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Session of the General Assembly

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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.

An updated version of Table Fifteen which 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 50

STATE GOVERNMENT

Chap.

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Law reviews.

For article, “SB 202: Revisions to Georgia’s Election and Voting Procedures,” see 38 Ga. St. U.L. Rev. 105 (2021).

CHAPTER 13

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		50-13-42.	(Effective July 1, 2026.) Applicability of article.

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Review of registration for litigation financiers, § 7-10-2.

Law reviews.

For article with annual survey on state

and local taxation, see 73 Mercer L. Rev. 231 (2021).

ARTICLE 1

GENERAL PROVISIONS

Law reviews.

For article, “SB 202: Revisions to Georgia’s Election and Voting Procedures,” see 38 Ga. St. U.L. Rev. 105 (2021).

50-13-1. Short title; purpose.

JUDICIAL DECISIONS

Administrative Procedure Act did not apply. — In consolidated appeals wherein each appellant in the seven discretionary appeals was an unsuccessful applicant for a license to produce cannabis and manufacture low THC oil in the State of Georgia, the court held the Georgia Administrative Procedure Act (APA), O.C.G.A. § 50-13-1 et seq., did not apply

under the circumstances as the post-award proceedings did not adjudicate the legal rights, duties, or privileges of a party as envisioned by the APA. *Symphony Medical, LLC v. FFD GA Holdings, LLC*, 370 Ga. App. 66, 893 S.E.2d 810, 2023 Ga. App. LEXIS 464 (2023).

50-13-3. Adoption of rules of organization and practice; public inspection and validity of rules, policies, orders, decisions, and opinions.

Law reviews.

For annual survey on state and local taxation, see 3 Mercer L. Rev. 231 (2022).

RESEARCH REFERENCES

ALR.

Deliberative Process Exemption from Freedom of Information Act, 5 U.S.C.A. §

552(b) — Legal Documents, 78 A.L.R. Fed. 3d 1.

50-13-4. Procedural requirements for adoption, amendment, or repeal of rules; emergency rules; limitation on action to contest rule; legislative override.

(a) Prior to the adoption, amendment, or repeal of any rule, other than interpretive rules or general statements of policy, the agency shall:

(1) Give at least 30 days' notice of its intended action. The notice shall include an exact copy of the proposed rule and a synopsis of the proposed rule. The synopsis shall be distributed with and in the same manner as the proposed rule. The synopsis shall contain a statement of the purpose and the main features of the proposed rule, and, in the case of a proposed amendatory rule, the synopsis also shall indicate the differences between the existing rule and the proposed rule. The notice shall also include the exact date on which the agency shall consider the adoption of the rule and shall include the time and place in order that interested persons may present their views thereon. The notice shall also contain a citation of the authority pursuant to which the rule is proposed for adoption and, if the proposal is an amendment or repeal of an existing rule, the rule shall be clearly identified. The notice shall be mailed to all persons who have requested in writing that they be placed upon a mailing list which shall be maintained by the agency for advance notice of its rule-making proceedings and who have tendered the actual cost of such mailing as from time to time estimated by the agency;

(2) Afford to all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In the case of substantive rules, opportunity for oral hearing must be granted if requested by 25 persons who will be directly affected by the proposed rule, by a governmental subdivision, or by an association having not less than 25 members. The agency shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption of a rule, the agency, if requested to do so by an interested person either prior to adoption or within 30 days thereafter, shall issue a concise

statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption;

(3) In the formulation and adoption of any rule which will have an economic impact on businesses in the state, reduce the economic impact of the rule on small businesses which are independently owned and operated, are not dominant in their field, and employ 100 employees or less by implementing one or more of the following actions when it is legal and feasible in meeting the stated objectives of the statutes which are the basis of the proposed rule:

(A) Establish differing compliance or reporting requirements or timetables for small businesses;

(B) Clarify, consolidate, or simplify the compliance and reporting requirements under the rule for small businesses;

(C) Establish performance rather than design standards for small businesses; or

(D) Exempt small businesses from any or all requirements of the rules;

(4) In the formulation and adoption of any rule which places administrative burdens on charitable organizations in this state, including, but not limited to, any rule that would require any new or expanded filing or reporting requirements or that would limit the ability of charitable organizations to solicit or collect funds, the agency or official shall:

(A) Absent the showing of a compelling state interest, not impose any annual filing or reporting requirements on an organization regulated or specifically exempted from regulation under Chapter 17 of Title 43, the “Georgia Charitable Solicitations Act of 1988,” that are more burdensome than the requirements authorized by applicable law, and any such filing or reporting requirements shall be narrowly tailored to achieve such compelling state interest. The requirements of this subparagraph shall not apply to the state’s direct spending programs; and

(B) Email the notice provided for in paragraph (1) of this subsection to each chairperson of any standing committee in each house as shown on the General Assembly’s website.

For purposes of this paragraph, the term “charitable organization” means a nonprofit charitable organization which is exempt from taxation under the provisions of Section 501(c)(3) of the United States Internal Revenue Code; and

(5) In the formulation and adoption of any rule, an agency shall choose an alternative that does not impose excessive regulatory costs

on any regulated person or entity which costs could be reduced by a less expensive alternative that fully accomplishes the stated objectives of the statutes which are the basis of the proposed rule.

