In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers or jurisdiction sought to be conferred by such provision upon the Interstate Commission shall be ineffective and such obligations, duties, powers or jurisdiction shall remain in the compacting state and shall be exercised by the agency thereof to which such obligations, duties, powers or jurisdiction are delegated by law in effect at the time this compact becomes effective.

History.

Code 1981, § 49-4B-2, enacted by Ga. L. 2014, p. 763, § 2-1/HB 898; Ga. L. 2024, p. 206, § 5(9)/SB 483, see notes for effective date.

Delayed effective date.

Ga. L. 2024, p. 206, § 6(b)/SB 483, provides that the 2024 amendment becomes effective upon enactment of the Interstate Compact for the Placement of Children, proposed by Ga. L. 2024, p. 206, § 1/SB 483, into law by the thirty-fifth state. As of May 2025, this condition had not been met, and this Code section does not reflect the amendment by that Act. After the condition is met, Article I(M) will read as follows: “Coordinate the implementation and operation of the compact with the Interstate Compact for the Placement of Children, the Interstate Compact for Adult Offender Supervision and other compacts affecting juveniles particularly in those cases where concurrent or overlapping supervision issues arise. It is the policy of the compacting states that the activities conducted by the Interstate Commission created herein are the formation of public policies and therefore are public business. Furthermore, the compacting states shall cooperate and observe their individual and collective duties and responsibilities for the prompt return and acceptance of juveniles subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the purposes and policies of the compact.”

Amendments.

The 2024 amendment, substituted “Interstate Compact for the Placement of Children” for “Interstate Compact on the Placement of Children” near the beginning of the first sentence in Article I(M). For effective date of this amendment, see the delayed effective date note.

CHAPTER 5

PROGRAMS AND PROTECTION FOR CHILDREN AND YOUTH

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Article 6

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Part 1

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Article 10

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49-5-224. [Reserved] Annual report.
49-5-227. [Repealed] Governor's Office for Children and Families to comment on plan for Coordinated System of Care and provide recommendations.

ARTICLE 1

CHILDREN AND YOUTH SERVICES

49-5-3. Definitions.

As used in this article, the term:

(1) "Age or developmentally appropriate" means activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group. In the case of a specific child, such term also includes activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.

(2) "Caregiver" means a foster parent with whom a child in foster care has been placed or a designated official for a child care institution in which a child in foster care has been placed.

(3) "Child-caring institution" means any institution, society, agency, or facility, whether incorporated or not, which either primarily or incidentally provides full-time care for children through 18 years of age outside of their own homes, subject to such exceptions as may be provided in rules and regulations of the board. Such term includes a qualified residential treatment program. Such term includes a commercial sexual exploitation recovery center.

(4) "Child-placing agency" means any institution, society, agency, or facility, whether incorporated or not, which places children in foster homes for temporary care or for adoption.

(5) "Child welfare and youth services" means duties and functions authorized or required by this article to be provided by the department with respect to:

(A) Establishment and enforcement of standards for social services and facilities for children and youths which supplement or substitute for parental care and supervision for the purpose of preventing or remedying or assisting in the solution of problems which may result in neglect, abuse, exploitation, or delinquency of children and youths;

(B) Protecting and caring for dependent children and youths;

(C) Protecting and promoting the welfare of children of working mothers;

(D) Providing social services to children and youths and their parents and care for children and youths born out of wedlock and their mothers;

(E) Promotion of coordination and cooperation among organizations, agencies, and citizen groups in community planning, organization, development, and implementation of such services; and

(F) Otherwise protecting and promoting the welfare of children and youths, including the strengthening of their homes where possible or, where needed, the provision of adequate care of children and youths away from their homes in foster family homes or day-care or other child care facilities.

(6) "Children's transition care center" means a transition center which provides a temporary, home-like environment for medically fragile children, technology dependent children, and children with special health care needs, up to 21 years of age, who are deemed clinically stable by a physician but dependent on life-sustaining

medications, treatments, and equipment and who require assistance with activities of daily living to facilitate transitions from a hospital or other facility to a home or other appropriate setting. Such centers are designated sites that provide child placing services and nursing care, clinical support services, and therapies for short-term stays of one to 14 days and for longer stays of up to 90 days to facilitate transitions of children to homes or other appropriate settings. Extended stays of up to 12 months may be approved by the department by waiver.

(6.1) "Commercial sexual exploitation recovery center" means a child-caring institution certified as a victim assistance program, as provided for in subsection (e) of Code Section 15-21-132, which provides full-time residential care and support services to youth through 18 years of age who are victims of sexual exploitation as defined in Code Section 49-5-40.

(7) "Dependent child or youth" means any person so adjudged under Chapter 11 of Title 15.

(8) "Group-care facility" means a place providing care for groups of children and youths, other than a foster family home.

(9) "Homemaker service" means a service provided by a woman selected for her skills in the care of children and home management and placed in a home to help maintain and preserve the family life during the absence or incapacity of the mother.

(10) "In loco parentis" means a quasi-parental relationship inferred from and implied by the fact that a child or youth has been taken into a family and treated like any other member thereof, unless an express contract exists to the contrary.

(11) "Legal custody" means a legal status created by court order embodying the following rights and responsibilities:

(A) The right to have the physical possession of the child;

(B) The right and the duty to protect, train, and discipline the child;

(C) The responsibility to provide the child with food, clothing, shelter, education, and ordinary medical care; and

(D) The right to determine where and with whom the child shall live,

provided that these rights and responsibilities shall be exercised subject to the powers, rights, duties, and responsibilities of the guardian of the person of the child and subject to any residual parental rights and responsibilities. These rights shall be subject to judicial oversight and review pursuant to Code Section 15-11-212.

(12) "Maintenance" means all general expenses for care such as board; shelter; clothing; medical, dental, and hospital care; transportation; and other necessary or incidental expenses.

(13) "Maternity home" means any place in which any person, society, agency, corporation, or facility receives, treats, or cares for, within any six-month period, more than one pregnant woman whose child is to be born out of wedlock, either before, during, or within two weeks after childbirth. This definition shall not include women who receive maternity care in the home of a relative or in general or special hospitals, licensed according to law, in which maternity treatment and care is part of the medical services performed and the care of children is only brief and incidental. Such term shall not include a commercial sexual exploitation recovery center.

(13.1) "Maternity supportive housing residence" means a residential home that houses on behalf of a nonprofit organization up to six pregnant women aged 18 years or older and their minor children at any one time during the woman's pregnancy and up to 18 months after childbirth; provided, however, that no medical services shall be provided. This term shall not include: (i) a child welfare agency, as defined in Code Section 49-5-12; (ii) the residential home of a relative in which a woman receives maternity care; or (iii) a general or special hospital.

(14) "Probation" means a legal status created by court order following adjudication in a delinquency case, whereby a child or youth is permitted to remain in the community, subject to supervision by the court or an agency designated by the court and subject to being returned to court at any time during the period of probation.

(15) "Protective supervision" means a legal status created by court order following adjudication in a dependency case, whereby a child's place of abode is not changed but assistance directed at correcting the dependency is provided through the court or an agency designated by the court.

(15.1) "Qualified residential treatment program" means a program as defined in Code Section 15-11-2.

(16) "Reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the department to participate in extracurricular, enrichment, cultural, and social activities.

(17) "Shelter" or "shelter care" means temporary care in a nonsecurity or open type of facility.

History.

Ga. L. 1963, p. 81, § 3; Ga. L. 1982, p. 706, §§ 2, 6-8; Ga. L. 1988, p. 1720, § 16; Ga. L. 1991, p. 408, § 1; Ga. L. 1992, p. 1983, § 25; Ga. L. 1994, p. 97, § 49; Ga. L. 2004, p. 645, § 7; Ga. L. 2007, p. 590, § 3/HB 153; Ga. L. 2008, p. 1145, § 1/HB 984; Ga. L. 2013, p. 294, § 4-54/HB 242; Ga. L. 2015, p. 552, § 5/SB 138; Ga. L. 2022, p. 375, § 2/SB 116; Ga. L. 2024, p. 41, § 2/SB 377, effective April 19, 2024; Ga. L. 2024, p. 421, § 4/HB 1201, effective April 24, 2024.

Amendments.

The first 2024 amendment, effective April 19, 2024, added the second sentence in paragraph (3), and added paragraph (15.1).

The second 2024 amendment, effective April 24, 2024, added the third sentence in paragraph (3); added paragraph (6.1); and added the last sentence in paragraph (13).

Law reviews.

For article on the 2024 amendment of this Code section, see 41 Ga. St. U.L. Rev. 61 (2024).

49-5-8. Powers and duties of department.

(a) The Department of Human Services is authorized and empowered, through its own programs and the programs of county or district departments of family and children services, to establish, maintain, extend, and improve throughout the state, within the limits of funds appropriated therefor, programs that will provide:

(1) Preventive services as follows:

(A) Collecting and disseminating information about the problems of children and youths and providing consultative assistance to groups, public and private, interested in developing programs and services for the prevention, control, and treatment of dependency and delinquency among the children of this state; and

(B) Research and demonstration projects designed to add to the store of information about the social and emotional problems of children and youths and improve the methods for dealing with these problems;

(2) Child welfare services as follows:

(A) Casework services for children and youths and for mothers bearing children out of wedlock, whether living in their own homes or elsewhere, to help overcome problems that result in dependency or delinquency. The department shall be authorized to contract with, certify, or partner with licensed child-placing agencies to assist with or provide such casework services;

(B) Protective services that will investigate complaints of abuse or abandonment of children and youths by parents, guardians, custodians, or persons serving in loco parentis and, on the basis of the findings of such investigation, offer social services to such parents, guardians, custodians, or persons serving in loco parentis in relation to the problem or bring the situation to the attention of a law enforcement agency, an appropriate court, or another community agency;

(C) Supervising and providing required services and care involved in the interstate placement of children;

(D) Homemaker service, or payment of the cost of such service, when needed due to the absence or incapacity of the mother;

(E) Boarding care, or payment of maintenance costs, in foster family homes or in group-care facilities for children and youths who cannot be adequately cared for in their own homes;

(F) Boarding care or payment of maintenance costs for mothers bearing children out of wedlock prior to, during, and for a reasonable period after childbirth;

(G) Day-care services for the care and protection of children whose parents are absent from the home or unable for other reasons to provide parental supervision; and

(H) Casework services and care to all children and youths where the parent, custodian, or guardian has placed such children in the custody of the department by voluntary agreement, until such agreement is revoked by the parent, custodian, or guardian upon request that such children be returned to the parent, custodian, or guardian or to another relative or the voluntary agreement expires; provided, however, that nothing in this subparagraph shall prohibit the department from obtaining an order placing such children in its custody in accordance with Article 3 of Chapter 11 of Title 15. The department shall be authorized to contract with, certify, or partner with licensed child-placing agencies to assist with or provide such casework services;

(3) Services to courts, upon their request, as follows:

(A) Accepting for casework services and care all children and youths whose legal custody is vested in the department by the court;

(B) Providing shelter or custodial care for children prior to examination and study or pending court hearing;

(C) Making social studies and reports to the court with respect to children and youths as to whom petitions have been filed; and

(D) Providing casework services and care or payment of maintenance costs for children and youths who have run away from their home communities within this state, or from their home communities in this state to another state, or from their home communities in another state to this state; paying the costs of returning such runaway children and youths to their home communities; and providing such services, care, or costs for runaway children and youths as may be required under Chapter 4B of this title;

(4) Regional group-care facilities for the purpose of:

(A) Providing local authorities an alternative to placing any child in a common jail;

(B) Shelter care prior to examination and study or pending a hearing before juvenile court;

(C) Detention prior to examination and study or pending a hearing before juvenile court; and

(D) Study and diagnosis pending determination of treatment or a hearing before juvenile court;

(5) Facilities designed to afford specialized and diversified programs, such as forestry camps, ranches, and group residences, for the care, treatment, and training of children and youths of different ages and different emotional, mental, and physical conditions;

(6) Regulation of child-placing agencies, child-caring institutions, and maternity homes by:

(A) Establishing rules and regulations for and providing consultation on such rules and regulations for all such agencies, institutions, and homes; and

(B) Licensing and inspecting periodically all such agencies, institutions, and homes to ensure their adherence to established standards as prescribed by the department;

(7) Adoption services, as follows:

(A) Supervising the work of all child-placing agencies when funds are made available;

(B) Providing services to parents desiring to surrender children for adoption as provided for in adoption statutes;

(C) Providing care or payment of maintenance costs for mothers bearing children out of wedlock and children being considered for adoption;

(D) Inquiring into the character and reputation of persons making application for the adoption of children;

(E) Placing children for adoption;

(F) Providing financial assistance to families adopting children once the child has been placed for adoption, determined eligible for assistance, and the adoption assistance agreement has been signed prior to the finalization of the adoption by all parties. Financial assistance may only be granted for hard-to-place children with physical, mental, or emotional disabilities or with other problems for whom it is difficult to find a permanent home. Financial assistance may not exceed 100 percent of the amount that would have been paid for boarding such child in a family foster home and for special services such as medical care not available through insurance or public facilities. Such supplements shall only be available to families who could not provide for the child adequately without continued financial assistance. The department may review the supplements paid at any time but shall review them at least annually to determine the need for continued assistance;

(G) Providing payment to a licensed child-placing agency which places a child with special needs who is under the jurisdiction of the department for adoption. Payment may not exceed $5,000.00 for each such adoption arranged by an agency. The board shall define the special needs child. One-half of such payment shall be made at the time of placement and the remaining amount shall be paid when the adoption is finalized. If the adoption disrupts prior to finalization, the state shall be reimbursed by the child-placing agency in an amount calculated on a prorated basis based on length of time the child was in the home and the services provided; and

(H) Providing payment to an agency which recruits, educates, or trains potential adoptive or foster parents for preparation in anticipation of adopting or fostering a special needs child. The board shall define the special needs child and set the payment amount by rule and regulation. Upon appropriate documentation of these preplacement services in a timely manner, payments as set by the board shall be made upon enrollment of each potential adoptive or foster parent for such services;

(8) Staff development and recruitment programs through in-service training and educational scholarships for personnel as may be necessary to assure efficient and effective administration of the services and care for children and youths authorized in this article. The department is authorized to disburse state funds to match federal funds in order to provide qualified employees with graduate or postgraduate educational scholarships in accordance with rules and regulations adopted by the board pursuant to Article VIII, Section VII, Paragraph I of the Constitution of Georgia;

(9) Miscellaneous services, such as providing all medical, hospital,

psychiatric, surgical, or dental services or payment of the costs of such services as may be considered appropriate and necessary by competent medical authority to those children subject to the supervision and control of the department without securing prior consent of parents or legal guardians;

(10) Preparation, education, and training for foster parents which will provide them with the appropriate knowledge and skills to provide for the needs of foster children, including knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally appropriate activities, and continue such preparation, as necessary, after the placement of the children. The department shall be authorized to require varying levels of initial and annual training based on the experience of the foster parents, the age and needs of the foster child or children, and whether the foster parents are providing only respite care. All or part of such training may be offered online;

(11)(A) Each child or youth who has entered foster care, and within 90 days of such entrance, with a photograph of himself or herself; provided, however, that, if such child or youth is under 14 years of age, then his or her foster parent or placement shall be provided a photograph of such child or youth. It shall be the responsibility of the Division of Family and Children Services of the department to ensure that each such child or youth receives a photograph in accordance with the provisions of this paragraph. Provision of records in accordance with this paragraph shall not be considered a violation of subsection (b) of Code Section 49-5-40;

(B) Each child or youth who is 14 years of age or older, has entered foster care, and within 90 days of such entrance, with, if such child or youth is eligible, an identification card issued pursuant to Code Section 40-5-100. It shall be the responsibility of the Division of Family and Children Services of the department to ensure that each such eligible child or youth receives an identification card in accordance with the provisions of this paragraph. Provision of records in accordance with this paragraph shall not be considered a violation of subsection (b) of Code Section 49-5-40;

(12) Each youth who is leaving foster care by reason of having attained 18 years of age, unless the child has been in foster care for less than six months, with, if the child is eligible to receive such document, an official or certified copy of the United States birth certificate of the child, a social security card issued by the Commissioner of Social Security, health insurance information, a copy of the child's medical records, a driver's license or identification card issued by a state in accordance with the requirements of Section 202 of the

REAL ID Act of 2005, and any official documentation necessary to prove that the child was previously in foster care. Provision of records in accordance with this paragraph shall not be considered a violation of subsection (b) of Code Section 49-5-40; and

(13) Extended care youth services for youths between 18 and 21 years of age as set forth in Article 4A of Chapter 11 of Title 15 and to receive federal reimbursement for providing such services in accordance with 42 U.S.C. Section 675, as it existed on February 1, 2018.