(b) If any agency finds that an imminent peril to the public health, safety, or welfare, including but not limited to, summary processes such as quarantines, contrabands, seizures, and the like authorized by law without notice, requires adoption of a rule upon fewer than 30 days' notice and states in writing its reasons for that finding, it may proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable to adopt an emergency rule. Any such rule adopted relative to a public health emergency shall be submitted as promptly as reasonably practicable to the House of Representatives and Senate Committees on Judiciary, provided that any such rule adopted relative to a state of emergency by the State Election Board shall be submitted as soon as practicable but not later than 20 days prior to the rule taking effect. Any emergency rule adopted by the State Election Board pursuant to the provisions of this subsection may be suspended upon the majority vote of the House of Representatives or Senate Committees on Judiciary within ten days of the receipt of such rule by the committees. The rule may be effective for a period of not longer than 120 days but the adoption of an identical rule under paragraphs (1) and (2) of subsection (a) of this Code section is not precluded; provided, however, that such a rule adopted pursuant to discharge of responsibility under an executive order declaring a state of emergency or disaster exists as a result of a public health emergency, as defined in Code Section 38-3-3, shall be effective for the duration of the emergency or disaster and for a period of not more than 120 days thereafter.

(c) It is the intent of this Code section to establish basic minimum procedural requirements for the adoption, amendment, or repeal of administrative rules. Except for emergency rules which are provided for in subsection (b) of this Code section, the provisions of this Code section are applicable to the exercise of any rule-making authority conferred by any statute, but nothing in this Code section repeals or diminishes additional requirements imposed by law or diminishes or repeals any summary power granted by law to the state or any agency thereof.

(d) No rule adopted after April 3, 1978, shall be valid unless adopted in exact compliance with subsections (a) and (e) of this Code section and in substantial compliance with the remainder of this Code section. A proceeding to contest any rule on the ground of noncompliance with the procedural requirements of this Code section must be commenced within two years from the effective date of the rule.

(e) The agency shall transmit the notice provided for in paragraph (1) of subsection (a) of this Code section to the legislative counsel. The notice shall be transmitted at least 30 days prior to the date of the

agency's intended action. Within three days after receipt of the notice, if possible, the legislative counsel shall furnish the presiding officers of each house with a copy of the notice, and the presiding officers shall assign the notice to the chairperson of the appropriate standing committee in each house for review and any member thereof who makes a standing written request. In the event a presiding officer is unavailable for the purpose of making the assignment within the time limitations, the legislative counsel shall assign the notice to the chairperson of the appropriate standing committee. The legislative counsel shall also transmit within the time limitations provided in this subsection a notice of the assignment to the chairperson of the appropriate standing committee. Each standing committee of the Senate and the House of Representatives is granted all the rights provided for interested persons and governmental subdivisions in paragraph (2) of subsection (a) of this Code section.

(f)(1) In the event a standing committee to which a notice is assigned as provided in subsection (e) of this Code section files an objection to a proposed rule prior to its adoption and the agency adopts the proposed rule over the objection, the rule may be considered by the branch of the General Assembly whose committee objected to its adoption by the introduction of a resolution for the purpose of overriding the rule at any time within the first 30 days of the next regular session of the General Assembly. It shall be the duty of any agency which adopts a proposed rule over such objection so to notify the presiding officers of the Senate and the House of Representatives, the chairpersons of the Senate and House committees to which the rule was referred, and the legislative counsel within ten days after the adoption of the rule. In the event the resolution is adopted by such branch of the General Assembly, it shall be immediately transmitted to the other branch of the General Assembly. It shall be the duty of the presiding officer of the other branch of the General Assembly to have such branch, within five days after the receipt of the resolution, to consider the resolution for the purpose of overriding the rule. In the event the resolution is adopted by two-thirds of the votes of each branch of the General Assembly, the rule shall be void on the day after the adoption of the resolution by the second branch of the General Assembly. In the event the resolution is ratified by less than two-thirds of the votes of either branch, the resolution shall be submitted to the Governor for his or her approval or veto. In the event of his or her veto, the rule shall remain in effect. In the event of his or her approval, the rule shall be void on the day after the date of his or her approval.

(2) In the event each standing committee to which a notice is assigned as provided in subsection (e) of this Code section files an objection to a proposed rule prior to its adoption by a two-thirds' vote

of the members of the committee who were voting members on the tenth day of the current session, after having given public notice of the time, place, and purpose of such vote at least 48 hours in advance, as well as the opportunity for members of the public including the promulgating agency, to have a reasonable time to comment on the proposed committee action at the hearing, the effectiveness of such rule shall be stayed until the next legislative session at which time the rule may be considered by the General Assembly by the introduction of a resolution in either branch of the General Assembly for the purpose of overriding the rule at any time within the first 30 days of the next regular session of the General Assembly. In the event the resolution is adopted by the branch of the General Assembly in which it was introduced, it shall be immediately transmitted to the other branch of the General Assembly. It shall be the duty of the presiding officer of the other branch of the General Assembly to have such branch, within five days after the receipt of the resolution, to consider the resolution for the purpose of overriding the rule. In the event the resolution is adopted by two-thirds of the votes of each branch of the General Assembly, the rule shall be void on the day after the adoption of the resolution by the second branch of the General Assembly. In the event the resolution is ratified by less than two-thirds of the votes of either branch, the resolution shall be submitted to the Governor for his or her approval or veto. In the event of his or her veto, the rule shall remain in effect. In the event of his or her approval, the rule shall be void on the day after the date of his or her approval. If after the thirtieth legislative day of the legislative session of which the challenged rule was to be considered the General Assembly has not considered an override of the challenged rule pursuant to this subsection, the rule shall then immediately take effect.

(g)(1) Subsection (f) of this Code section shall not apply to the Environmental Protection Division of the Department of Natural Resources as to any rule for which, as part of the notice required by paragraph (1) of subsection (a) of this Code section, the director of the division certifies that such rule is required for compliance with federal statutes or regulations or to exercise certain powers delegated by the federal government to the state to implement federal statutes or regulations, but paragraph (2) of this subsection shall apply to the Environmental Protection Division of the Department of Natural Resources as to any rule so certified. As part of such certification, the director shall cite the specific section or sections of federal statutes or regulations which the proposed rule is intended to comply with or implement. General references to the name or title of a federal statute or regulation shall not suffice for the purposes of this paragraph. Any proposed rule or rules that are subject to this paragraph shall be noticed separately from any proposed rule or rules that are not subject to this paragraph.

(2) In the event the chairperson of any standing committee to which a proposed rule certified by the director of the division pursuant to paragraph (1) of this subsection is assigned notifies the director that the committee objects to the adoption of the rule or has questions concerning the purpose, nature, or necessity of such rule, it shall be the duty of the director to consult with the committee prior to the adoption of the rule.

(h) The provisions of subsections (e) and (f) of this Code section shall apply to any rule of the Department of Public Health that is promulgated pursuant to Code Section 31-2A-11 or 31-45-10, except that the presiding officer of the Senate is directed to assign the notice of such a rule to the chairperson of the Senate Science and Technology Committee and the presiding officer of the House of Representatives is directed to assign the notice of such a rule to the chairperson of the House Committee on Industry and Labor. As used in this subsection, the term “rule” shall have the same meaning as provided in paragraph (6) of Code Section 50-13-2 and shall include interpretive rules and general statements of policy, notwithstanding any provision of subsection (a) of this Code section to the contrary.

(i) This Code section shall not apply to any comprehensive state-wide water management plan or revision thereof prepared by the Environmental Protection Division of the Department of Natural Resources and proposed, adopted, amended, or repealed pursuant to Article 8 of Chapter 5 of Title 12; provided, however, that this Code section shall apply to any rules or regulations implementing such a plan.

History.

Ga. L. 1964, p. 338, § 4; Ga. L. 1965, p. 283, § 6; Ga. L. 1977, p. 1520, §§ 1-4; Ga. L. 1978, p. 1437, §§ 1-5; Ga. L. 1982, p. 3, § 50; Ga. L. 1984, p. 1219, § 1; Ga. L. 1990, p. 1274, § 1; Ga. L. 1993, p. 1817, § 2; Ga. L. 1994, p. 97, § 50; Ga. L. 1994, p. 503, § 1; Ga. L. 1997, p. 1521, § 1; Ga. L. 2000, p. 549, § 4; Ga. L. 2000, p. 1619, § 2; Ga. L. 2002, p. 1386, § 16; Ga. L. 2004, p. 711, § 3; Ga. L. 2008, p. 7, § 1/SB 352; Ga. L. 2009, p. 8, § 50/SB 46; Ga. L. 2009, p. 303, §§ 4, 15/HB 117; Ga. L. 2009, p. 453, §§ 1-4, 1-10/HB 228; Ga. L. 2011, p. 705, §§ 3-3, 6-3/HB 214; Ga. L. 2013, p. 141, § 50/HB 79; Ga. L. 2021, p. 14, § 50/SB 202; Ga. L. 2022, p. 415, § 1/SB 534.

Amendments.

The 2022 amendment, effective May 2, 2022, deleted “and” from the end of subparagraph (a)(3)(D), added paragraph (a)(4), and redesignated former paragraph (a)(4) as present paragraph (a)(5).

Code Commission notes.

Pursuant to Code Section 28-9-5, in 2022, “the” was deleted preceding “Chapter 17” in the first sentence of subparagraph (a)(4)(A).

Law reviews.

For article, “SB 202: Revisions to Georgia’s Election and Voting Procedures,” see 38 Ga. St. U.L. Rev. 105 (2021).

50-13-10. Declaratory judgment on validity of rules; venue for actions.**Law reviews.**

For article with annual survey on administrative law, see 73 Mercer L. Rev. 1 (2021).

For annual survey on administrative law, see 74 Mercer L. Rev. 17 (2022).

JUDICIAL DECISIONS

Petition for judicial review. — Although this statute allowed a party to challenge the validity of an agency rule through a declaratory judgment action whether or not the petitioner had first requested the agency to pass upon the validity of the rule, a petition for judicial

review and declaratory judgment action could not be brought simultaneously. *Redmond Park Hosp., LLC v. Floyd Health Care Mgmt.*, 360 Ga. App. 469, 861 S.E.2d 423, 2021 Ga. App. LEXIS 379 (2021).

50-13-13. (Effective until July 1, 2026.) Opportunity for hearing in contested cases; notice; counsel; subpoenas; record; enforcement powers; revenue cases.