(b) The department is authorized to perform such other duties as may be required under related statutes.

(c)(1) As used in paragraph (2) of this subsection, the term “state” means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or any territory or possession of or territory or possession administered by the United States.

(2) The Department of Human Services is authorized to enter into interstate compacts, on behalf of this state, with other states to provide for the reciprocal provision of adoption assistance services.

(3) The purpose of paragraphs (1) and (2) of this subsection is to comply with the requirements of the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272) and Part E of Title IV of the Social Security Act and to assure that recipients of adoption assistance in Georgia who change their residences to other states receive adoption assistance services, other than adoption assistance payments, from their new states of residence.

(d)(1) As used in this subsection, the term “sexually exploited child” shall have the same meaning as set forth in Code Section 15-21-201.

(2) The department, in consultation with the Office of the Child Advocate for the Protection of Children, the Criminal Justice Coordinating Council, and law enforcement officials, shall develop a plan for the delivery of services to sexually exploited children, victims of trafficking of persons for labor servitude, and such children and persons who are at risk of becoming victims of such offenses. In developing such plan, the department shall work with state and federal agencies, public and private entities, and other stakeholders as it deems appropriate and shall periodically review such plans to ensure appropriate services are being delivered. Such plan shall include:

(A) Identifying children who need services;

(B) Providing assistance with applications for federal and state benefits, compensation, and services;

(C) Coordinating the delivery of physical and mental health, housing, education, job training, child care, legal, and other services;

(D) Preparing and disseminating educational and training materials to increase awareness of available services;

(E) Developing and maintaining community based services;

(F) Providing assistance with family reunification or repatriation to a country of origin; and

(G) Providing law enforcement officials assistance in identifying children in need of such services.

History.

Ga. L. 1963, p. 81, § 11; Ga. L. 1969, p. 939, § 1; Ga. L. 1971, p. 351, § 1; Ga. L. 1973, p. 946, § 1; Ga. L. 1982, p. 3, § 49; Ga. L. 1983, p. 3, § 65; Ga. L. 1984, p. 22, § 49; Ga. L. 1985, p. 518, § 1; Ga. L. 1988, p. 1945, § 1; Ga. L. 1990, p. 8, § 49; Ga. L. 1992, p. 1983, § 28; Ga. L. 1993, p. 1969, § 3; Ga. L. 1994, p. 409, § 1; Ga. L. 1995, p. 1302, § 13; Ga. L. 1997, p. 1697, § 1; Ga. L. 2004, p. 645, § 8; Ga. L. 2009, p. 100, § 1/HB 237; Ga. L. 2009, p. 453, § 2-2/HB 228; Ga. L. 2013, p. 294, § 4-55/HB 242; Ga. L. 2014, p. 763, § 3-3/HB 898; Ga. L. 2015, p. 552, § 6/SB 138; Ga. L. 2015, p. 675, § 4-3/SB 8; Ga. L. 2016, p. 864, § 49/HB 737; Ga. L. 2018, p. 927, § 2-1/HB 906; Ga. L. 2019, p. 893, § 10/SB 225; Ga. L. 2020, p. 191, § 4/HB 912; Ga. L. 2024, p. 323, § 3/SB 387, effective July 1, 2024; Ga. L. 2025, p. 1029, § 49(3)/SB 153, effective July 1, 2025.

Amendments.

The 2024 amendment, effective July 1, 2024, added paragraph (a)(11) and redesignated former paragraphs (a)(11) and (a)(12) as present paragraphs (a)(12) and (a)(13), respectively.

The 2025 amendment, effective July 1, 2025, part of an Act to revise, modernize, and correct the Code, substituted "with a photograph of himself or herself; provided, however, that, if" for "a photograph of himself or herself, provided however, that if" in the first sentence of subparagraph (a)(11)(A); and, in subparagraph (a)(11)(B), substituted "an identification card" for "a personal identification card" in the first and second sentences.

49-5-24. Implementation of state-wide system for data sharing; waivers from certain federal regulations.

Law reviews.

For article, "Privacy for Student-Patients: A Call to Action," see 73 Emory L.J. 83 (2023).

ARTICLE 2

CHILD ABUSE RECORDS

49-5-40. Definitions; confidentiality of records; restricted access to records.

(a) As used in this article, the term:

(1) "Abused" means subjected to child abuse.

(2) "Child" means an individual under 18 years of age.

(3) "Child abuse" means:

(A) Physical injury or death inflicted upon a child by a parent, guardian, legal custodian, or caretaker thereof by other than accidental means; provided, however, that physical forms of discipline may be used as long as there is no physical injury to the child;

(B) Neglect or exploitation of a child by a parent, guardian, legal custodian, or caretaker thereof;

(C) Sexual abuse of a child;

(D) Sexual exploitation of a child; or

(E) Emotional abuse of a child.

However, no child who in good faith is being treated solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to be abused.

(4) "Child advocacy center" means an entity which is operated for the purposes of investigating known or suspected child abuse and treating a child or a family that is the subject of a report of child abuse and which:

(A) Has been created and supported through one or more intracommunity compacts between such center and:

(i) One or more law enforcement agencies within this state; any other state; the United States, including its territories, possessions, and dominions; or a foreign nation;

(ii) The office of the district attorney, Attorney General, or United States Attorney;

(iii) A legally mandated public or private child protective agency within this state; any other state; the United States, including its territories, possessions, and dominions; or a foreign nation;

(iv) A mental health board within this state; any other state; the United States, including its territories, possessions, and dominions; or a foreign nation; or

(v) A community health service board within this state; any other state; the United States, including its territories, possessions, and dominions; or a foreign nation; and

(B) Has been approved by a protocol committee established under Chapter 15 of Title 19.

(5) "Court" means a judge of any court of record or an administrative law judge of the Office of State Administrative Hearings.

(6) "Emotional abuse" shall have the same meaning as set forth in Code Section 15-11-2.

(7) "Legal custodian" shall have the same meaning as set forth in Code Section 15-11-2.

(8) "Near fatality" means an act that places a child in serious or critical condition as certified by a physician.

(9) "Record" shall include documents, books, maps, drawings, computer based or generated information, data, data fields, digital images, photographs, video images, audio recordings, and video recordings.

(10) "Sexual abuse" means an individual's employing, using, persuading, inducing, enticing, or coercing any child who is not that individual's spouse to engage in any act which involves:

(A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between individuals of the same or opposite sex;

(B) Bestiality;

(C) Masturbation;

(D) Lewd exhibition of the genitals or pubic area of any individual;

(E) Flagellation or torture by or upon an individual who is nude;

(F) Condition of being fettered, bound, or otherwise physically restrained on the part of an individual who is nude;

(G) Physical contact in an act of apparent sexual stimulation or gratification with any individual's clothed or unclothed genitals, pubic area, or buttocks or with a female's clothed or unclothed breasts;

(H) Defecation or urination for the purpose of sexual stimulation; or

(I) Penetration of the vagina or rectum by any object except when done as part of a recognized medical procedure.

(11) "Sexual exploitation" means conduct by any individual who allows, permits, encourages, or requires any child to engage in:

(A) Trafficking of persons for labor or sexual servitude, in violation of Code Section 16-5-46;

(B) Sexual servitude, as defined in Code Section 16-5-46;

(C) Obscene depiction of a minor, in violation of Code Section 16-11-40.1;

(D) Nude or sexually explicit electronic transmission, in violation of Code Section 16-11-90; or

(E) Sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, in violation of Code Section 16-12-100.

(b) Each and every record concerning reports of child abuse and child controlled substance or marijuana abuse which is in the custody of the department, other state or local agency, or child advocacy center is declared to be confidential, and access thereto is prohibited except as provided in Code Sections 49-5-41 and 49-5-41.1.

(c) Each and every record concerning child abuse or neglect which is received by the department from the child abuse and neglect registry of any other state shall not be disclosed or used outside the department for any other purpose other than conducting background checks to be used in foster care and adoptive placements or in locating, recovering, or providing services to a child who is determined by the department to either be missing or the victim of sexual exploitation as defined in this Code section.

History.

Ga. L. 1975, p. 1135, § 1; Ga. L. 1987, p. 1000, § 2; Ga. L. 1990, p. 1778, § 1; Ga. L. 1993, p. 1712, § 1; Ga. L. 2007, p. 478, § 7/SB 128; Ga. L. 2009, p. 43, § 1/SB 79; Ga. L. 2009, p. 733, § 3/SB 69; Ga. L. 2016, p. 160, § 2/HB 725; Ga. L. 2017, p. 774, § 49/HB 323; Ga. L. 2021, p. 134, § 14/SB 28; Ga. L. 2024, p. 11, § 1/SB 342, effective April 8, 2024.

Amendments.

The 2024 amendment, effective April 8, 2024, added “or in locating, recovering, or providing services to a child who is determined by the department to either be missing or the victim of sexual exploitation as defined in this Code section” at the end of subsection (c).

49-5-41. Persons and agencies permitted access to records.

(a) Notwithstanding Code Section 49-5-40, the following persons or agencies shall have reasonable access to such records concerning reports of child abuse:

(1) Any federal, state, or local governmental entity, tribal entity, or any agency of any such entity that has a need for information contained in such records in order to carry out its legal responsibilities to protect children from child abuse and neglect;

(2) A grand jury by subpoena upon its determination that access to such records is necessary in the conduct of its official business;

(3) A prosecuting attorney in this state or any other state or political subdivision thereof, or for the United States, who may seek such access in connection with official duty;

(4) Any adult who makes a report of suspected child abuse as required by Code Section 19-7-5, but such access shall include only notification regarding the child concerning whom the report was made, shall disclose only whether the investigation by the department or governmental child protective agency of the reported abuse is ongoing or completed and, if completed, whether child abuse was confirmed or unconfirmed, and shall only be disclosed if requested by the person making the report;

(5)(A) Any entity that receives from a school employee a report of suspected child abuse as required by Code Section 19-7-5.

(B) Within 24 hours of receiving such report, such entity shall acknowledge, in writing, the receipt of such report to the reporting individual. Within five days of completing the investigation of the suspected child abuse, such entity shall disclose, in writing, to the school counselor for the school such child was attending at the time of the reported child abuse whether the suspected child abuse was confirmed or unconfirmed. If a school does not have a school counselor, such disclosure shall be made to the principal.

(C) As used in this paragraph, the term:

(i) "Entity" means a child welfare agency providing protective services as designated by the department or, in the absence of such agency, a law enforcement agency or prosecuting attorney.

(ii) "School" shall have the same meaning as set forth in Code Section 19-7-5;

(6) Any adult requesting information regarding investigations by the department or a governmental child protective agency regarding the findings or information about the case of child abuse or neglect involving a fatality or near fatality; provided, however, that the following may be redacted from such records:

(A) Any record of law enforcement or prosecution agencies in any pending investigation or prosecution of criminal activity contained within the child abuse, neglect, or dependency records;

(A.1) Any part of a record of the department or a governmental child protective agency that includes information provided by law enforcement or prosecution agencies in any pending investigation or prosecution of criminal activity contained within the child abuse, neglect, or dependency records;

(B) Medical and mental health records made confidential by other provisions of law;

(C) Privileged communications of an attorney;

(D) The identifying information of a person who reported suspected child abuse;

(E) Information that may cause mental or physical harm to the sibling or other child living in the household of the child being investigated;

(F) The name of a child who is the subject of reported child abuse or neglect;

(G) The name of any parent or other person legally responsible for the child who is the subject of reported child abuse or neglect, provided that such person is not under investigation for the reported child abuse or neglect; and

(H) The name of any member of the household of the child who is the subject of reported child abuse or neglect, provided that such person is not under investigation for the reported child abuse or neglect;

(7) The State Personnel Board, by administrative subpoena, upon a finding by an administrative law judge appointed by the chief state administrative law judge pursuant to Article 2 of Chapter 13 of Title 50, that access to such records may be necessary for a determination of an issue involving departmental personnel and that issue involves the conduct of such personnel in child related employment activities, provided that only those parts of the record relevant to the child related employment activities shall be disclosed. The name of any complainant or client shall not be identified or entered into the record;

(8) A child advocacy center that has a need for information contained in such records in order to carry out its legal responsibilities to protect children from child abuse or neglect;

(9) Police or any other law enforcement agency of this state or any other state or any medical examiner or coroner investigating a report of known or suspected child abuse or any review committee or protocol committee created pursuant to Chapter 15 of Title 19, it being found by the General Assembly that the disclosure of such information is necessary in order for such entities to carry out their legal responsibilities to protect children from child abuse and neglect, which protective actions include bringing criminal actions for such child abuse or neglect, and that such disclosure is therefore permissible and encouraged under the 1992 amendments to Section 107(b)(4) of the Child Abuse Prevention and Treatment Act, 42 U.S.C. Section 5106(A)(b)(4);

(10) The Governor, the Attorney General, the Lieutenant Gover-

nor, or the Speaker of the House of Representatives when such officer makes a written request to the commissioner which specifies the name of the child for whom such access is sought and which describes such officer's need to have access to such records in order to determine whether the laws of this state are being complied with to protect children from child abuse and neglect and whether such laws need to be changed to enhance such protection, for which purposes the General Assembly finds such disclosure is permissible and encouraged under the 1992 amendments to Section 107(b)(4) of the Child Abuse Prevention and Treatment Act, 42 U.S.C. Section 5106(A)(b)(4);

(11) A court, by subpoena that is filed contemporaneously with a motion seeking records and requesting an in camera inspection of such records, may make such records available to a party seeking such records when:

(A) Such motion is filed;

(B) Such motion is served:

(i) On all parties to the action;

(ii) On the department or other entity that has possession of such records, as applicable; and

(iii) In matters other than a dependency proceeding or a civil proceeding wherein there is no related pending criminal investigation or prosecution of criminal or unlawful activity, on the prosecuting attorney, as applicable; and

(C) After an in camera inspection of such records, the court finds that access to such records appears reasonably calculated to lead to the discovery of admissible evidence;

(12) The Administrative Office of the Courts to facilitate data sharing, collection, and analysis of the timeliness, permanency, and safety outcomes of children who have been the subject of dependency actions and actions to terminate parental rights brought pursuant to Articles 3 and 4 of Chapter 11 of Title 15. The Administrative Office of the Courts shall enter into such agreements with the Division of Family and Children Services as may be required to ensure compliance with the federal Health Insurance Portability and Accountability Act (HIPAA), P.L. 104-191, as amended, and federal regulations governing disclosure of protected health information; and

(13) The National Center for Missing and Exploited Children for the purpose of assisting in locating, recovering, or providing services to a child who is determined by the department to either be missing or the victim of sexual exploitation as defined in Code Section 49-5-40.

(b)(1) Notwithstanding Code Section 49-5-40, the juvenile court in the county in which are located any department or county board records concerning reports of child abuse, after application for inspection and a hearing on the issue, shall permit inspection of such records by or release of information from such records to individuals or entities who are engaged in legitimate research for educational, scientific, or public purposes and who comply with the provisions of this subsection. When those records are located in more than one county, the application may be made to the juvenile court of any one such county. A copy of any application authorized by this subsection shall be served on the nearest office of the department. In cases where the location of the records is unknown to the applicant, the application may be made to the Juvenile Court of Fulton County.

(2) The juvenile court to which an application is made pursuant to paragraph (1) of this subsection shall not grant the application unless:

(A) The application includes a description of the proposed research project, including a specific statement of the information required, the purpose for which the project requires that information, and a methodology to assure the information is not arbitrarily sought;

(B) The applicant carries the burden of showing the legitimacy of the research project; and

(C) Names and addresses of individuals, other than officials, employees, or agents of agencies receiving or investigating a report of abuse or treating a child or family which is the subject of a report, shall be deleted from any information released pursuant to this subsection unless the court determines that having the names and addresses open for review is essential to the research and the child, through his or her representative, gives permission to release the information.

(c) The department or a county or other state or local agency may permit access to records concerning reports of child abuse and may release information from such records to the following persons or agencies when deemed appropriate by such department:

(1) A physician who has before him or her a child whom he or she reasonably suspects may be abused;

(2) A licensed child-placing agency, a licensed child-caring institution of this state which is assisting the department by locating or providing foster or adoptive homes for children in the custody of the department, a licensed adoption agency of this or any other state which is placing a child for adoption, or an investigator appointed by

a court of competent jurisdiction of this state to investigate a pending petition for adoption;

(3) A person legally authorized to place a child in protective custody when such person has before him or her a child he or she reasonably suspects may be abused and such person requires the information in the record or report in order to determine whether to place the child in protective custody;

(4) An agency or person having the legal custody, responsibility, or authorization to care for, treat, or supervise the child who is the subject of a report or record;

(5) An agency, facility, or person having responsibility or authorization to assist in making a judicial determination for the child who is the subject of the report or record of child abuse, including, but not limited to, members of officially recognized citizen review panels, court appointed guardians ad litem, certified court appointed special advocate (CASA) volunteers who are appointed by a judge of a juvenile court to act as advocates for the best interest of a child in a juvenile proceeding, and members of a protocol committee, as such term is defined in Code Section 19-15-1;

(6) A legally mandated public child protective agency or law enforcement agency of another state bound by similar confidentiality provisions and requirements when, during or following the department's investigation of a report of child abuse, the alleged abuser has left this state;

(7) A child welfare agency, as defined in Code Section 49-5-12, or a school where the department has investigated allegations of child abuse made against any employee of such agency or school and any child remains at risk from exposure to that employee, except that such access or release shall protect the identity of:

(A) Any person reporting the child abuse; and

(B) Any other person whose life or safety has been determined by the department or agency likely to be endangered if the identity were not so protected;

(8) An employee of a school or employee of a child welfare agency, as defined in Code Section 49-5-12, against whom allegations of child abuse have been made, when the department has been unable to determine the extent of the employee's involvement in alleged child abuse against any child in the care of that school or agency. In those instances, upon receiving a request and signed release from the employee, the department may report its findings to the employer, except that such access or release shall protect the identity of:

(A) Any person reporting the child abuse; and

(B) Any other person whose life or safety has been determined by the department or agency likely to be endangered if the identity were not so protected;

(9) Any person who has an ongoing relationship with the child named in the record or report of child abuse any part of which is to be disclosed to such person but only if that person is required to report suspected abuse of that child pursuant to subsection (b) of Code Section 19-7-5, as that subsection existed on January 1, 1990;

(10) Any school principal or any school guidance counselor, school social worker, or school psychologist who is certified under Chapter 2 of Title 20 and who is counseling a student as a part of such counseling person's school employment duties, but those records shall remain confidential and information obtained therefrom by that counseling person may not be disclosed to any person, except that student, not authorized under this Code section to obtain those records, and such unauthorized disclosure shall be punishable as a misdemeanor;

(10.1) Any school official of a school that a child who was the subject of a report of suspected child abuse made pursuant to Code Section 19-7-5 attends in which there is an ongoing investigation of the reported abuse. Any such ongoing investigation shall include contact with such school to obtain any relevant information from school personnel regarding the report of suspected child abuse;

(11) The Department of Early Care and Learning or the Department of Education;

(12) An individual, at the time such individual is leaving foster care by reason of having attained the age of majority, but such access shall be limited to providing such individual with a free copy of his or her health and education records, including the most recent information available; or

(13) Local and state law enforcement agencies of this state, the Department of Community Supervision, probation officers serving pursuant to Article 6 of Chapter 8 of Title 42, the Department of Corrections, and the Department of Juvenile Justice when such entities, officers, or departments are providing supervision or services to individuals and families to whom the department is also providing services. Such access or release of records shall not be provided when prohibited by federal law or regulation. Access to such records may be provided electronically.

(d) Notwithstanding any other provision of law, any child-caring agency, child-placing agency, or identified foster parent shall have reasonable access to nonidentifying information from the placement or child protective services record compiled by any state department or agency having custody of a child with respect to any child who has been placed in the care or custody of such agency or foster parent or for whom foster care is being sought, excluding all documents obtained from outside sources which cannot be redisclosed under state or federal law. A department or agency shall respond to a request for access to a child's record within 14 days of receipt of such written request. Any child-caring agency, child-placing agency, or identified foster parent who is granted access to a child's record shall be subject to the penalties imposed by Code Section 49-5-44 for unauthorized access to or use of such records. Such record shall include reports of abuse of such child and the social history of the child and the child's family, the medical history of such child, including psychological or psychiatric evaluations, or educational records as allowed by state or federal law and any plan of care or placement plan developed by the department, provided that no identifying information is disclosed regarding such child. Notwithstanding the provisions of this subsection, a foster parent, as an agent of the department, shall have access to a child's medical and educational records in the same manner and to the same extent as the department itself and to the fullest extent allowable by law to ensure the proper care and education of a child entrusted to the foster parent's care.

(e)(1) Except as provided in paragraph (2) of this subsection and notwithstanding any other provisions of law, child abuse and dependency records shall not be confidential and shall be subject to Article 4 of Chapter 18 of Title 50 if the records are applicable to a child who at the time of his or her fatality or near fatality was:

(A) In the custody of a state department or agency or in the care of a foster parent;

(B) A child as defined in paragraph (3) of Code Section 15-11-741; or

(C) The subject of an investigation, report, referral, or complaint under Code Section 15-11-743.

(2) The following may be redacted from such records:

(A) Medical and mental health records made confidential by other provisions of law;

(B) Privileged communications of an attorney;

(C) The identifying information of a person who reported suspected child abuse;

(D) The name of a child who suffered a near fatality;

(E) The name of any sibling of the child who suffered the fatality or near fatality;

(F) Any record of law enforcement or prosecution agencies in any pending investigation or prosecution of criminal activity contained within the child abuse, neglect, or dependency records; or

(G) Any part of a record of the department or a governmental child protective agency that includes information provided by law enforcement or prosecution agencies in any pending investigation or prosecution of criminal activity contained within the child abuse, neglect, or dependency records.

(3) Upon the release of documents pursuant to this subsection, the department may comment publicly on the case.

(f) Notwithstanding Code Section 49-5-40, a child who alleges that he or she was abused shall be permitted access to records concerning a report of child abuse allegedly committed against him or her which are in the custody of a child advocacy center, the department, or other state or local agency when he or she reaches 18 years of age; provided, however, that prior to such child reaching 18 years of age, if the requestor is not the subject of such records, such records shall be made available to such child's parent or legal guardian or a deceased child's duly appointed representative when the requestor or his or her attorney submits a sworn affidavit to the applicable child advocacy center, the department, or other state or local agency that attests that such information is relevant to a pending or proposed civil action relating to damages sustained by such child; and provided, further, that such records concerning a report of child abuse shall still be subject to confidentiality pursuant to paragraph (4) of subsection (a) of Code Section 50-18-72. Such records concerning a report of child abuse shall not be subject to release under paragraph (11) of subsection (a) of this Code section or subsection (g) of this Code section.

(g)(1) A subpoena authorized under paragraph (11) of subsection (a) of this Code section shall be served on the prosecuting attorney who has jurisdiction over a pending investigation or prosecution of criminal or unlawful activity, if such information is known to the individual seeking such access or disclosure.

(2) A prosecuting attorney may intervene in an action involving a motion filed under paragraph (11) of subsection (a) of this Code section.

(3)(A) When a court issues an order pursuant to paragraph (11) of subsection (a) of this Code section, the court shall issue a protective order to ensure the confidentiality of such records. Such protective order may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense and may include one or more of the following:

(i) That the records not be reproduced except as authorized by court order;

(ii) That the records be viewed or disclosed only on specified terms and conditions;

(iii) That the records be sealed and only opened by court order;

(iv) That the order be applicable to all parties, their counsel, and any agent or representative of a party; or

(v) That records released pursuant to such order be returned to the court upon completion of the matter that caused the production of such records.

(B) Any person who fails to obey a protective order issued under this subsection shall be punished as contempt by the court.

History.

Ga. L. 1975, p. 1135, § 2; Ga. L. 1990, p. 1778, § 2; Ga. L. 1991, p. 1320, §§ 1-3; Ga. L. 1993, p. 979, § 2; Ga. L. 1993, p. 1712, § 2; Ga. L. 1994, p. 967, §§ 1, 2; Ga. L. 1996, p. 1143, § 1; Ga. L. 1997, p. 844, § 4; Ga. L. 1998, p. 609, § 5; Ga. L. 2000, p. 243, § 3; Ga. L. 2001, p. 4, § 49; Ga. L. 2002, p. 861, § 1; Ga. L. 2003, p. 497, § 1; Ga. L. 2004, p. 645, § 16; Ga. L. 2006, p. 72, § 49/SB 465; Ga. L. 2007, p. 478, § 8/SB 128; Ga. L. 2009, p. 43, §§ 2, 3/SB 79; Ga. L. 2009, p. 453, § 2-2/HB 228; Ga. L. 2010, p. 316, § 1/HB 303; Ga. L. 2013, p. 294, § 4-56/HB 242; Ga. L. 2014, p. 34, § 2-10/SB 365; Ga. L. 2015, p. 552, § 10/SB 138; Ga. L. 2015, p. 689, § 5/HB 17; Ga. L. 2015, p. 845, § 1/HB 177; Ga. L. 2016, p. 160, § 3/HB 725; Ga. L. 2016, p. 864, § 49/HB 737; Ga. L. 2017, p. 344, §§ 1, 2/HB 75; Ga. L. 2017, p. 345, § 1/SB 168; Ga. L. 2017, p. 774, § 49/HB 323; Ga. L. 2018, p. 1112, § 49/SB 365; Ga. L. 2020, p. 181, § 6/HB 993; Ga. L. 2021, p. 130, § 1/HB 548; Ga. L. 2024, p. 11, § 2/SB 342, effective April 8, 2024.

Amendments.

The 2024 amendment, effective April 8, 2024, deleted "and" from the end of paragraph (a)(11); substituted "; and" for a period at the end of paragraph (a)(12); and, added paragraph (a)(13).

ARTICLE 6

PROGRAMS AND PROTECTION FOR CHILDREN

Part 1

Governor's Office for Children and Families

49-5-130 through 49-5-135. [Reserved].

History.

Code 1981, §§ 49-5-130 through 49-5-135, enacted by Ga. L. 2008, p. 568, § 9/HB 1054; Ga. L. 2009, p. 8, § 49/SB 46; Ga. L. 2009, p. 453, § 2-2/HB 228; Ga. L. 2010, p. 838, § 10/SB 388; Ga. L. 2010, p. 863, § 3/SB 296; Ga. L. 2013, p. 141, § 49/HB 79; Ga. L. 2013, p. 294, § 4-59/HB 242; Ga. L. 2021, p. 761, §§ 20-22/HB 511; repealed by Ga. L. 2025, p. 332, § 5-7/SB 96, effective July 1, 2025.

Editor's notes.

Ga. L. 2025, p. 332, § 5-7/SB 96, repealed and reserved this Code section, effective July 1, 2025.

Ga. L. 2025, p. 332, § 5-11/SB 96, not codified by the General Assembly, provides: "Any assets of the Governor's Office for Children and Families existing as of June 30, 2025, shall devolve by operation of law and without further action to the State of Georgia on July 1,

2025. Any liabilities and obligations of the Governor's Office for Children and Families existing as of June 30, 2025, shall be transferred to and assumed by the State of Georgia, by such instruments as may be required to maintain the same."

The former part, relating to the Governor's Office for Children and Families, consisted of Code Sections 49-5-130 through 49-5-135.

Part 2

Delinquency Prevention and Community Based Services

49-5-155. Effect of article on Department of Juvenile Justice; recipient entity for federal grants.

(a) This article shall in no way preempt, duplicate, or supersede services, duties, or other functions performed pursuant to law or regulations by the Department of Juvenile Justice.

(b) Other than the Department of Juvenile Justice, the Criminal Justice Coordinating Council shall be the only other authorized controlling recipient entity for grants under the United States Department of Justice Juvenile Justice Delinquency and Prevention Grants.

History.

Code 1981, § 49-5-155, enacted by Ga. L. 1987, p. 1576, § 1; Ga. L. 1991, p. 435, § 13; Ga. L. 1992, p. 1983, § 34; Ga. L. 1997, p. 1453, § 1; Ga. L. 2008, p. 568, § 12/HB 1054; Ga. L. 2015, p. 890, § 8/HB 263; Ga. L. 2025, p. 332, § 5-8/SB 96, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, deleted "the Governor's Office for Children and Families created pursuant to Code Section 49-5-132 and" following "Department of Juvenile Justice," in subsection (b).

Part 3

Mentoring Act of 2000

49-5-156. Short title; legislative findings; development of program; awarding of grants; applications; recognition; reporting to General Assembly.

(a) This Code section shall be known and may be cited as the "Georgia Mentoring Act of 2000."

(b) The General Assembly finds that:

(1) Every child in this state is encouraged to have a caring adult who, along with parents and teachers, is able to offer support, friendship, encouragement, and motivation to help the child excel academically and lead a productive life;

(2) As a society, we look to a child's family to provide a supportive home environment and realize that the primary responsibility for

child rearing must remain with the family. However, we are keenly aware of increases in child abuse and neglect, the escalation of drug and alcohol abuse, and that many children who could excel in school are not receiving all the help and support they need to succeed;

(3) Untapped human resources exist in local communities throughout the state that can provide many children with an additional caring, positive academic role model or mentor. These individuals will help those children progress in school and help direct and reinforce the many opportunities that will further enhance each child's life;

(4) The members of the private sector throughout this state should be commended for their generous financial support of public schools. Now there is another significant contribution they can and must make to Georgia's children and youth: the investment of human capital in our children's future as academic volunteers and mentors;

(5) Programs which provide encouragement and support to children through the use of mentors have resulted in significant increases in graduation rates at the secondary level and in much improved enrollment rates in postsecondary education for some of our most vulnerable youth;

(6) Local, regional, and state-wide resource referral systems must be established to link more efficiently children and potential academic volunteers and mentors with existing programs and organizations; and

(7) Volunteer and mentor service must be encouraged and appropriately recognized.

(c) In order to develop a state-wide strategy to provide academic support and guidance to each student who requires it, there is created the Georgia Mentoring Program, to be administered by the Department of Human Services. Subject to appropriation by the General Assembly, the office shall:

(1) Develop a state-wide plan with the goal of matching every child who needs one with an academic mentor. For purposes of this Code section, the term "academic mentor" or "academic volunteer and mentor" means a volunteer who, as a participant in a local project funded under this Code section, supports the needs of the individual child with whom the volunteer is matched, including without limitation, strengthening the child's academic preparation and achievement;

(2) Develop standards for the operation of local projects for the provision of academic volunteer and mentor services;

(3) Develop criteria and procedures for funding local projects for

the provision of academic volunteer and mentor services, based on local need. Such criteria shall include, but not be limited to, the following indicators: size of the school age population, school dropout rates, and student achievement;

(4) Develop and implement a state-wide public awareness and recruitment campaign for academic mentors; and

(5) Compile a state-wide resource directory of successful academic mentor programs and organizations.

(d) The Department of Human Services shall award grants to local school systems to administer the academic volunteer and mentor service program within the local school district, subject to appropriation by the General Assembly. Funds awarded under this Code section shall be expended exclusively for the recruitment, screening, training, and placement of academic mentors in accordance with the purposes of this Code section and for evaluation of the program established by this Code section. Local school systems which receive grants shall contract with nonprofit organizations or local government agencies for program operations. In selecting the organization or agency with which to contract, the local school system shall consider the experience of the organization or agency with operating volunteer mentor projects. Each entity receiving funds under this Code section shall consult and cooperate with any teacher in whose classroom it is proposed that an academic mentor be placed. No displacement of any certified or classified school employee shall occur as a result of the use of any academic mentor pursuant to this Code section.

(e) Any local school system desiring a grant under this Code section shall submit an application to the Department of Human Services. In addition to such other information as the office may require, each application shall include the following:

(1) A description of activities for which assistance is requested;

(2) A list of coapplicants, if any;

(3) The number of children expected to be served;

(4) A statement of the goals of the program to be supported by the grant;

(5) A statement of the applicant's experience in the recruitment, placement, and training of volunteers and mentors;

(6) A statement of how the applicant intends to recruit, screen, train, and place academic mentors;

(7) A statement of how the applicant will ensure that (A) academic volunteers and mentors will be required to undergo a criminal

background check and (B) no displacement of existing school employees will occur as a result of the use of academic volunteers and mentors;

(8) A statement of the efforts the applicant will make to maximize the use of existing state, federal, and local funds from both public and private sources for the purposes of the project; and

(9) A plan for integration of the applicant's efforts with other community based children's services.