(a) In addition to any other requirements imposed by common law, constitution, statutes, or regulations:

(1) In any contested case, all parties shall be afforded an opportunity for hearing after reasonable notice served personally or by mail;

(2) The notice shall include:

(A) A statement of the time, place, and nature of the hearing;

(B) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(C) A reference to the particular section of the statutes and rules involved;

(D) A short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time, the notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished; and

(E) A statement as to the right of any party to subpoena witnesses and documentary evidence through the agency;

(3) Opportunity shall be afforded all parties to be represented by legal counsel and to respond and present evidence on all issues involved;

(4) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default;

(5) Unless specifically precluded by statute, in addition to the agency, any contested case may be held before any agency representative who has been selected and appointed by the agency for such purpose. Before appointing a hearing representative, the agency shall determine that the person under consideration is qualified by reason of training, experience, and competence;

(6) The agency, the hearing officer, or any representative of the agency authorized to hold a hearing shall have authority to do the following: administer oaths and affirmations; sign and issue subpoenas; rule upon offers of proof; regulate the course of the hearing, set the time and place for continued hearings, and fix the time for filing briefs; dispose of motions to dismiss for lack of agency jurisdiction over the subject matter or parties or for any other ground; dispose of motions to amend or to intervene; provide for the taking of testimony by deposition or interrogatory; and reprimand or exclude from the hearing any person for any indecorous or improper conduct committed in the presence of the agency or the hearing officer;

(7) Subpoenas shall be issued without discrimination between public and private parties. When a subpoena is disobeyed, any party may apply to the superior court of the county where the contested case is being heard for an order requiring obedience. Failure to comply with such order shall be cause for punishment as for contempt of court. The costs of securing the attendance of witnesses, including fees and mileage, shall be computed and assessed in the same manner as prescribed by law in civil cases in the superior court;

(8) A record shall be kept in each contested case and shall include:

(A) All pleadings, motions, and intermediate rulings;

(B) A summary of the oral testimony plus all other evidence received or considered except that oral proceedings or any part thereof shall be transcribed or recorded upon request of any party. Upon written request therefor, a transcript of the oral proceeding or any part thereof shall be furnished to any party of the proceeding. The agency shall set a uniform fee for such service;

(C) A statement of matters officially noticed;

(D) Questions and offers of proof and rulings thereon;

(E) Proposed findings and exceptions;

(F) Any decision (including any initial, recommended, or tentative decision), opinion, or report by the officer presiding at the hearing; and

(G) All staff memoranda or data submitted to the hearing officer or members of the agency in connection with their consideration of the case; and

(9) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

(b) In proceedings before the agency, the hearing officer, or any representative of the agency authorized to hold a hearing, if any party or an agent or employee of a party disobeys or resists any lawful order of process; or neglects to produce, after having been ordered to do so, any pertinent book, paper, or document; or refuses to appear after having been subpoenaed; or, upon appearing, refuses to take the oath or affirmation as a witness; or after taking the oath or affirmation, refuses to testify, the agency, hearing officer, or other representative shall have the same rights and powers given the court under Chapter 11 of Title 9, the “Georgia Civil Practice Act.” If any person or party refuses as specified in this subsection, the agency, hearing officer, or other representative may certify the facts to the superior court of the county where the offense is committed for appropriate action, including a finding of contempt. The agency, hearing officer, or other representative shall have the power to issue writs of fieri facias in order to collect fines imposed for violation of a lawful order of the agency, hearing officer, or other representative.

(c) Subsection (a) of this Code section and the other provisions of this chapter concerning contested cases shall not apply to any case arising in the administration of the revenue laws, which case is subject to a subsequent de novo trial of the law and the facts in the superior court or in the Georgia Tax Tribunal in accordance with Chapter 13A of this title.

History.

Ga. L. 1964, p. 338, § 14; Ga. L. 1965, p. 283, § 13; Ga. L. 1982, p. 3, § 50; Ga. L. 1994, p. 1270, § 9; Ga. L. 2012, p. 318, § 13/HB 100.

Delayed effective date.

Code Section 50-13-13 is set out twice in this Code. This version is effective until

July 1, 2026. For version effective July 1, 2026, see the following version.

Law reviews.

For article with annual survey on administrative law, see 73 Mercer L. Rev. 1 (2021).

50-13-13. (Effective July 1, 2026.) Opportunity for hearing in contested cases; notice; counsel; subpoenas; record; enforcement powers; revenue cases.

(a) In addition to any other requirements imposed by common law, constitution, statutes, or regulations:

(1) In any contested case, all parties shall be afforded an opportunity for hearing after reasonable notice served personally or by mail;

(2) The notice shall include:

(A) A statement of the time, place, and nature of the hearing;

(B) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(C) A reference to the particular section of the statutes and rules involved;

(D) A short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time, the notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished; and

(E) A statement as to the right of any party to subpoena witnesses and documentary evidence through the agency;

(3) Opportunity shall be afforded all parties to be represented by legal counsel and to respond and present evidence on all issues involved;

(4) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default;

(5) Unless specifically precluded by statute, in addition to the agency, any contested case may be held before any agency representative who has been selected and appointed by the agency for such purpose. Before appointing a hearing representative, the agency shall determine that the person under consideration is qualified by reason of training, experience, and competence;

(6) The agency, the hearing officer, or any representative of the agency authorized to hold a hearing shall have authority to do the following: administer oaths and affirmations; sign and issue subpoenas; rule upon offers of proof; regulate the course of the hearing, set the time and place for continued hearings, and fix the time for filing briefs; dispose of motions to dismiss for lack of agency jurisdiction over the subject matter or parties or for any other ground; dispose of motions to amend or to intervene; provide for the taking of testimony by deposition or interrogatory; and reprimand or exclude from the hearing any person for any indecorous or improper conduct committed in the presence of the agency or the hearing officer;

(7) Subpoenas shall be issued without discrimination between public and private parties. When a subpoena is disobeyed, any party may apply to the superior court of the county where the contested case is being heard for an order requiring obedience. Failure to comply with such order shall be cause for punishment as for contempt of court. The costs of securing the attendance of witnesses, including fees and mileage, shall be computed and assessed in the same manner as prescribed by law in civil cases in the superior court;

(8) A record shall be kept in each contested case and shall include:

(A) All pleadings, motions, and intermediate rulings;

(B) A summary of the oral testimony plus all other evidence received or considered except that oral proceedings or any part thereof shall be transcribed or recorded upon request of any party. Upon written request therefor, a transcript of the oral proceeding or any part thereof shall be furnished to any party of the proceeding. The agency shall set a uniform fee for such service;

(C) A statement of matters officially noticed;

(D) Questions and offers of proof and rulings thereon;

(E) Proposed findings and exceptions;

(F) Any decision (including any initial, recommended, or tentative decision), opinion, or report by the officer presiding at the hearing; and

(G) All staff memoranda or data submitted to the hearing officer or members of the agency in connection with their consideration of the case; and

(9) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

(b) In proceedings before the agency, the hearing officer, or any representative of the agency authorized to hold a hearing, if any party or an agent or employee of a party disobeys or resists any lawful order of process; or neglects to produce, after having been ordered to do so, any pertinent book, paper, or document; or refuses to appear after having been subpoenaed; or, upon appearing, refuses to take the oath or affirmation as a witness; or after taking the oath or affirmation, refuses to testify, the agency, hearing officer, or other representative shall have the same rights and powers given the court under Chapter 11 of Title 9, the “Georgia Civil Practice Act.” If any person or party refuses as specified in this subsection, the agency, hearing officer, or other representative may certify the facts to the superior court of the county where the offense is committed for appropriate action, including a finding of contempt. The agency, hearing officer, or other representative shall have the power to issue writs of fieri facias in order to collect fines imposed for violation of a lawful order of the agency, hearing officer, or other representative.

(c) Subsection (a) of this Code section and the other provisions of this chapter concerning contested cases shall not apply to any case arising in the administration of the revenue laws, which case is subject to a subsequent de novo trial of the law and the facts in the superior court or in the Georgia Tax Court in accordance with Chapter 5B of Title 15, the “Georgia Tax Court Act of 2025.”

History.

Ga. L. 1964, p. 338, § 14; Ga. L. 1965, p. 283, § 13; Ga. L. 1982, p. 3, § 50; Ga. L. 1994, p. 1270, § 9; Ga. L. 2012, p. 318, § 13/HB 100; Ga. L. 2024, p. 888, § 3-15e/HB 1267, effective July 1, 2026.

Delayed effective date.

Code Section 50-13-13 is set out twice in this Code. This version is effective July 1, 2026. For version effective until July 1, 2026, see the preceding version.

Amendments.

The 2024 amendment, effective July 1, 2026, substituted “Georgia Tax Court in accordance with Chapter 5B of Title 15, the ‘Georgia Tax Court Act of 2025.’” for “Georgia Tax Tribunal in accordance with Chapter 13A of this title.” at the end of subsection (c).

Editor’s notes.

Ga. L. 2024, p. 888, § 4-1(a)/HB 1267,

not codified by the General Assembly, provides that the 2024 amendments to this Code section shall only become effective on July 1, 2026, upon the ratification of a resolution at the November, 2024, state-wide general election that amends the Constitution so as to authorize the General Assembly to provide by general law for the establishment of the Georgia Tax Court with state-wide jurisdiction. If such a resolution is not so ratified, then the amendments to this Code section shall not become effective and shall stand repealed on January 1, 2025. The constitutional amendment proposed in Ga. L. 2024, p. 1189, authorizing the establishment of the state-wide Georgia Tax Court, was approved by a majority of the qualified voters voting at the general election held on November 5, 2024.

50-13-14. Intervention in contested cases.

JUDICIAL DECISIONS

CON Act applicable to hospital’s right to intervene. — For purposes of a certificate of need (CON), even if the Administrative Procedure Act (APA), O.C.G.A. § 50–13–1 et seq., and Georgia’s State Health Planning and Development Act (the CON Act), O.C.G.A. § 31–6–1 et seq., could be read as conflicting, the more

recent and specific provisions of the CON Act governed over the older and more general provisions of the APA; thus, the CON Act was not inapplicable to the hospital’s intervention rights. *Redmond Park Hosp., LLC v. Floyd Health Care Mgmt.*, 360 Ga. App. 469, 861 S.E.2d 423, 2021 Ga. App. LEXIS 379 (2021).

50-13-19. Judicial review of contested cases.

Law reviews.

For article with annual survey on ad-

ministrative law, see 73 Mercer L. Rev. 1 (2021).

JUDICIAL DECISIONS

ANALYSIS

GENERAL CONSIDERATION
PREREQUISITES TO JUDICIAL REVIEW
SCOPE OF JUDICIAL REVIEW

General Consideration

Georgia Department of Transportation’s denial of multiple message sign permit upheld. — Georgia Department of Transportation’s (GDOT’s) denial of a company’s petition for a multiple message sign

permit along a state route was upheld because the proposed sign did not comply with the spacing requirements of O.C.G.A. § 32-6-75(c)(1)(C), which prohibited two multiple message signs from being located within 5,000 feet of one another on the same

side of the highway. *Victory Media Group LLC v. Georgia Dept. of Transportation*, 372 Ga. App. 181, 904 S.E.2d 32, 2024 Ga. App. LEXIS 312 (2024).