(f) The General Assembly further finds that outstanding academic volunteer and mentor service should be encouraged and recognized. For that purpose, the Governor is authorized to provide an award to recognize outstanding academic volunteer or mentor service in the schools for each fiscal year in which funds are appropriated for the program established under this Code section. Local school systems may nominate an individual or individual program that has had a significant and positive impact upon the lives of children for the award.

(g) No later than one year following the date on which funding is provided for the purposes of this Code section, and annually thereafter in any fiscal year for which funds are appropriated for the purposes of this Code section, the Department of Human Services shall submit to the General Assembly a report describing the progress and accomplishments of the Georgia Mentoring Program. The report shall also identify any barriers to the full achievement of the goals of the program and shall include any recommended legislative changes in that regard.

History.

Code 1981, § 49-5-156, enacted by Ga. L. 2000, p. 1098, § 2; Ga. L. 2008, p. 568, §§ 12, 13/HB 1054; Ga. L. 2025, p. 332, § 5-9/SB 96, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, substituted "Department of Human Services" for "Governor's Office for Children and Families" in subsections (c), (d), (e), and (g).

ARTICLE 10

CHILDREN AND ADOLESCENTS WITH SEVERE EMOTIONAL PROBLEMS

49-5-224. [Reserved] Annual report.

History.

Code 1981, § 49-5-224, enacted by Ga. L. 1990, p. 1798, § 1; Ga. L. 1991, p. 435, § 17; Ga. L. 2005, p. 48, § 6/HB 309; Ga. L. 2008, p. 568, § 12/HB 1054; Ga. L. 2009, p. 303, §§ 9, 14/HB 117; Ga. L. 2009, p. 453, §§ 3-2, 3-3/HB 228; repealed by Ga. L. 2024, p. 166, § 4/HB 1344, effective April 22, 2024.

Editor's notes.

Ga. L. 2024, p. 166, § 4/HB 1344, reserved the designation of this Code section, effective April 22, 2024.

49-5-227. [Repealed] Governor's Office for Children and Families to comment on plan for Coordinated System of Care and provide recommendations.

History.
Code 1981, § 49-5-227, enacted by Ga. L. 1990, p. 1798, § 1; Ga. L. 1991, p. 435, § 18; Ga. L. 2005, p. 48, § 7/HB 309; Ga. L. 2008, p. 568, § 12/HB 1054; Ga. L. 2009, p. 303, §§ 9, 14/HB 117; Ga. L. 2009, p. 453, § 3-2/HB 228; repealed by Ga. L. 2025, p. 332, § 5-10/SB 96, effective July 1, 2025.

CHAPTER 6

SERVICES FOR THE AGING

Article 7

Licensure of Adult Day Center

Sec.
49-6-82. Definitions.

Article 8

Alzheimer's and Related Dementias State Plan

49-6-92. Establishment of advisory council; membership; advisory nature; review and recommendations; operation of council; reporting.

Article 9

Georgia Program of All-Inclusive Care for the Elderly (PACE)

49-6-100. Purpose.
49-6-101. Definitions.
49-6-102. Development and implementation of program.
49-6-103. Certificate of authority exemption.

ARTICLE 7

LICENSURE OF ADULT DAY CENTER

49-6-82. Definitions.

As used in this article, the term:

(1) "Adult day care" means the provision of a comprehensive plan of services that meets the needs of aging adults, as defined in paragraph (4) of this Code section, under a social model, as defined in paragraph (9) of this Code section. This term shall not include programs which provide day habilitation and treatment services exclusively for individuals with developmental disabilities.

(2) "Adult day center" means a facility serving aging adults that provides adult day care or adult day health services, as defined in paragraphs (1) and (3) of this Code section, for compensation, to three or more persons. This term shall not include a respite care services program.

(3) "Adult day health services" means the provision of a compre-

hensive plan of services that meets the needs of aging adults under a medical model, as defined in paragraph (6) of this Code section. This term shall not include programs which provide day habilitation and treatment services exclusively for individuals with developmental disabilities or the Georgia Program of All-Inclusive Care for the Elderly (PACE), as defined in Article 9 of this chapter.

(4) "Aging adults" means persons 60 years of age or older or mature adults below the age of 60 whose needs and interests are substantially similar to persons 60 years of age or older who have physical or mental limitations that restrict their abilities to perform the normal activities of daily living and impede independent living.

(5) "Department" means the Department of Community Health.

(6) "Medical model" means a comprehensive program that provides aging adults with the basic social, rehabilitative, health, and personal care services needed to sustain essential activities of daily living and to restore or maintain optimal capacity for self-care. Such program of care shall be based on individual plans of care and shall be provided for less than 24 hours per day.

(7) "Primary caregiver" means the one identified relative or other person in a relationship of responsibility, such as an agent under a valid durable power of attorney for health care, a health care agent under a valid advance directive for health care, or a mental health care agent under a valid psychiatric advance directive, who has assumed the primary responsibility for the provision of care needed to maintain the physical or mental health of an aging adult, who lives in the same residence with such individual, and who does not receive financial compensation for the care provided.

(8) "Respite care services program" means a program for aging adults who can function in a group setting and who can feed and toilet themselves with or without the assistance of a personal aide accompanying them which:

(A) Is operated by a nonprofit organization;

(B) Provides no more than 25 hours of services per week;

(C) Is managed by a director who has completed an adult day care services training and orientation program approved by the department;

(D) Is staffed primarily by volunteers; and

(E) Has as its sole purpose to provide primary caregivers of aging adults with relief from normal caregiving duties and responsibilities.

(9) "Social model" means a program that addresses primarily the basic social and recreational activities needed to be provided to aging adults, but also provides, as required, limited personal care assistance, supervision, or assistance essential for sustaining the activities of daily living. Such programs of care shall be based on individual plans of care and shall be provided for less than 24 hours per day.

History.

Code 1981, § 49-6-82, enacted by Ga. L. 2003, p. 298, § 1; Ga. L. 2008, p. 537, § 1/HB 1044; Ga. L. 2009, p. 453, § 1-4/HB 228; Ga. L. 2022, p. 611, § 2-31/HB 752; Ga. L. 2024, p. 145, § 1/HB 1078, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, added "or the Georgia Program of All-Inclusive Care for the Elderly (PACE), as defined in Article 9 of this chapter" at the end of paragraph (3).

ARTICLE 8

ALZHEIMER'S AND RELATED DEMENTIAS STATE PLAN

49-6-92. Establishment of advisory council; membership; advisory nature; review and recommendations; operation of council; reporting.

(a) There is established the Georgia Alzheimer's and Related Dementias State Plan Advisory Council which shall consist of the following members:

(1) Eleven individuals are standing members due to their position in government agency, organization, or elected office:

(A) The commissioner of human services or his or her designee;

(B) The director of the Division of Aging Services;

(C) The president of the Georgia Association of Area Agencies on Aging or his or her designee;

(D) The commissioner of community health or his or her designee;

(E) The commissioner of public health or his or her designee;

(F) The commissioner of behavioral health and developmental disabilities or his or her designee;

(G) The chairperson of the Senate Health and Human Services Committee or his or her designee;

(H) The chairperson of the House Committee on Public Health or his or her designee;

(I) The chairperson of the House Committee on Human Relations and Aging or his or her designee;

(J) A representative of the Georgia Chapter of the Alzheimer's Association; and

(K) A representative of the Georgia Council on Aging; and

(2) The Governor shall appoint one individual from around the state in each topical area below, chosen for his or her expertise or experience in one of the following six specific fields:

(A) A provider of residential, health care, or personal care services to those living with dementia;

(B) A social gerontologist or clinical researcher in an education or clinical setting with expertise in dementia;

(C) An advocate with a not-for-profit or state agency whose role is to improve services for older adults or those living with dementia;

(D) A medical professional with an active practice specializing in geriatrics, neurology, or other field closely related to dementia;

(E) A caregiver, current or past, for a family member with dementia who has experience navigating health care service options; and

(F) A person who has been diagnosed with dementia.

(b) The advisory council shall serve in an advisory capacity to the Governor, the General Assembly, the Department of Human Services, and all other state agencies on matters relating to the Georgia Alzheimer's and Related Dementias State Plan. The advisory council shall review and make recommendations regarding progress toward the goals of the state plan and on progress in implementing resources and services to serve individuals with dementia related diseases around Georgia in the future. Such review and recommendations shall include, but not be limited to, the following:

(1) Selecting current priorities for state plan work groups to focus on;

(2) Examining the current laws, rules and regulations, and policies of the various agencies that interact with services for individuals with dementia and making recommendations to improve the navigation of and provision of care services for those with dementia and their caregivers;

(3) Proposing legislative or administrative changes to policies and programs needed for furtherance of the state plan;

(4) Examining state and federal funding into the areas of the state plan and reviewing how to work interdisciplinarily to ensure the most efficient and effective use of available resources;

(5) Locating and assisting departments or partner agencies in applying for new funding sources and new opportunities in furtherance of the goals of the state plan; and

(6) Amending the state plan at least every four years and submitting the amended state plan to the Governor for authorization.

(c) The advisory council shall annually elect a chairperson and vice chairperson from among its membership. The advisory council may elect such other officers and establish committees as it considers appropriate. Until a chairperson and vice chairperson are elected or if the chairperson or vice chairperson is unavailable, the director of the Division of Aging Services shall serve temporarily in that role until a new election can be held by the advisory council. The advisory council shall create and vote on bylaws and policies as needed.

(d) The terms of those individuals appointed by the Governor pursuant to paragraph (2) of subsection (a) of this Code section shall serve for an appointment of two years, with the exception of the first year of existence of the advisory council. For the purpose of staggering term appointments, in the first appointment of the individuals in paragraph (2) of subsection (a) of this Code section, the Governor shall appoint three appointees for a one-year first term and three appointees for a two-year first term. All subsequent appointments or reappointments shall be for terms of two years. If an appointee resigns or is otherwise unable to complete the appointed term, the Governor shall appoint a new individual whose expertise or experience satisfies the vacated position within 90 days.

(e) The advisory council shall meet at least quarterly and at such additional times as it shall determine necessary to perform its duties. The advisory council shall also meet on the call of the chairperson, the vice chairperson, the commissioner, or the Governor. All meetings shall contain updates from each work group and presentations on any developed proposals for furtherance of the state plan goals. At or before the summer quarterly meeting, the advisory council shall take a formal vote on any proposals or recommendations under consideration.

(f)(1) Starting on January 1, 2027, and repeating every four years thereafter, the advisory council shall submit to the Governor for review and approval and thereafter make available to the General Assembly an amended state plan. Prior to submitting an amended state plan, the advisory council shall evaluate the latest data and statistics showing the impact of dementia on the State of Georgia, review a summary of the progress and barriers toward implementation of the goals of the current state plan, and review any other information deemed relevant by the advisory council to identify necessary amendments to the current state plan. The published state plan shall include the underlying data and analysis and the goals identified to achieve the purposes set out in this article.

(2) Starting on January 1, 2025, and repeating every four years thereafter, the advisory council shall submit to the Governor and the General Assembly a report detailing the latest data and statistics showing the impact of dementia on the State of Georgia and a summary of the progress toward the goals identified in the state plan.

(g) The department shall staff a position for the Georgia Alzheimer's and Related Dementias State Plan; such position shall be the state plan coordinator. The state plan coordinator shall assist the chairperson and advisory council on council related activities, coordinating the advisory council meetings, and coordinating and serving as a liaison between the work groups and the advisory council, and other associated duties as assigned by the department. The state plan coordinator shall ensure that the progress report is published pursuant to subsection (f) of this Code section.

(h) The advisory council members shall serve in one or more of the Georgia Alzheimer's and Related Dementias State Plan work groups as described in the goals of the state plan. These work groups are to be composed of volunteers and individuals interested in dementia and shall meet between the quarterly meetings to develop the priorities from paragraph (1) of subsection (b) of this Code section to present recommendations to the full advisory council at its quarterly meetings.

(i) Members shall serve without compensation, although each member of the advisory council shall be reimbursed for actual expenses incurred in the performance of his or her duties from funds available to the advisory council; provided, however, that any legislative member shall receive the allowances authorized by law for legislative members of interim legislative committees and any members who are state employees shall be reimbursed for expenses incurred by them in the same manner as they are reimbursed for expenses in their capacities as state employees.

History.

Code 1981, § 49-6-92, enacted by Ga. L. 2018, p. 921, § 2/SB 444; Ga. L. 2019, p. 1056, § 49/SB 52; Ga. L. 2024, p. 549, § 1/HB 571, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, substituted "Public Health" for "Health and Human Services" in subparagraph (a)(1)(H); substituted "; and" for a period at the end of subparagraph (a)(1)(K); substituted "four years" for "three years" in the middle of paragraph (b)(6); and rewrote subsection (f).

ARTICLE 9

GEORGIA PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY (PACE)

Effective date.

This article became effective July 1, 2024.

49-6-100. Purpose.

The purpose of this article is to establish additional opportunities within Georgia's Medicaid program to provide comprehensive, integrated acute and long-term healthcare services to qualifying individuals who require skilled nursing care so that such individuals can continue living in the community.

History.

Code 1981, § 49-6-100, enacted by Ga. L. 2024, p. 145, § 2/HB 1078, effective July 1, 2024.

49-6-101. Definitions.

As used in this article, the term:

(1) "Department" means the Department of Community Health.

(2) "Georgia Program of All-Inclusive Care for the Elderly" or "PACE" means the comprehensive, voluntary program that provides an alternative to nursing home care for eligible older adults as authorized by the federal government under the federal Social Security Act, 42 U.S.C. Sections 1395eee and 1396u-4, as amended.

(3) "Medicaid" shall have the same meaning as set forth in Code Section 49-5-272.

(4) "Medical assistance" shall have the same meaning as set forth in Code Section 49-4-141.

History.

Code 1981, § 49-6-101, enacted by Ga. L. 2024, p. 145, § 2/HB 1078, effective July 1, 2024.

49-6-102. Development and implementation of program.

The department, as part of the medical assistance program in Chapter 5 of this title, may develop and implement the Georgia Program of All-Inclusive Care for the Elderly (PACE), pursuant to the requirements of Title XIX of the federal Social Security Act, as amended, regulations promulgated pursuant thereto by the secretary of health and human services, all applicable laws of this state, the state plan, and regulations of the department which are in effect on the date on which the items are rendered.

History.
Code 1981, § 49-6-102, enacted by Ga. L. 2024, p. 145, § 2/HB 1078, effective July 1, 2024.

Code Commission notes.
Pursuant to Code Section 28-9-5, in 2024, the subsection (a) designation was deleted since there was no subsection (b).

U.S. Code.
Title XIX of the federal Social Security Act, referred to in this Code section, is codified at 42 U.S.C.S. § 1396 et seq.

49-6-103. Certificate of authority exemption.

A PACE organization shall be exempt from the requirement, pursuant to Chapter 21 of Title 33, to obtain a certificate of authority as a health maintenance organization.

History.
Code 1981, § 49-6-103, enacted by Ga. L. 2024, p. 145, § 2/HB 1078, effective July 1, 2024.

CHAPTER 9

GEORGIA VOCATIONAL REHABILITATION AGENCY

Article 1

General Provisions

Sec.
49-9-1. Definitions.
49-9-2.1. Employment First Policy; operation.

Article 3

Employment First Georgia Council

Sec.
49-9-50 through 49-9-53. [Repealed].

ARTICLE 1

GENERAL PROVISIONS

49-9-1. Definitions.

As used in this chapter, the term or terms:

(1) “Agency” means the Georgia Vocational Rehabilitation Agency created pursuant to Code Section 49-9-4.

(2) “Blind person” means a person who has:

(A) Not more than 20/200 central visual acuity in the better eye after correction; or

(B) An equally disabling loss of the visual field.

(3) “Board” means the Georgia Vocational Rehabilitation Services Board created pursuant to Code Section 49-9-2.

(3.1) “Competitive integrated employment” means work, including self-employment, in the labor market performed on a full-time or part-time basis in a setting in which an individual with a disability interacts with individuals without disabilities in all aspects of the job function and for which such individual with a disability is compensated at or above the level of salary and benefits paid by the employer for the same or similar work performed by individuals without disabilities.

(4) "Director" means the agency executive director appointed pursuant to Code Section 49-9-3.