Prerequisites to Judicial Review

Exhaustion of remedies necessary for judicial review. — Trial court erred by exercising jurisdiction and granting the city summary judgment on its claim for declaratory relief because the city was required to exhaust its administrative remedies and its failure to appeal the Environmental Protection Division of the Georgia Department of Natural Resources' (EPD) decision to grant the recy-

cling company a solid waste handling permit deprived the trial court of jurisdiction over the claim. *Dunn v. City of Stonecrest*, 368 Ga. App. 736, 890 S.E.2d 781, 2023 Ga. App. LEXIS 365 (2023).

Scope of Judicial Review

Standard of review.

Abuse of discretion standard of review applies to the review of the Georgia Public Service Commission's determination of whether the premises were "destroyed or dismantled" under O.C.G.A. § 46-3-8. *Walton Elec. Mbrshp. Corp. v. Ga. Power Co.*, 320 Ga. 740, 911 S.E.2d 559, 2025 Ga. LEXIS 10 (2025).

ARTICLE 2

OFFICE OF STATE ADMINISTRATIVE HEARINGS

50-13-41. Hearing procedures; powers of administrative law judge; issuance of decision; reviewing agency; review of contested cases.

RESEARCH REFERENCES

ALR.

What matters not contained in pleadings may be considered in ruling on motion to dismiss under Rule 12(b)(6) of Federal Rules of Civil Procedure or

motion for judgment on pleadings under Rule 12(c) without conversion to motion for summary judgment — Sixth Circuit, 77 A.L.R. Fed. 3d 2.

50-13-42. (Effective until July 1, 2026.) Applicability of article.

(a) In addition to those agencies expressly exempted from the operation of this chapter under paragraph (1) of Code Section 50-13-2, this article shall not apply to the Commissioner of Agriculture, the Public Service Commission, the Certificate of Need Appeal Panel, or the Department of Community Health, unless specifically provided otherwise for certain programs or in relation to specific laws, or to the Department of Labor with respect to unemployment insurance benefit hearings conducted under the authority of Chapter 8 of Title 34. Such exclusion does not prohibit such office or agencies from contracting with the Office of State Administrative Hearings on a case-by-case basis.

(b) This article shall apply to hearings conducted pursuant to Code Sections 45-20-8 and 45-20-9. The State Personnel Board may provide by rule that proposed decisions in all or in specified classes of cases before the Office of State Administrative Hearings will become final without further action by the board and without expiration of the 30

day review period otherwise provided for in subsection (d) of Code Section 50-13-41.

(c) This article shall not apply with respect to any matter as to which an aggrieved party is permitted to file a petition with the Georgia Tax Tribunal in accordance with Chapter 13A of this title.

History.

Code 1981, § 50-13-42, enacted by Ga. L. 1994, p. 1856, § 3; Ga. L. 1997, p. 844, § 5; Ga. L. 1999, p. 296, § 22; Ga. L. 2004, p. 598, § 3; Ga. L. 2009, p. 453, § 1-57/HB 228; Ga. L. 2012, p. 318, § 14/HB 100; Ga. L. 2018, p. 762, § 4/HB 790.

Delayed effective date.

Code Section 50-13-42 is set out twice in this Code. This version is effective until July 1, 2026. For version effective July 1, 2026, see the following version.

50-13-42. (Effective July 1, 2026.) Applicability of article.

(a) In addition to those agencies expressly exempted from the operation of this chapter under paragraph (1) of Code Section 50-13-2, this article shall not apply to the Commissioner of Agriculture, the Public Service Commission, the Certificate of Need Appeal Panel, or the Department of Community Health, unless specifically provided otherwise for certain programs or in relation to specific laws, or to the Department of Labor with respect to unemployment insurance benefit hearings conducted under the authority of Chapter 8 of Title 34. Such exclusion does not prohibit such office or agencies from contracting with the Office of State Administrative Hearings on a case-by-case basis.

(b) This article shall apply to hearings conducted pursuant to Code Sections 45-20-8 and 45-20-9. The State Personnel Board may provide by rule that proposed decisions in all or in specified classes of cases before the Office of State Administrative Hearings will become final without further action by the board and without expiration of the 30 day review period otherwise provided for in subsection (d) of Code Section 50-13-41.

(c) This article shall not apply with respect to any matter as to which an aggrieved party is permitted to file a petition with the Georgia Tax Court in accordance with Chapter 5B of Title 15, the “Georgia Tax Court Act of 2025.”

History.

Code 1981, § 50-13-42, enacted by Ga. L. 1994, p. 1856, § 3; Ga. L. 1997, p. 844, § 5; Ga. L. 1999, p. 296, § 22; Ga. L. 2004, p. 598, § 3; Ga. L. 2009, p. 453, § 1-57/HB 228; Ga. L. 2012, p. 318, § 14/HB 100; Ga. L. 2018, p. 762, § 4/HB 790; Ga. L. 2024, p. 888, § 3-16/HB 1267, effective July 1, 2026.

Delayed effective date.

Code Section 50-13-42 is set out twice in this Code. This version is effective July 1, 2026. For version effective until July 1, 2026, see the preceding version.

Amendments.

The 2024 amendment, effective July 1, 2026, substituted “Georgia Tax Court in accordance with Chapter 5B of Title 15,

the ‘Georgia Tax Court Act of 2025.’” for “Georgia Tax Tribunal in accordance with Chapter 13A of this title.” at the end of subsection (c).

Editor’s notes.

Ga. L. 2024, p. 888, § 4-1(a)/HB 1267, not codified by the General Assembly, provides that the 2024 amendments to this Code section shall only become effective on July 1, 2026, upon the ratification of a resolution at the November, 2024, state-wide general election that amends the Constitution so as to authorize the General Assembly to

provide by general law for the establishment of the Georgia Tax Court with state-wide jurisdiction. If such a resolution is not so ratified, then the amendments to this Code section shall not become effective and shall stand repealed on January 1, 2025. The constitutional amendment proposed in Ga. L. 2024, p. 1189, authorizing the establishment of the state-wide Georgia Tax Court, was approved by a majority of the qualified voters voting at the general election held on November 5, 2024.

CHAPTER 13A

TAX TRIBUNALS

Delayed effective date.

Ga. L. 2024, p. 888, § 4-1(a)/HB 1267, not codified by the General Assembly, provides that the repeal of this chapter shall only become effective on July 1, 2026, upon the ratification of a resolution at the November, 2024, state-wide general election that amends the Constitution so as to authorize the General Assembly to provide by general law for the establishment of the Georgia Tax Court with state-wide jurisdiction. If such a resolution is not so ratified, then the

repeal of this chapter shall not become effective. The constitutional amendment proposed in Ga. L. 2024, p. 1189, authorizing the establishment of the state-wide Georgia Tax Court, was approved by a majority of the qualified voters voting at the general election held on November 5, 2024.

Editor’s notes.

Ga. L. 2024, p. 888, § 1-1/HB 1267, provides for the repeal of this chapter. For effective date of this repeal, see the delayed effective date note.

50-13A-14. (Repealed effective July 1, 2026.) Conduct of trials; evidence; recordings.

Law reviews.

For annual survey on state and local taxation, see 3 Mercer L. Rev. 231 (2022).

50-13A-17. (Repealed effective July 1, 2026.) Procedure and designation of appealing courts.

JUDICIAL DECISIONS

Standard of review. — In a case challenging denial of sales tax refunds, the trial court’s ruling was vacated because while it stated a correct standard of review in decision, it summarily disre-

garded certain of Georgia Tax Tribunal’s explicit factual findings, which if there was any evidence to support the findings, the contravened deferential legal framework to be applied therefrom. T-Mobile

South v. Crittenden, 364 Ga. App. 523, 875 S.E.2d 524, 2022 Ga. App. LEXIS 338 (2022).

CHAPTER 13A

TAX TRIBUNALS

Delayed effective date.

Ga. L. 2024, p. 888, § 4-1(a)/HB 1267, not codified by the General Assembly, provides that the repeal of this chapter shall only become effective on July 1, 2026, upon the ratification of a resolution at the November, 2024, state-wide general election that amends the Constitution so as to authorize the General Assembly to provide by general law for the establishment of the Georgia Tax Court with state-wide jurisdiction. If such a resolution is not so ratified, then the

repeal of this chapter shall not become effective. The constitutional amendment proposed in Ga. L. 2024, p. 1189, authorizing the establishment of the state-wide Georgia Tax Court, was approved by a majority of the qualified voters voting at the general election held on November 5, 2024.

Editor’s notes.

Ga. L. 2024, p. 888, § 1-1/HB 1267, provides for the repeal of this chapter. For effective date of this repeal, see the delayed effective date note.

50-13A-1 through 50-13A-20. (Repealed effective July 1, 2026.)

Editor’s notes.

Ga. L. 2024, p. 888, § 1-1/HB1267 provides for the repeal of this chapter

effective July 1, 2026. For provisions of this chapter effective until that date, see the bound volume.

CHAPTER 14

OPEN AND PUBLIC MEETINGS

Sec.
50-14-1.

Meetings to be open to public; limitation on action to contest agency action; re-

cording; notice of time and place; access to minutes; teleconference.

Law reviews.

For article, “Problems, Old and New: A

History of Public Records law in Georgia,” see 60 Ga. L. Rev. 1 (2025).

50-14-1. Meetings to be open to public; limitation on action to contest agency action; recording; notice of time and place; access to minutes; teleconference.

- (a) As used in this chapter, the term:
- (1) “Agency” means:

(A) Every state department, agency, board, bureau, office, commission, public corporation, and authority;

(B) Every county, municipal corporation, school district, or other political subdivision of this state;

(C) Every department, agency, board, bureau, office, commission, authority, or similar body of each such county, municipal corporation, or other political subdivision of the state;

(D) Every city, county, regional, or other authority established pursuant to the laws of this state; and

(E) Any nonprofit organization to which there is a direct allocation of tax funds made by the governing body of any agency as defined in this paragraph which constitutes more than 33 1/3 percent of the funds from all sources of such organization; provided, however, that this subparagraph shall not include hospitals, nursing homes, dispensers of pharmaceutical products, or any other type organization, person, or firm furnishing medical or health services to a citizen for which they receive reimbursement from the state whether directly or indirectly; nor shall this term include a subagency or affiliate of such a nonprofit organization from or through which the allocation of tax funds is made.

(2) "Executive session" means a portion of a meeting lawfully closed to the public.

(3)(A) "Meeting" means:

(i) The gathering of a quorum of the members of the governing body of an agency at which any official business, policy, or public matter of the agency is formulated, presented, discussed, or voted upon; or

(ii) The gathering of a quorum of any committee of the members of the governing body of an agency or a quorum of any committee created by the governing body at which any official business, policy, or public matter of the committee is formulated, presented, discussed, or voted upon.