(4.1) "Disability" means a permanent physical, cognitive, or behavioral condition that significantly limits one or more functions of daily living.

(5) "Disability to employment" means a physical or mental condition which constitutes, contributes to, or, if not corrected, will probably result in an impairment of occupational performance.

(6) "Occupational license" means any license, permit, or other written authority required by any governmental unit to be obtained in order to engage in an occupation.

(7) "Person with disabilities" means an individual having a physical or mental impairment that substantially limits one or more of the major life activities.

(8) "Prosthetic appliance" means any artificial device necessary to support or take the place of a part of the body or to increase the acuity of a sense organ.

(9) "Regulations" means regulations made by the director with the approval of the board and promulgated in the manner prescribed by law.

(10) "Rehabilitation center" means a facility operated for the purpose of assisting in the rehabilitation of persons with disabilities which provides one or more of the following types of services:

(A) Testing, fitting, or training in the use of prosthetic devices;

(B) Prevocational or conditioning therapy;

(C) Physical, corrective, or occupational therapy; or

(D) Adjustment training or evaluation or control of special disabilities; or a facility in which a coordinated approach is made to the physical, mental, and vocational evaluation of persons with disabilities and an integrated program of physical restoration and relating training is provided under competent professional supervision and direction.

(11) "Rehabilitation training" means all necessary training provided to a person with disabilities to compensate for his or her

disability to employment, including, but not limited to, manual preconditioning, relating, vocational, and supplementary training and training provided for the purpose of developing occupational skills and capacities.

(12) "Vocational rehabilitation" and "vocational rehabilitation services" mean any service, provided directly or through public or private instrumentalities, found by the director to be necessary to compensate a person with disabilities for his or her disability to employment and to enable such individual to engage in a remunerative occupation.

(13) "Workshop" means a place where any manufacture or handwork is carried on and which is operated for the primary purpose of providing rehabilitative activities, including the use of monetary rewards as an incentive practice for persons with disabilities unable to engage in the competitive labor market. Persons receiving services in workshops shall not be considered as employees of the state for workers' compensation or any other purposes.

History.

Code 1981, § 34-15-1, enacted by Ga. L. 2000, p. 1137, § 1; Code 1981, § 49-9-1, as redesignated by Ga. L. 2012, p. 303, § 1/HB 1146; Ga. L. 2025, p. 332, § 10-1/SB 96, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, added paragraphs (3.1) and (4.1).

49-9-2.1. Employment First Policy; operation.

(a) The board shall advise the Governor, General Assembly, and state agencies as to the adoption and integration of a policy that recognizes that competitive integrated employment is the first and preferred option of all state funded services provided to working age individuals with disabilities. Such policy shall be known as the Employment First Policy or Employment First.

(b) The board shall have the following powers, duties, and responsibilities with respect to the Employment First Policy provided for in subsection (a) of this Code section:

(1) Develop an Employment First training plan for providers of services to individuals with disabilities;

(2) Conduct educational activities to increase awareness of the Employment First Policy;

(3) Evaluate the funding mechanism for services in this state for individuals with disabilities and for students attending inclusive postsecondary institutions; and

(4) Make recommendations in a biannual report to the Governor

and the General Assembly with regard to issues and necessary steps surrounding the adoption and implementation of the Employment First Policy, including, but not limited to:

(A) Proposed legislative or administrative changes to policies and programs that are integral to the full implementation of the Employment First Policy;

(B) Proposed changes to or creation of funding mechanisms and other initiatives for services in this state for individuals with disabilities and for students attending inclusive postsecondary institutions; and

(C) State-wide best practices to ensure that providers of services in this state for individuals with disabilities are facilitating competitive integrated employment in the workforce.

History.
Code 1981, § 49-9-2.1, enacted by Ga. L. 2025, p. 332, § 10-2/SB 96, effective July 1, 2025.

Effective date.
This Code section became effective July 1, 2025.

ARTICLE 3

EMPLOYMENT FIRST GEORGIA COUNCIL

49-9-50 through 49-9-53. [Repealed].

History.
Code 1981, §§ 49-9-50 through 49-9-53, enacted by Ga. L. 2018, p. 766, § 3/HB 831; repealed by Ga. L. 2025, p. 332, § 10-3/SB 96, effective July 1, 2025.

Editor's notes.
Ga. L. 2025, p. 332, § 10-4/SB 96, not codified by the General Assembly, provides: "Any assets of the Employment First Georgia Council existing as of June 30, 2025, shall devolve by operation of law and without further action to the State of Georgia on July 1, 2025. Any liabilities and obligations of the Employment First Georgia Council existing as of June 30, 2025, shall be transferred to and assumed by the State of Georgia, by such instruments as may be required to maintain the same."

The former article, relating to the Employment First Georgia Council, consisted of Code Sections 49-9-50 through 49-9-53.

CHAPTER 10

GEORGIA BOARD OF HEALTH CARE WORKFORCE

Sec.
49-10-7. Student loan repayment for mental health and substance use professionals serving in certain capacities.

49-10-7. Student loan repayment for mental health and substance use professionals serving in certain capacities.

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

(1) "Eligible applicant" means a person who:

(A) Is a legal resident of the State of Georgia as established by rules and regulations of the board;

(B) Is a mental health or substance use professional licensed in this state; and

(C)(i) Provides services to underserved youth in this state; or

(ii) Practices in unserved geographic areas or communities in this state that are disproportionately impacted by social determinants of health, as determined by the board.

(2) "Mental health or substance use professional" means a psychiatrist, psychologist, professional counselor, social worker, marriage and family therapist, clinical nurse specialist in psychiatric/mental health, or other licensed mental or behavioral health clinician or specialist.

(3) "Recipient" means an eligible applicant who applied for and was approved by the board for student loan repayment under this Code section.

(4) "Student loan" means debt incurred by an eligible applicant that is:

(A) Evidenced by a promissory note which required the funds received to be used to pay for the cost of attendance for the undergraduate, graduate, or professional education of the eligible applicant;

(B) Not in default at the time of application for repayment under this Code section; and

(C) Not subject to an existing service obligation or to repayment through another student loan repayment or loan forgiveness program or as a condition of employment.

(b) The board shall have the authority to approve the applications of eligible applicants submitted in accordance with rules and regulations established by the board governing the student loan repayment application process.

(c) The board is authorized to provide for the repayment of student loans held by recipients in consideration of the recipient performing services as a mental health or substance use professional in accordance with subparagraph (a)(1)(C) of this Code section.

(d)(1) Each recipient before being granted any student loan repayment shall enter into a student loan repayment agreement with the board agreeing to the terms and conditions upon which the student loan repayment is granted, including such terms and conditions set forth in this Code section.

(2) The board shall have the power to terminate a student loan repayment agreement at any time for any cause deemed sufficient by the board, provided that such power shall not be arbitrarily or unreasonably exercised.

(e) Each student loan repayment agreement entered into under the authority granted in this Code section shall:

(1) Provide for repayment of the recipient's student loans in a total amount to be determined by the board, but not exceeding the total student loan debt of the recipient, to be paid out in installments made each 12 months over a term of not more than five years. A student loan repayment made pursuant to this Code section shall be paid in such manner as the board shall establish by rules and regulations;

(2) Provide that any payment made by the board under a student loan repayment agreement shall be made in consideration of services rendered by the recipient performing services as a mental health or substance use professional in accordance with subparagraph (a)(1)(C) of this Code section;

(3) Provide that the board shall make a payment toward the recipient's student loans, in an amount set forth in the agreement, for each 12 months the recipient performs services as a mental health or substance use professional in accordance with subparagraph (a)(1)(C) of this Code section; and

(4) Require that the recipient shall remain a legal resident of the state as established by rules and regulations of the board; maintain licensure in this state as a mental health or substance use professional; and perform services as a mental health or substance use professional in accordance with subparagraph (a)(1)(C) of this Code section at all times during the term of the agreement.

(f) The board shall adopt such rules and regulations as are reasonable and necessary to implement the provisions of this Code section.

(g) Student loan repayment for recipients having entered into a student loan repayment agreement with the board pursuant to this Code section shall be contingent upon the appropriation of funds by the General Assembly for the purposes of this Code section in annual appropriations Acts of the General Assembly.

History.
Code 1981, § 49-10-7, enacted by Ga. L. 2024, p. 38, § 1/SB 480, effective July 1, 2024.

Effective date.
This Code section became effective July 1, 2024.

Editor's notes.
Pursuant to the terms of subsection (g), funds have been appropriated in 2024 for FY 2025.

TITLE 50

STATE GOVERNMENT

VOLUME 38

Chap.
1. General Provisions, 50-1-1 through 50-1-14.
3. State Flag, Seal, and Other Symbols, 50-3-1 through 50-3-131.
5. Department of Administrative Services, 50-5-1 through 50-5-146.
6. Department of Audits and Accounts, 50-6-1 through 50-6-32.
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13. Administrative Procedure, 50-13-1 through 50-13-44.
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40. Promotion and Deployment of Broadband Services, 50-40-1 through 50-40-84.

CHAPTER 1

GENERAL PROVISIONS

Sec.
50-1-12. Consideration of the "definition of antisemitism" in the enforcement and application of laws by state agencies.
50-1-13. Prohibition on governmental agencies from using central bank digital currency.
50-1-14. Attorney General authorized to approve private activity bonds to finance or refinance state charter school facility.

50-1-10. (For effective date, see note.) Daylight savings time year round; contingent implementation.

Delayed effective date.

Ga. L. 2021, p. 81, § 1/SB 100 provides that this Code section becomes effective if the United States Congress amends 15 U.S.C. Section 260a to authorize states to observe daylight savings time year round. As of May 2025, this requirement has not been satisfied.

50-1-12. Consideration of the "definition of antisemitism" in the enforcement and application of laws by state agencies.

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

(1) "Agency" means any agency, authority, department, board, bureau, commission, council, corporation, entity, or instrumentality of state government and all local political subdivisions of this state.

(2) "Definition of antisemitism" has the same meaning as provided for in the working definition of antisemitism and the contemporary examples of antisemitism adopted by the International Holocaust Remembrance Alliance (IHRA) on May 26, 2016, and incorporated by reference in Presidential Executive Order Number 13899, 84 F.R. 68779 December 11, 2019.

(b) An agency authorized or required to enforce any criminal or noncriminal law or regulation that prohibits discrimination on the basis of race, color, religion, or national origin shall consider the definition of antisemitism in the course of such enforcement.

(c) In determining whether to seek the enhanced penalty or penalties authorized by Code Section 17-10-17, the state shall consider the definition of antisemitism for the purpose of determining whether such penalty enhancement is authorized.

(d) Nothing in this Code section shall be construed to diminish or infringe upon any right protected under the First Amendment to the United States Constitution or the Georgia Constitution. Nothing in this Code section shall be construed to diminish or infringe upon an individual's right to engage in legally protected conduct or expressive activity pertaining to any matter of United States foreign policy or international affairs. Nothing in this Code section shall be construed to conflict with local, federal, or state discrimination laws.

(e) Nothing in this Code section shall be construed to alter the evidentiary requirements pursuant to which an agency makes a determination that conduct, including harassment, amounts to actionable discrimination, or to diminish or infringe upon the rights protected under any other provision of law.

(f) Nothing in this Code section shall be construed to impair or otherwise affect the authority granted by law to an agency.

(g) This Code section shall not create any right or benefit, substantive or procedural, or any cause of action, enforceable at law or in equity, by any party against the state or any agency.

History.
Code 1981, § 50-1-12, enacted by Ga. L. 2024, p. 1, § 1/HB 30, effective January 31, 2024.

Effective date.
This Code section became effective January 31, 2024.

Code Commission notes.
Pursuant to Code Section 28-9-5, in 2024, Code Section 50-1-12, as enacted by Ga. L. 2024, p. 782, § 2/HB 1053, was redesignated as Code Section 50-1-13.

Editor's notes.
Ga. L. 2024, p. 1, § 2/HB 30, not codified by the General Assembly, provides: "In the event any section, subsection, paragraph, subparagraph, item, sentence, clause, phrase, or word of this Act is declared or adjudged to be invalid or unconstitutional, the remaining portions of this Act shall automatically be repealed upon the entry of such declaration or adjudication and shall not remain of full force and effect after such declaration or adjudication. The General Assembly declares that it would not have enacted the remaining parts of this Act if it had known that such portion of this Act would be declared or adjudged invalid or unconstitutional." As of May 2025, no such decision has been issued.

50-1-13. Prohibition on governmental agencies from using central bank digital currency.

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

(1) "Central bank digital currency" means a digital currency, a digital medium of exchange, or a digital monetary unit of account issued by the Federal Reserve System, a federal reserve bank, a

federal agency, a foreign government, a foreign central bank, or a foreign reserve system:

(A) That is made directly available to a consumer by such entities;

(B) That is made available to a consumer by such entities indirectly via a contract with a third party or otherwise; or

(C) That is processed or validated directly by such entities.

(2) "Governmental agency" means any board, commission, department, authority, other agency, or political subdivision of the state.

(b) No governmental agency shall accept a payment using central bank digital currency.

(c) No governmental agency shall participate in any test of central bank digital currency.

History.
Code 1981, § 50-1-13, enacted by Ga. L. 2024, p. 782, § 2/HB 1053, effective July 1, 2024.

Effective date.
This Code section became effective July 1, 2024.

Code Commission notes.
Pursuant to Code Section 28-9-5, in 2024, Code Section 50-1-12, as enacted by Ga. L. 2024, p. 782, § 2/HB 1053, was redesignated as Code Section 50-1-13.

Editor's notes.
Ga. L. 2024, p. 782, § 1/HB 1053, not codified by the General Assembly, provides: "The General Assembly finds that:

"(1) The potential adoption of a central bank digital currency ('CBDC') by the federal government raises significant privacy and security concerns for individuals and businesses in Georgia;

"(2) A CBDC would be an unacceptable expansion of federal authority by giving the federal government unprecedented control of the lives, freedoms, choices, and sovereignty of the people of Georgia;

"(3) A CBDC could disrupt the existing financial system and diminish the role of community banks and credit unions; and

"(4) It is vital for the State of Georgia to promote economic freedom and privacy, protect the finances of individuals and businesses in Georgia, and preserve the role of private commercial banks."

50-1-14. Attorney General authorized to approve private activity bonds to finance or refinance state charter school facility.

The Attorney General is designated as an applicable elected representative, as provided for in 26 U.S.C. Section 147(f)(2)(E) of the Internal Revenue Code, who may approve the issuance of one or more private activity bonds to finance or refinance a state charter school facility after a public hearing following reasonable notice in accordance with 26 U.S.C. Section 147(f) of the Internal Revenue Code and applicable state and federal rules. Within 60 days of the Attorney General receiving a written request for a public hearing, he or she or his or her designee shall hold such hearing, as required by 26 U.S.C. Section 147(f) of the Internal Revenue Code. Within 30 days of such hearing, the Attorney

General shall approve the issuance of private activity bonds to finance or refinance a state charter school facility if the applicable charter school is authorized by Article 31A of Chapter 2 of Title 20 and is an organization described under 26 U.S.C. Section 501(c)(3) of the Internal Revenue Code, and such state charter school facility to be financed or refinanced by such private activity bonds will be owned or principally used by such state charter school.

History.
Code 1981, § 50-1-14, enacted by Ga. L. 2025, p. 670, § 1/HB 516, effective July 1, 2025.

Effective date.
This Code section became effective July 1, 2025.

CHAPTER 3

STATE FLAG, SEAL, AND OTHER SYMBOLS

Article 3

Other State Symbols

Sec.
50-3-92. State soap box derby.
50-3-93. State crustacean.
50-3-94. State stew.
50-3-95. State bread.

Article 8

Original 33 Memorial

50-3-130. Short title.
50-3-131. Erection of monument.

ARTICLE 1

STATE AND OTHER FLAGS

50-3-1. Description of state flag; militia to carry flag; monument offenses; penalties; causes of action.

JUDICIAL DECISIONS

Action seeking declaratory relief and damages for removal of monument. — Dismissal of an organization's suit against a city seeking declaratory relief and damages for the removal of a Confederate monument was upheld because the declaratory judgment action was not maintainable since the organization faced no uncertainty as to their own future conduct, but rather sought an adjudication of issues that would impact the future conduct of the city. Lewis v. City of Brunswick, 375 Ga. App. 56, 913 S.E.2d 755, 2025 Ga. App. LEXIS 100 (2025).

No waiver of sovereign immunity. — Plaintiff's action alleging that defendant violated O.C.G.A. § 50-3-1 by holding a special meeting to vote on the removal of a Confederate monument and requesting injunctive relief to prevent the statue's removal was barred by sovereign immunity because that section did not waive defendant's sovereign immunity as nowhere in that section did the words enjoin, injunction, or injunctive relief appear and in 2019 the General Assembly removed language explicitly permitting such relief. Sons of Confederate Veterans v. Henry County Bd. of Comm'rs, 368 Ga. App. 511, 890 S.E.2d 468, 2023 Ga. App. LEXIS 353 (2023).

O.C.G.A. § 50-3-1(b), which prohibits

removal of publicly owned monuments, was held not to contain an explicit waiver of sovereign immunity for municipalities. Lewis v. City of Brunswick, 375 Ga. App. 56, 913 S.E.2d 755, 2025 Ga. App. LEXIS 100 (2025).

RESEARCH REFERENCES

ALR.

Removal or demolition of civil war and confederate monuments and statues, 80 A.L.R.7th 7.

ARTICLE 3

OTHER STATE SYMBOLS

50-3-92. State soap box derby.

(a) The Southeast Georgia Soap Box Derby in Lyons, Georgia, is designated as the official soap box derby of the State of Georgia.

(b) The Department of Economic Development and other public agencies and leaders in the tourism industry are encouraged to work together to maximize advertising programs which permit citizens of other states and nations to learn of the Southeast Georgia Soap Box Derby and to visit this state for tourism purposes.

History.

Code 1981, § 50-3-92, enacted by Ga. L. 2024, p. 765, § 1-2/HB 1026, effective May 6, 2024.

Effective date.

This Code section became effective May 6, 2024.

Code Commission notes.

Pursuant to Code Section 28-9-5, in 2024, Code Section 50-3-92, as enacted by Ga. L. 2024, p. 445, § 2/HB 1341, was redesignated as Code Section 50-3-93.

50-3-93. State crustacean.

White shrimp is designated as the official Georgia state crustacean.

History.

Code 1981, § 50-3-93, enacted by Ga. L. 2024, p. 445, § 2/HB 1341, effective July 1, 2024.

Effective date.

This Code section became effective July 1, 2024.

Code Commission notes.

Pursuant to Code Section 28-9-5, in 2024, Code Section 50-3-92, as enacted by Ga. L. 2024, p. 445, § 2/HB 1341, was redesignated as Code Section 50-3-93.

Editor's notes.

Ga. L. 2024, p. 445, § 1/HB 1341, not codified by the General Assembly, provides: "The General Assembly finds and declares as follows:

"(1) White shrimp provide significant economic, cultural, and environmental benefits to Georgians;

"(2) Shrimp make up approximately 80 percent of the value of the seafood caught in a typical year in this state;

"(3) White shrimp account for more than two-thirds of the total shrimp harvest;

"(4) White shrimp are harvested all along Georgia's coast and are an important part of the culture of coastal communities;

"(5) White shrimp are omnivores that feed at the bottom of the water on detritus, plants, microorganisms, macroinvertebrates, and small fish and are themselves an important food source for many other organisms; and

"(6) White shrimp enjoy a singular stature amongst Georgia's crustaceans in economic, cultural, and environmental importance, that is rivaled only by its popularity as a tasty food. Establishing white shrimp as the official Georgia state crustacean is necessary to fully recognize the importance of this organism to this state."

50-3-94. State stew.

Brunswick stew is designated as the official Georgia state stew.

History.

Code 1981, § 50-3-94, enacted by Ga. L. 2025, p. 206, § 2-2/HB 233, effective July 1, 2025.

Effective date.

This Code section became effective July 1, 2025.

Editor's notes.

Ga. L. 2025, p. 206, § 2-1/HB 233, not codified by the General Assembly, provides: "The General Assembly of Georgia finds and determines that:

"(1) Brunswick stew is a rich, thick stew noted for its signature ingredients of meat, tomatoes, and fresh vegetables, such as sweet corn;

"(2) A plaque on an old iron pot in Brunswick, Georgia, declares the first Brunswick stew was made in it on July 2, 1898, on nearby St. Simons Island; and

"(3) Contrary to claims by other states, Georgia, and specifically Brunswick, Georgia, is the birthplace of Brunswick stew."

50-3-95. State bread.

Cornbread is designated as the official Georgia state bread.

History.

Code 1981, § 50-3-95, enacted by Ga. L. 2025, p. 206, § 3-2/HB 233, effective July 1, 2025.

Effective date.

This Code section became effective July 1, 2025.

Editor's notes.

Ga. L. 2025, p. 206, § 3-1/HB 233, not codified by the General Assembly, provides: "The General Assembly finds and declares that:

"(1) The colorful history and traditions of the State of Georgia are inextricably associated with the food traditions of corn, and among the many legacies of this proud heritage is the delicious bread known as cornbread;

"(2) Relied upon by indigenous people to sustain themselves, cornbread has transcended its humble origins to take a place of honor at such events as the Prater's Mill Country Fair in Whitfield County;

"(3) With thousands of participants and visitors, such celebrations include cornbread cooked on a wood-burning stove and served with collard greens and pinto beans;

"(4) Corn is grown, ground, and made into cornmeal at historic mills like Prater's Mill, Berry College Mill, and Ogeechee River Mill and modern mills like Southeastern Mills and Logan Turnpike Mill;

"(5) Cornmeal is then sold in stores and served in eating establishments throughout the state, and cornbread is enjoyed by young and old at home and in restaurants;

"(6) Cornbread enjoys a singular stature in Georgia history and culture that is rivaled only by its undeniable appeal as a versatile and satisfying food; and

"(7) Accordingly, it is abundantly fitting and proper that cornbread be designated as the official Georgia state bread so as to fully recognize the importance of this product to this state."

ARTICLE 8

ORIGINAL 33 MEMORIAL

Effective date.

This article became effective July 1, 2025.

Cross references.

Membership and apportionment of General Assembly, § 28-1-1.

Editor's notes.

Ga. L. 2025, p. 205, Preamble/HB 303, not codified by the General Assembly, provides: "WHEREAS, in 1868, 33 African Americans, the Original 33, were elected to the General Assembly of Georgia: Senators Aaron Alpeoria Bradley, Tunis Campbell, Sr., and George Wallace, and Representatives Thomas M. Allen, Eli Barnes, Thomas Beard, Edwin Belcher, Tunis Campbell, Jr., Malcolm Claiborn, George H. Clower, Abram Colby, John T. Costin, Madison Davis, Monday Floyd, F. H. Fyall, Samuel Gardner, William A. Golden, William Guilford, William Henry Harrison, Ulysses L. Houston, Philip Joiner, George Linder, Robert Lumpkin, Romulus Moore, Peter O'Neal, James Ward Porter, Alfred Richardson, James M. Simms, Abraham Smith, Alexander Stone, Henry McNeal Turner, John Warren, and Samuel Williams; and

"WHEREAS, these men were some of the first Black state legislators in the United States; and

"WHEREAS, in September of 1868, the Original 33 were expelled from the General Assembly of Georgia; and

"WHEREAS, it is only fitting that the Original 33 be honored and recognized for their pioneering work and suffering for attempting to integrate the General Assembly of Georgia."

50-3-130. Short title.

This Act shall be known and may be cited as the "Original 33 Memorial Act."

History.

Code 1981, § 50-3-130, enacted by Ga. L. 2025, p. 205, § 1/HB 303, effective July 1, 2025.

50-3-131. Erection of monument.

(a) There shall be placed upon the capitol grounds of the state capitol building or in another prominent place a monument in honor of the Original 33, the Black legislators expelled from the General Assembly following the end of Reconstruction, subject to the availability of private funds for such purpose.

(b) Unless public safety concerns warrant postponement, such monument shall be procured and placed as soon as practicable.

History.

Code 1981, § 50-3-131, enacted by Ga. L. 2025, p. 205, § 1/HB 303, effective July 1, 2025.

CHAPTER 5

DEPARTMENT OF ADMINISTRATIVE SERVICES

Article 3

State Purchasing

Part 1

General Authority, Duties, and Procedure

Sec.
50-5-72. Construction and public works contracts conducted by department; advertising costs; exceptions.
50-5-84.1. Contracting with foreign adversaries.
50-5-84.2. [Repealed] Contracting with companies owned by foreign countries of concern.

Part 3

Small Business Assistance

50-5-120 through 50-5-124. [Reserved].

ARTICLE 3

STATE PURCHASING

Part 1

General Authority, Duties, and Procedure

50-5-72. Construction and public works contracts conducted by department; advertising costs; exceptions.

(a) Notwithstanding any other provision of this part or any other law dealing with the subject matter contained in this Code section to the contrary, all construction or public works contracts, exceeding a total expenditure of $250,000.00, of any department, board, bureau, commission, office, or agency of the state government, except as provided in this Code section, shall be conducted and negotiated by the Department of Administrative Services in accordance with this part; provided, however, that any expenditure of less than $250,000.00 shall still be subject to review and approval by the Department of Administrative Services, which may approve noncompetitive expenditures of up to $250,000.00.

(b) All advertising costs incurred in connection with such contracts shall be borne by and paid from the funds appropriated to and available to the department, board, bureau, commission, office, or agency of the state government for which the contract is negotiated.

(c)(1) Notwithstanding subsections (a) and (b) of this Code section and to the extent permitted by law, the Department of Administrative Services shall not in its bid documents, specifications, project agreements, or other controlling documents for a public works construction contract:

(A) Require or prohibit bidders, offerors, contractors, subcontractors, or material suppliers to enter into or adhere to prehire agreements, project labor agreements, collective bargaining agreements, or any other agreement with one or more labor organizations on the same or other related construction projects; or

(B) Discriminate against, or treat differently, bidders, offerors, contractors, subcontractors, or material suppliers for becoming or refusing to become or remain signatories or otherwise to adhere to agreements with one or more labor organizations on the same or other related construction projects.

(2) Nothing in this subsection shall prohibit bidders, offerors, contractors, subcontractors, or material suppliers from voluntarily entering into agreements described in paragraph (1) of this subsection.

(3) The head of a governmental entity may exempt a particular public works construction contract from the requirements of any or all of the provisions of paragraph (1) of this subsection if the governmental entity finds, after public notice and a hearing, that special circumstances require an exemption to avert an imminent threat to public health or safety. A finding of special circumstance under this paragraph shall not be based on the possibility or presence of a labor dispute concerning the use of contractors or subcontractors who are nonsignatories to, or otherwise do not adhere to, agreements with one or more labor organizations or concerning employees on the particular project who are not members of or affiliated with a labor organization.

(d) The commissioner of administrative services is authorized and directed to promulgate such rules and regulations as shall carry out the additional duties and responsibilities placed upon the department by this Code section.

(e) Nothing contained in this Code section shall apply to or affect the Department of Transportation, the several public authorities of this state, including the Stone Mountain Memorial Association and the Board of Regents of the University System of Georgia, or the expenditure of money credited to the account of this state in the Unemployment Trust Fund by the secretary of the treasury of the United States pursuant to Section 903 of the Social Security Act and appropriated as provided in Code Section 34-8-85. No contract in existence on March 18, 1964, shall be affected by this Code section, and such contract may continue to be utilized.

History.

Ga. L. 1964, p. 693, § 1; Ga. L. 1991, p. 139, § 3; Ga. L. 1996, p. 885, § 7; Ga. L. 2013, p. 628, § 9/SB 179; Ga. L. 2025, p. 488, § 7/HB 137, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, in subsection (a), substituted "$250,000.00" for "$100,000.00" three times.

50-5-84.1. Contracting with foreign adversaries.

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

(1) "Concerned goods" means goods, including component parts, services, and technology, produced by a foreign company of concern deemed by the Georgia Technology Authority to pose a security threat to this state or its residents.

(2) "Foreign company of concern" means a sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly owned subsidiaries, majority owned subsidiaries, parent companies, or affiliates of such entities or business associations, that exists for the purpose of making profit and is:

(A) Organized or incorporated in a foreign country of concern;

(B) Owned or controlled by the government, a political subdivision, or a political party of a foreign country of concern; or

(C) Has a principal place of business in a foreign country of concern.

(3) "Foreign country of concern" means a country whose government is designated as a foreign adversary by the United States Secretary of Commerce pursuant to 15 C.F.R. Section 791.4.

(b) Pursuant to the authority provided in subparagraph (a)(27)(B) of Code Section 50-25-4, the Georgia Technology Authority shall maintain an up-to-date list of concerned goods produced by a foreign company of concern or a foreign country of concern.

(c) The state or a state agency shall not purchase concerned goods from a foreign company of concern, a foreign country of concern, or a third-party vendor or reseller.

(d) If a company of concern, directly or through a third-party vendor or reseller, sells concerned goods to the state or a state agency:

(1) The foreign company of concern or third-party vendor or reseller shall be liable for a civil penalty in an amount that is equal to the greater of $250,000.00 or triple the amount of the entire purchase value;

(2) The state agency or the Department of Administrative Services shall terminate the contract with the foreign company of concern or third-party vendor or reseller; and

(3) The foreign company of concern or third-party vendor or reseller shall be ineligible for an award of future state contracts for a period determined by the Georgia Technology Authority.

History.
Code 1981, § 50-5-84.1, enacted by Ga. L. 2022, p. 566, § 1/SB 562; Ga. L. 2025, p. 294, § 1/HB 113, effective July 1, 2025.

Amendments.
The 2025 amendment, effective July 1, 2025, rewrote this Code section.

50-5-84.2. [Repealed] Contracting with companies owned by foreign countries of concern.

History.
Code 1981, § 50-5-84.2, enacted by Ga. L. 2022, p. 567, § 1/SB 346; Ga. L. 2023, p. 730, § 6(b)(3)/HB 475, effective July 1, 2023; Ga. L. 2025, p. 206, § 4-1/HB 233, effective July 1, 2025; repealed by Ga. L. 2025, p. 294, § 2/HB 113, effective July 1, 2025.

Code Commission notes.
Pursuant to Code Section 28-9-5, in 2025, the amendment of this Code section by Ga. L. 2025, p. 231, § 4-1/HB 233, was treated as impliedly repealed and superseded by Ga. L. 2025, p. 294, § 2/HB 113, due to irreconcilable conflict.

Part 3

Small Business Assistance

50-5-120 through 50-5-124. [Reserved].

History.
Ga. L. 1975, p. 1619, §§ 1–5; Ga. L. 1982, p. 3, § 50; Ga. L. 1986, p. 10, § 50; Ga. L. 1992, p. 6, § 50; Ga. L. 2009, p. 303, § 16/HB 117; Ga. L. 2012, p. 760, §§ 1-2, 1-3/HB 863; Ga. L. 2015, p. 1284, §§ 4–6/HB 259; Ga. L. 2016, p. 864, § 50/HB 737; Ga. L. 2021, p. 271, §§ 1, 2/HB 611; repealed by Ga. L. 2024, p. 922, § 11-1/SB 341, effective May 6, 2024.

Editor's notes.
Ga. L. 2024, p. 922, § 11-1/SB 341, reserved the designation of this part, effective May 6, 2024.

CHAPTER 6

DEPARTMENT OF AUDITS AND ACCOUNTS

Article 1

General Provisions

Sec.
50-6-11. Performance audit of State Housing Trust Fund for the Homeless.

ARTICLE 1

GENERAL PROVISIONS

50-6-11. Performance audit of State Housing Trust Fund for the Homeless.

The state auditor shall conduct a performance audit of all expenditures from the State Housing Trust Fund for the Homeless for stable housing accountability programs funded pursuant to Article 5 of Chapter 3 of

Title 8. The audit shall examine the awarding of contracts and grants relating to such programs, the metrics used to determine success of the expenditures, and whether the metrics are met by the contractors and grantees. The audit shall be provided to the Governor, Lieutenant Governor, and Speaker of the House of Representatives no later than December 31, 2025.

History.

Code 1981, § 50-6-11, enacted by Ga. L. 2024, p. 168, § 2/HB 1410, effective July 1, 2024.

Effective date.

This Code section became effective July 1, 2024.

CHAPTER 7

DEPARTMENT OF ECONOMIC DEVELOPMENT

Article 1

General Provisions

Sec.
50-7-19. State-wide electric vehicle manufacturing program; Georgia Electric Vehicle Manufacturing Commission.
50-7-20. Employer eligibility for economic development incentives.

Article 4

Savannah-Georgia Convention Center Authority

Part 2

Promotion

50-7-55. Creation of Savannah-Georgia Convention Center Authority; membership; powers.

Article 10

Georgia Joint Defense Commission

50-7-120. Administration and support from the Department of Economic Development.

Article 11

CHIPS and Advanced Technology

50-7-130. Establishment, purpose, and operation of Georgia CHIPS and Advanced Technology Commission.

ARTICLE 1

GENERAL PROVISIONS

50-7-19. State-wide electric vehicle manufacturing program; Georgia Electric Vehicle Manufacturing Commission.

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

(1) "Commission" means the Georgia Electric Vehicle Manufacturing Commission created pursuant to this Code section.

(2) "Department" means the Department of Economic Development.

(3) "EV industry" means the commercial enterprise of manufacturing electric vehicles and related components within this state.

(4) "Marketing" means promotion, advertising, signage, public relations, press relations, and branding; creation, use, and licensing of a trademark, copyright, and other intellectual property; providing discounts; and other activities of similar nature or within the term as it is commonly understood.

(b) The department shall be authorized to establish, implement, and support a state-wide electric vehicle manufacturing program for the promotion of electric vehicle and component manufacturing in this state. The program shall advance the state's interest in developing, marketing, promoting, or recruiting the growth of the EV industry through continued investment or job creation in this state. The carrying out of the purposes and program in this article are in all respects for the benefit of the people of this state and constitute a public purpose. Actions by the department pursuant to this article shall be an essential governmental function in the exercise of the powers conferred upon it by this article. Such program shall not consider, evaluate, or make recommendations relative to the sale, distribution, or servicing of electric vehicles.

(c) There is created the Georgia Electric Vehicle Manufacturing Commission, as a body corporate and politic and an instrumentality of the state, for the following public purposes and powers:

(1) To formulate recommendations to the Governor and the General Assembly to support and expand the growth of electric vehicle and component manufacturing in this state through a state-wide electric vehicle manufacturing program;

(2) To consult with private sector employers, primary and secondary schools, the University System of Georgia, the Technical College System of Georgia, and other entities to determine workforce needs for the EV industry and to make training recommendations to educational institutions and the General Assembly;

(3) To advise the department in supporting and meeting infrastructure needs for the EV industry, including, but not limited to, transportation, charging networks, energy supply, manufacturing sites, and communications networks;

(4) To develop, in consultation with the EV industry, such marketing materials and advertising as the commission finds useful to promote the continued growth of EV industry jobs in this state;

(5) To provide for assessments of the state interest in and benefit from encouraging the growth of the EV industry in this state; and

(6) The commission shall not consider, evaluate, or make recom-

mendations relative to the sale, distribution, or servicing of electric vehicles.

(d)(1) The commission shall consist of:

(A) The commissioner of economic development;

(B) The director of planning for the Department of Transportation;

(C) The commissioner of the Technical College System of Georgia;

(D) The chancellor of the University System of Georgia;

(E) One representative from each electric vehicle manufacturer that is manufacturing vehicles in this state, appointed by the Governor;

(F) Two representatives of electric vehicle component manufacturers that are operating in this state, appointed by the Governor;

(G) A representative of an investor owned utility company, appointed by the Governor;

(H) A representative of a cooperative utility provider, appointed by the Governor;

(I) A licensed franchise new motor vehicle dealer in this state, appointed by the Governor;

(J) Two members of the House of Representatives to serve as ex officio members, appointed by the Speaker of the House of Representatives; and

(K) Two members of the Senate to serve as ex officio members, appointed by the President of the Senate.

(2) The commission shall elect a chairperson from among its membership. A majority of the commission shall constitute a quorum, and the acts of the majority shall be the acts of the commission.

(3) Members of the commission who are state officials or employees shall receive no compensation for their service on the commission but may be reimbursed for expenses incurred by them in the performance of their duties as members of the commission. Any members of the commission who are not state officials or employees shall receive a daily expense allowance in the amount specified in subsection (b) of Code Section 45-7-21 for each day such member is in attendance at a meeting of the commission.

(4) Members of the commission appointed pursuant to subparagraphs (A) through (D) of paragraph (1) of this subsection may

designate persons to serve in their place. Members appointed pursuant to subparagraphs (E) through (I) of paragraph (1) of this subsection shall serve for terms of two years. Members appointed pursuant to subparagraphs (J) and (K) of paragraph (1) of this subsection shall serve for terms concurrent with their corresponding terms as members of the General Assembly.

(e) The commission is assigned to the department for administrative purposes only. The Attorney General shall be the attorney for the commission.

(f) The commissioner of economic development shall be authorized to promulgate any rules and regulations necessary to implement and administer the provisions of this Code section to further promote the marketing of this state to the EV industry for future investment. Rule making or actions undertaken pursuant to this Code section by the department shall be subject to Chapter 13 of Title 50, the "Administrative Procedure Act."

(g) Neither the commission nor the department shall issue any rule or regulation, take any action, or consider, evaluate, or make recommendations relative to the ownership, operation, or control of dealerships by manufacturers and franchisors pursuant to Code Section 10-1-664.1.

History.

Code 1981, § 50-7-19, enacted by Ga. L. 2024, p. 3, § 1-2/SB 26, effective February 13, 2024.

Effective date.

This Code section became effective February 13, 2024.

Code Commission notes.

Pursuant to Code Section 28-9-5, in 2024, Code Section 50-7-19, as enacted by Ga. L. 2024, p. 184, § 1/SB 362, was redesignated as Code Section 50-7-20.

Pursuant to Code Section 28-9-5, in 2024, a semicolon was substituted for a period at the end of subparagraph (d)(1)(F), the second quotation mark was removed from the end of subsection (f), and a period was added at the end of subsection (g).

Editor's notes.

Ga. L. 2024, p. 3, § 1-1/SB 26, not codified by the General Assembly, provides that: "This part shall be known and may be cited as the 'Georgia Electric Vehicle Future Act.'"

50-7-20. Employer eligibility for economic development incentives.

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

(1) "Economic development incentive" means the statutory and discretionary incentives authorized by the state pursuant to Code Sections 48-7-40.24, 50-8-8, and 50-34-1 through 50-34-19.

(2) "Employee" means an individual who performs services for an employer for wages that are subject to withholding requirements under 26 U.S.C. Section 3402.

(3) "Employer" means a person or entity that voluntarily pursues an economic development incentive and enters into an agreement with the state for the purpose of receiving such incentive.

(4) "Labor organization" has the same meaning as defined in 29 U.S.C. Section 152.

(5) "Personal contact information" means an employee's home address, home or personal cell phone number, or personal email address.

(6) "Project" means the activity or enterprise for which an employer receives an economic development incentive.

(7) "Secret ballot election" means a process conducted by an agent of the National Labor Relations Board in which an employee casts a secret ballot for or against labor organization representation.

(8) "Subcontractor" means an individual or entity that has contracted with an employer to perform work or provide services.

(b) To be eligible to receive an economic development incentive, an employer shall not, with respect to any work or service for the employer for which the economic development incentive is to be based:

(1) Voluntarily grant recognition rights for the employer's employees solely and exclusively on the basis of signed labor organization authorization cards if the selection of a bargaining representative may instead be conducted through a secret ballot election;

(2) Voluntarily disclose an employee's personal contact information to a labor organization, or a third party acting on behalf of a labor organization, without the employee's prior written consent, unless otherwise required by state or federal law; or

(3) Require a subcontractor to engage in activities prohibited in paragraph (1) or (2) of this subsection.

(c) An employer that engages in any activity prohibited by subsection (b) of this Code section in the performance of a project shall repay any and all economic development incentives received over the life of such project.

(d) This Code section shall not apply to any agreement between the state and an employer executed prior to January 1, 2025.

History.

Code 1981, § 50-7-20, enacted by Ga. L. 2024, p. 184, § 1/SB 362, effective July 1, 2024.

Effective date.

This Code section became effective July 1, 2024.

Code Commission notes.

Pursuant to Code Section 28-9-5, in 2024, Code Section 50-7-19, as enacted by Ga. L. 2024, p. 184, § 1/SB 362, was redesignated as Code Section 50-7-20.

ARTICLE 4

SAVANNAH-GEORGIA CONVENTION CENTER AUTHORITY

PART 2

PROMOTION

50-7-55. Creation of Savannah-Georgia Convention Center Authority; membership; powers.

(a) It is declared that the Georgia International and Maritime Trade Center shall be renamed the Savannah Convention Center to better reflect the purpose of the facility. It is further declared that there exists in this state a need for a state public authority to operate the Savannah Convention Center for the purpose of developing and promoting for the public good the State of Georgia as a site for conventions, trade shows, and other tourism and to facilitate economic growth, and without limiting the powers granted to the authority by this part, the creation of the authority shall be and is declared to be for public and governmental purposes, that is, for the promotion of meetings, conventions, and tourism and other matters of economic development, growth, and commerce, and in an effort to better the general condition of the people of this state.

(b) As used in this part, the term:

(1) "Authority" means the Savannah-Georgia Convention Center Authority created by this part.

(2) "Project" or "undertaking" shall be deemed to mean and include buildings and facilities to be used for trade shows, conferences, amusements, or educational purposes and for fairs, expositions, exhibitions, or marketing in connection therewith, together with all other undertakings which may be acquired, constructed, equipped, maintained, or operated by public authorities.

(c) There is created a body corporate and politic to be known as the Savannah-Georgia Convention Center Authority, which shall be deemed to be a public corporation and instrumentality of the state by that name, style, and title, and such body may contract and be contracted with, sue and be sued, implead and be impleaded, and complain and defend in all courts of law and equity. The authority shall have its principal office in Chatham County, and its legal situs or residence for the purposes of this part shall be Chatham County. It is found, determined, and declared that the creation of the authority and the carrying out of its corporate purposes are in all respects for the benefit of the people of this state and constitute a public purpose and that the authority will be performing an essential governmental function in the exercise of the powers conferred upon it by this part. This state covenants with the holders of any bonds issued by the authority that the authority shall be required to pay no taxes or assessments upon any of the property acquired or leased by it, or under its jurisdiction, control, possession, or supervision, or upon its activities in the operation or maintenance of the buildings erected or acquired by it, or upon any fees, rentals, or other charges received by the authority for the use of such buildings, or upon other income received by the authority and that the authority shall be exempt from all sales and use taxes. Further, this state covenants that bonds of the authority, their transfer, and the income therefrom shall at all times be exempt from all taxation within the state.

(d)(1) The authority shall consist of the following membership:

(A) Six members shall be appointed by the Governor, each of whom shall have a vote;

(B) Three members shall be appointed by the Chatham County delegation of the General Assembly, each of whom shall have a vote;

(C) The president of the Savannah Economic Development Authority, who shall serve ex officio and shall have a vote; and

(D) The president of the Savannah Area Convention and Visitors' Bureau, who shall serve ex officio and shall have a vote.

(2) Except for the ex officio members, the terms of all members shall be for three years. The initial members of the authority shall be appointed not later than June 1, 2019, and shall take office on July 1, 2019. The terms of office of the members of the Georgia International and Maritime Trade Center Authority created by Georgia Laws 1995, p. 4499, as amended, shall end on July 1, 2019. The initial members appointed by the Governor and the Chatham County legislative delegation shall each be assigned a term of office such that three members shall serve an initial term of one year, three members shall serve an initial term of two years, and three members shall serve an initial term of three years. Such members shall serve until each such member's respective successor is appointed and qualified.

(e) Vacancies on the authority by reason of expiration of term or otherwise shall be filled by the body or individual that appointed the member vacating the position.

(f) The authority shall have perpetual existence.

(g) The authority shall elect one of its members as chairperson and another as vice chairperson and shall also elect a secretary-treasurer, which offices shall act as an executive committee for the authority.

(h) Five members of the authority shall constitute a quorum, and no vacancy on the authority shall impair the right of the quorum to exercise all the rights and perform all the duties of the authority at every meeting, and in every instance a majority vote of those present shall authorize any legal act of the authority, including all things necessary to authorize and issue revenue bonds.

(i) A member other than an ex officio member shall be removed from office for failure to perform the appropriate duties of membership. Without limitation, this may include a member's failure to attend more than three regularly scheduled meetings of the authority during any calendar year.

(j) The members shall not be entitled to compensation for their services but shall be entitled to and shall be reimbursed for their actual expenses properly incurred in the performance of their duties. The authority may make bylaws, rules, and regulations for its governance. The members of the authority shall be accountable in all respects as trustees. The authority shall keep suitable books and records of all its obligations, contracts, transactions, and undertakings and of all income and receipts of every nature and all expenditures of every kind and shall provide for an annual independent audit of income and expenditures.

(k) The authority shall be subject to the provisions of Chapter 14 of this title, relating to open and public meetings.

(l) The authority shall prepare and submit to the Governor, the Board of Commissioners of Chatham County, the mayor and aldermen of the City of Savannah, and the Chatham County delegation of the General Assembly an annual report at the end of each fiscal year or calendar year of the authority outlining the work of the authority and furnishing the results of its most recent annual independent audit of income and expenditures.

(m) The authority is authorized:

(1) To have a seal and alter the seal at its pleasure;

(2) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and personal property of every kind and character for its corporate purposes;

(3) To acquire in its own name by purchase, on such terms and conditions and in such manner as it may deem proper, interests in real property or rights of easements therein or franchises necessary or convenient for its corporate purposes, to use the same so long as its corporate existence shall continue, to lease or make contracts with respect to the use of the same or to dispose of the same in any manner it deems to the best advantage of the authority; and, if the authority

shall deem it expedient to construct any property on any lands, the title to which shall then be in the State of Georgia, the Governor is authorized to convey for and on behalf of the state an interest in such lands to the authority upon payment to the State of Georgia for the credit of the general fund of the state of the reasonable value of such lands or upon the receipt of such lawful consideration as may be determined by the parties to such conveyance; provided, however, that the authority is specifically empowered to implement projects on lands of the state upon such terms and conditions as agreed upon by the authority and the state. If the authority shall deem it expedient to acquire and construct any project on any lands, the title to which shall then be in the Board of Commissioners of Chatham County, the mayor and aldermen of the City of Savannah, or any other municipality incorporated in such county, or the governing authority or body of such county or any of the municipalities is authorized to convey title to such lands to the authority, or to the state, upon the receipt of such lawful consideration as may be determined by the parties to such conveyance or upon payment for the credit of the general funds of such county or municipality of the reasonable value of such lands, such value to be determined by the mutual consent of such county or municipality and the authority or by an appraiser to be agreed upon by the governing authority or body of such county or municipality and the chairperson of the authority;

(4) To select, appoint, and employ professional, administrative, clerical, or other personnel and to contract for professional or other services and to allow suitable compensation for such personnel and services;

(5) To make contracts and leases and to execute all instruments necessary or convenient, including contracts for the acquisition and constructions of projects and leases of projects or contracts with respect to the use and management of projects which it causes to be erected or acquired, including contracts for acquiring, constructing, renting, managing, and leasing of its projects for use of the State of Georgia or any of its departments, agencies, or authorities, the Board of Commissioners of Chatham County, or the mayor and aldermen of the City of Savannah, and to dispose by conveyance of its title in fee simple of real and personal property of every kind and character, and any and all persons, firms, and corporations and the state and any and all political subdivisions, departments, institutions, or agencies of the state are authorized to enter into contracts, leases, or agreements with the authority upon such terms and for such purposes as they deem advisable; and, without limiting the generality of the above, authority is specifically granted to municipal corporations and counties and to the authority to enter into contracts and lease and sublease agreements with the State of Georgia or any agencies or

departments thereof and relative to any property which such department or other agency or department of the State of Georgia has now or may hereafter obtain by lease from the United States government or any agency or department thereof and the authority is specifically authorized to convey title in fee simple to any and all of its lands and any improvements thereon to any persons, firms, corporations, political subdivisions, the State of Georgia, or the United States government, or any agency or department thereof;

(6) To acquire, construct, erect, own, repair, remodel, maintain, add to, extend, improve, equip, operate, and manage projects, the cost of any such project to be paid in whole or in part from the funds of the authority or Chatham County or the City of Savannah and any grant from the State of Georgia, its departments, agencies, or authorities, or the United States or any agency or instrumentality thereof;

(7) To accept grants of money or materials or property of any kind from the United States or any agency or instrumentality thereof upon such terms and conditions as the United States or such agency or instrumentality may impose;

(8) To accept grants of money or materials or property of any kind from the State of Georgia or any department, agency, authority, or instrumentality or political subdivision thereof, upon such terms and conditions as the State of Georgia or such department, agency, authority, or instrumentality or political subdivision thereof may impose;

(9) To receive, accept, and utilize gifts, grants, donations, or contributions of money, property, facilities, or services, with or without consideration, from any person, firm, corporation, foundation, government, or other entity;

(10) To exercise any power which is usually possessed by private corporations performing similar functions and which is not in conflict with the Constitution and laws of this state;

(11) From time to time to sell, lease, grant, exchange, or otherwise dispose of any surplus property, both real and personal, or interest therein not required in the normal operation of the authority and not usable in the furtherance of the purposes for which the authority was created;

(12) To advise the State of Georgia, its departments, agencies, or authorities, Chatham County, and the mayor and aldermen of the City of Savannah on land acquisition, facilities development, and other matters relating to the provision of convention and trade opportunities for the coastal region of the state;

(13) To procure insurance against any loss in connection with property and other assets of the authority;

(14) To exercise the power provided by Code Section 45-9-1 to procure policies of liability insurance or contracts of indemnity or to formulate sound programs of self-insurance to insure or indemnify members of the authority and its officers and employees against personal liability for damages arising out of the performance of their duties or in any way connected therewith to the extent that such members, officers, or employees are not immune from such liability;

(15) To make contracts and to execute all instruments necessary or convenient in connection therewith;

(16) To adopt, alter, or repeal its own bylaws, rules, and regulations governing the manner in which its business may be transacted and in which the power granted to it may be enjoyed as the authority may deem necessary or expedient in facilitating its business;

(17) To accept loans of any kind from the government of the United States or any agency or instrumentality thereof upon such terms and conditions as the federal government or such agency or instrumentality may require;

(18) To accept loans of any kind from the State of Georgia or any agency or instrumentality or political subdivision thereof upon such terms and conditions as the State of Georgia or such agency or instrumentality or political subdivision may require;

(19) To borrow money for any of its corporate purposes and to issue revenue bonds payable solely from funds pledged for that purpose and to provide for the payment of the same and for the rights of the holders thereof; provided, however, that the maximum amount of bonded indebtedness that may be outstanding at any given time shall be limited to $400 million;

(20) To exercise any power usually possessed by private corporations performing similar functions, including the power to obtain long-term or short-term loans, to give deeds to secure debt on real property, security agreements on personal property, or any other security agreements, and approve, execute, and deliver appropriate evidence of such indebtedness, provided no such power is in conflict with the Constitution or general laws of this state;

(21) To the extent that a contract between the authority and a public or private agency provides therefor, to act as an agent for such public or private agency in any matter coming within the purposes or powers of the authority;

(22) To condemn public property to the extent allowed by law; and

(23) To do all things necessary or convenient to carry out the powers expressly given in this part.

(n) The exercise of the powers conferred upon the authority in this part shall constitute an essential governmental function for a public purpose and the authority shall be required to pay no taxes or assessments upon any of the property acquired by it or under its jurisdiction, control, possession, or supervision or upon its activities in the operation and maintenance of property acquired by it or of buildings erected or acquired by it or any fees, rentals, or other charges for the use of such property or buildings or other income received by the authority. The authority shall be exempt from sales and use taxes on property purchased by or for the use of the authority.

(o) The property of the authority shall not be subject to levy and sale under legal process.

(p) Any action to protect or enforce any rights under the provisions of this part or any suit or action against the authority shall be brought in the Superior Court of Chatham County.

(q) All funds received by the authority pursuant to this part, whether as revenue, rents, fees, charges, or other earnings or as grants, gifts, or other contributions, shall be deemed to be trust funds to be held and applied by the authority solely as provided in this part.

(r) This part and any other law enacted with reference to the authority shall be liberally construed for the accomplishment of its purposes.

(s) Should the authority for any reason be dissolved, title to all property of any kind and nature, real and personal, held by the authority at the time of such dissolution shall be conveyed to the State of Georgia; or title to any such property may be conveyed prior to such dissolution in accordance with provisions which may be made therefor in any resolution or trust instrument relating to such property, subject to any liens, leases, or other encumbrances outstanding against or in respect to said property at the time of such conveyance.

(t) The authority shall be assigned for administrative purposes to the Department of Economic Development as provided for in Code Section 50-4-3.

(u) The Attorney General shall provide legal services for the authority in the same manner as provided for in Code Sections 45-15-13 through 45-15-16.

(v) On July 1, 2019, all powers, duties, assets, real and personal property, liabilities, and indebtedness of the Georgia International and Maritime Trade Center Authority created by Georgia Laws 1995, p. 4499, as amended, are transferred to the authority. The authority shall be the successor to the Georgia International and Maritime Trade Center Authority in all contracts entered into by the Georgia International and Maritime Trade Center Authority which are in existence on July 1, 2019, and to all accounts of and debts owed to the Georgia International and Maritime Trade Center Authority that are outstanding on July 1, 2019.

History.

Code 1981, § 50-7-55, enacted by Ga. L. 2019, p. 285, § 1/HB 525; Ga. L. 2024, p. 426, § 1/HB 1041, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, substituted "$400 million" for "$50 million" at the end of paragraph (m)(19); deleted "and" from the end of paragraph (m)(21); added paragraph (m)(22); and redesignated former paragraph (m)(22) as (m)(23).

ARTICLE 10

GEORGIA JOINT DEFENSE COMMISSION

Editor's notes.

The former article consisted of Code Sections 50-7-120 through 50-7-125, relating to the defense community economic development fund, was based on Ga. L. 2017, p. 432, § 2/HB 470, and was repealed and reserved by Ga. L. 2018, p. 349, § 2/SB 395, effective July 1, 2018.

50-7-120. Administration and support from the Department of Economic Development.

The Department of Economic Development is authorized to administer and support the activities of the Georgia Joint Defense Commission in accordance with Article 5 of Chapter 4 of Title 20 of the Official Code of Georgia Annotated.

History.

Amended by Ga. L. 2024, p. 394, § 3/SB 398, effective July 1, 2024.

Effective date.

This Code section became effective July 1, 2024.

ARTICLE 11

CHIPS AND ADVANCED TECHNOLOGY

Effective date.

This article became effective May 13, 2025.

Editor's notes.

Ga. L. 2025, p. 520, § 1/HB 216, not codified by the General Assembly, provides: "This Act shall be known and may be cited as the 'Richard H. Smith Georgia CHIPS Advancement in Research and Economic Development Act.'"

50-7-130. Establishment, purpose, and operation of Georgia CHIPS and Advanced Technology Commission.

(a) As used in this Code section, the term "commission" means the Georgia CHIPS and Advanced Technology Commission established pursuant to this Code section.

(b) Subject to available funding, the commission shall be established for the purposes of:

(1) Establishing a forum for public and private stakeholders across the semiconductor manufacturing industry in this state to focus on education, research and development, and commercial production;

(2) Leveraging the expertise and capacity of institutions of higher education in this state, industry, and nonprofit organizations focused on semiconductor and advanced technology economic and workforce development to develop a comprehensive strategic plan to ensure ongoing semiconductor innovation;

(3) Advising on strategies for attracting public and private investment in this state related to research, development, commercialization, manufacturing, and advanced packaging of semiconductors;

(4) Identifying and expanding opportunities for workforce training and development related to the research, design, and manufacturing of semiconductors and related advanced technologies;

(5) Sustaining the leadership of this state in advanced semiconductor research, design, manufacturing, and advanced packaging; and

(6) Encouraging the state, counties, and municipalities to attract and support the semiconductor industry and related suppliers.

(c) The commission shall be composed of the following members:

(1) Three members appointed by the Governor;

(2) Two members appointed by the President of the Senate;

(3) Two members appointed by the Speaker of the House of Representatives;

(4) The chancellor of the University System of Georgia or his or her designee; and

(5) The commissioner of Technical College System of Georgia or his or her designee.

(d) In making appointments under subsection (c) of this Code section, priority shall be given to individuals with experience in manufacturing, design, industrial development, academic research, and scientific research in the field of semiconductors.

(e) All vacancies on the commission shall be filled by the original appointing official.

(f) The commission shall be assigned to the Georgia Department of Economic Development for administrative purposes only, as prescribed in Code Section 50-4-3.

(g) The commission shall stand abolished on June 30, 2028.

History.
Code 1981, § 50-7-130, enacted by Ga. L. 2025, p. 520, § 2/HB 216, effective May 13, 2025.

CHAPTER 8

DEPARTMENT OF COMMUNITY AFFAIRS

Article 1

General Provisions

Sec.
50-8-11. Power to take action for furtherance of purposes of department; disposition of revenues.

Article 2

Regional Commissions

50-8-50 through 50-8-52. [Repealed].

ARTICLE 1

GENERAL PROVISIONS

50-8-11. Power to take action for furtherance of purposes of department; disposition of revenues.

(a) The department shall have the duty, responsibility, power, and authority to take all action necessary to further the purposes of the department, without regard for whether any such duty, responsibility, power, or authority is specifically mentioned in this article or otherwise specifically granted by law. Without limiting the general nature of this Code section:

(1) The department shall have all duties, responsibilities, power, and authority granted or specified under or pursuant to any other laws of the state and any executive orders issued by the Governor prior to July 1, 1989. To the extent permitted by law, the Governor may, by executive order issued on or after July 1, 1989, authorize the department to take specific action in furtherance of the purposes of the department; and in that event, the department shall take such action;

(2) The department shall promote and encourage assistance from private entities and individuals in carrying out and performing local government services;

(3) The department shall assist local governments in developing, promoting, and retaining trade, industry, commerce, and employment opportunities;

(4) The department may define, identify, and establish criteria or requirements for local governments or others to participate with or to use any local government services;

(5) The department may receive, use, and spend money received from the state for any of the purposes of the department; and

(6) The department may investigate potential violations of and enforce the provisions of Code Section 50-7-20 as they relate to the statutory and discretionary incentives authorized by the state pursuant to Code Sections 50-8-8 and 50-34-1 through 50-34-19.

(b) Revenues for all fees and charges imposed or otherwise charged by the department for local government services shall be paid into the general fund of the state treasury, except that charges intended to reimburse expenses incurred by the department shall be used to reimburse the department for such expenses.

History.
Code 1981, § 50-8-11, enacted by Ga. L. 1988, p. 38, § 1; Ga. L. 1989, p. 1317, § 2.1; Ga. L. 2024, p. 184, § 2/SB 362, effective July 1, 2024.

Amendments.
The 2024 amendment, effective July 1, 2024, deleted "and" from the end of paragraph (a)(4); substituted "; and" for a period at the end of paragraph (a)(5); and added paragraph (a)(6).

Code Commission notes.
Pursuant to Code Section 28-9-5, in 2024, "Code Section 50-7-20" was substituted for "Code Section 50-7-19" in paragraph (a)(6).

ARTICLE 2

REGIONAL COMMISSIONS

Editor's notes.
Ga. L. 2025, p. 1029, § 50(1)/SB 153, part of an Act to revise, modernize, and correct the Code, deleted the Part 1 designation, effective July 1, 2025.

50-8-50 through 50-8-52. [Repealed].

History.
Code 1981, §§ 50-8-50 through 50-8-52, enacted by Ga. L. 2010, p. 468, § 1/HB 867; repealed by Ga. L. 2024, p. 922, § 12-1/SB 341, effective May 6, 2024.

Editor's notes.
Ga. L. 2024, p. 922, § 12-2/SB 341, not codified by the General Assembly, provides: "Any assets of the Commission on Regional Planning existing as of June 30, 2024, shall devolve by operation of law and without further action to the State of Georgia on July 1, 2024. Any liabilities and obligations of the Commission on Regional Planning existing as of June 30, 2024, shall be transferred and assumed by the State of Georgia, by such instruments as may be required to maintain the same."

CHAPTER 12

COMMISSIONS AND OTHER AGENCIES

Article 3

Georgia State Games Commission

Sec.
50-12-40. Definitions.
50-12-41 through 50-12-44. [Reserved].
50-12-45. Pattern and design of games.
50-12-47. Audit of Georgia State Games direct-support organization.
50-12-48. [Reserved] Annual report.

ARTICLE 3

GEORGIA STATE GAMES COMMISSION

Editor's notes.
Ga. L. 2025, p. 332, § 11-5/SB 96, not codified by the General Assembly, provides: "Any assets of the Georgia State Games Commission existing as of June 30, 2025, shall devolve by operation of law and without further action to the State of Georgia on July 1, 2025. Any liabilities and obligations of the Georgia State Games Commission existing as of June 30, 2025, shall be transferred to and assumed by the State of Georgia, by such instruments as may be required to maintain the same."

50-12-40. Definitions.

As used in this article, the term "direct-support organization" means a Georgia nonprofit corporation organized and operated to receive, hold, invest, and administer property and to make expenditures to or for the benefit of the Georgia State Games, Olympic training facilities, and the promotion of national and international amateur sports competition.

History.
Code 1981, § 50-12-40, enacted by Ga. L. 1989, p. 1786, § 1; Ga. L. 2025, p. 332, § 11-1/SB 96, effective July 1, 2025.

Amendments.
The 2025 amendment, effective July 1, 2025, rewrote this Code section.

OPINIONS OF THE ATTORNEY GENERAL

Editor's notes. — In light of the similarity of the statutory provisions, decisions issued under former O.C.G.A. § 50-12-44 are included in the opinions for this Code section.

Power of the commission to procure insurance coverage for participants does not include the authority to procure insurance for sponsors. 1995 Op. Att'y Gen. No. 95-32 (decided under former O.C.G.A. § 50-12-44).

50-12-41 through 50-12-44. [Reserved].

History.
Code 1981, § 50-12-41, enacted by Ga. L. 1989, p. 1786, § 1Code 1981, §§ 50-12-41 through 50-12-44, enacted by Ga. L. 1989, p. 1786, § 1; Ga. L. 1990, p. 1146, § 1Ga. L. 1990, p. 1146, § 1; Ga. L. 1991, p. 1590, §§ 1, 2; repealed by Ga. L. 2025, p. 332, § 11-2/SB 96, effective July 1, 2025.

Editor's notes.

Ga. L. 2025, p. 332, § 11-2/SB 96, repealed and reserved these Code sections, effective July 1, 2025.

The former Code sections, relating to creation, purpose of article, membership; appointment; terms; chairperson, and powers and duties consisted of Code Sections 50-12-41 through 50-12-44.

50-12-45. Pattern and design of games.

The Georgia State Games shall be patterned after the Summer Olympic games with variations as necessitated by the availability of facilities, equipment, and expertise. The games shall be designed to encourage the participation of athletes representing a broad range of age groups, skill levels, and Georgia communities. Participants shall be residents of this state. Regional competitions shall be held throughout the state, and the top qualifiers in each sport shall proceed to the final competitions to be held at a site in this state having the necessary facilities and equipment for conducting the competitions.

History.

Code 1981, § 50-12-45, enacted by Ga. L. 1989, p. 1786, § 1; Ga. L. 1991, p. 1590, § 3; Ga. L. 1996, p. 1104, § 1; Ga. L. 2025, p. 332, § 11-3/SB 96, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, rewrote this Code section.

50-12-47. Audit of Georgia State Games direct-support organization.

The Georgia State Games direct-support organization shall make provisions for an annual financial and compliance audit of its financial accounts and records by an independent certified public accountant in accordance with standards established by the Department of Audits and Accounts. The annual audit report shall be submitted to the Governor for review and approval. Upon approval, the Governor shall certify the audit report to the Department of Audits and Accounts for review and approval.

History.

Code 1981, § 50-12-47, enacted by Ga. L. 1989, p. 1786, § 1; Ga. L. 2025, p. 332, § 11-4/SB 96, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, substituted "with standards established by the Department of Audits and Accounts" for "with rules established by the commission" at the end of the first sentence and deleted "and the commission" following "Governor" in the second and third sentences.

50-12-48. [Reserved] Annual report.

History.

Code 1981, § 50-12-48, enacted by Ga. L. 1989, p. 1786, § 1; Ga. L. 1991, p. 1590, § 4; Ga. L. 2005, p. 1036, § 45/SB 49; repealed by Ga. L. 2025, p. 332, § 11-2/SB 96, effective July 1, 2025.

Editor's notes.

Ga. L. 2025, p. 332, § 11-2/SB 96, repealed and reserved the designation of this Code section, effective July 1, 2025.