(B) "Meeting" shall not include:

(i) The gathering of a quorum of the members of a governing body or committee for the purpose of making inspections of physical facilities or property under the jurisdiction of such agency at which no other official business of the agency is to be discussed or official action is to be taken;

(ii) The gathering of a quorum of the members of a governing body or committee for the purpose of attending state-wide,

multijurisdictional, or regional meetings to participate in seminars or courses of training on matters related to the purpose of the agency or to receive or discuss information on matters related to the purpose of the agency at which no official action is to be taken by the members;

(iii) The gathering of a quorum of the members of a governing body or committee for the purpose of meeting with officials of the legislative or executive branches of the state or federal government at state or federal offices and at which no official action is to be taken by the members;

(iv) The gathering of a quorum of the members of a governing body of an agency for the purpose of traveling to a meeting or gathering as otherwise authorized by this subsection so long as no official business, policy, or public matter is formulated, presented, discussed, or voted upon by the quorum; or

(v) The gathering of a quorum of the members of a governing body of an agency at social, ceremonial, civic, or religious events so long as no official business, policy, or public matter is formulated, presented, discussed, or voted upon by the quorum.

This subparagraph's exclusions from the definition of the term "meeting" shall not apply if it is shown that the primary purpose of the gathering or gatherings is to evade or avoid the requirements for conducting a meeting while discussing or conducting official business.

(b)(1) Except as otherwise provided by law, all meetings shall be open to the public. All votes at any meeting shall be taken in public after due notice of the meeting and compliance with the posting and agenda requirements of this chapter.

(2) Any resolution, rule, regulation, ordinance, or other official action of an agency adopted, taken, or made at a meeting which is not open to the public as required by this chapter shall not be binding. Any action contesting a resolution, rule, regulation, ordinance, or other formal action of an agency based on an alleged violation of this provision shall be commenced within 90 days of the date such contested action was taken or, if the meeting was held in a manner not permitted by law, within 90 days from the date the party alleging the violation knew or should have known about the alleged violation so long as such date is not more than six months after the date the contested action was taken.

(3) Notwithstanding the provisions of paragraph (2) of this subsection, any action under this chapter contesting a zoning decision of a local governing authority shall be commenced within the time allowed by law for appeal of such zoning decision.

(c) The public at all times shall be afforded access to meetings declared open to the public pursuant to subsection (b) of this Code section. Visual and sound recording during open meetings shall be permitted.

(d)(1) Every agency subject to this chapter shall prescribe the time, place, and dates of regular meetings of the agency. Such information shall be available to the general public and a notice containing such information shall be posted at least one week in advance and maintained in a conspicuous place available to the public at the regular place of an agency or committee meeting subject to this chapter as well as on the agency's website, if any. Meetings shall be held in accordance with a regular schedule, but nothing in this subsection shall preclude an agency from canceling or postponing any regularly scheduled meeting.

(2) For any meeting, other than a regularly scheduled meeting of the agency for which notice has already been provided pursuant to this chapter, written or oral notice shall be given at least 24 hours in advance of the meeting to the legal organ in which notices of sheriff's sales are published in the county where regular meetings are held or at the option of the agency to a newspaper having a general circulation in such county at least equal to that of the legal organ; provided, however, that, in counties where the legal organ is published less often than four times weekly, sufficient notice shall be the posting of a written notice for at least 24 hours at the place of regular meetings and, upon written request from any local broadcast or print media outlet whose place of business and physical facilities are located in the county, notice by telephone, facsimile, or e-mail to that requesting media outlet at least 24 hours in advance of the called meeting. Whenever notice is given to a legal organ or other newspaper, that publication shall immediately or as soon as practicable make the information available upon inquiry to any member of the public. Upon written request from any local broadcast or print media outlet, a copy of the meeting's agenda shall be provided by facsimile, e-mail, or mail through a self-addressed, stamped envelope provided by the requestor.

(3) When special circumstances occur and are so declared by an agency, that agency may hold a meeting with less than 24 hours' notice upon giving such notice of the meeting and subjects expected to be considered at the meeting as is reasonable under the circumstances, including notice to the county legal organ or a newspaper having a general circulation in the county at least equal to that of the legal organ, in which event the reason for holding the meeting within 24 hours and the nature of the notice shall be recorded in the minutes. Such reasonable notice shall also include, upon written

request within the previous calendar year from any local broadcast or print media outlet whose place of business and physical facilities are located in the county, notice by telephone, facsimile, or e-mail to that requesting media outlet.

(e)(1) Prior to any meeting, the agency or committee holding such meeting shall make available an agenda of all matters expected to come before the agency or committee at such meeting. The agenda shall be available upon request and shall be posted at the meeting site as far in advance of the meeting as reasonably possible, but shall not be required to be available more than two weeks prior to the meeting and shall be posted, at a minimum, at some time during the two-week period immediately prior to the meeting. Failure to include on the agenda an item which becomes necessary to address during the course of a meeting shall not preclude considering and acting upon such item.

(2)(A) A summary of the subjects acted on and those members present at a meeting of any agency shall be written and made available to the public for inspection within two business days of the adjournment of a meeting.

(B) The regular minutes of a meeting subject to this chapter shall be promptly recorded and such records shall be open to public inspection once approved as official by the agency or its committee, but in no case later than immediately following its next regular meeting; provided, however, that nothing contained in this chapter shall prohibit the earlier release of minutes, whether approved by the agency or not. Such minutes shall, at a minimum, include the names of the members present at the meeting, a description of each motion or other proposal made, the identity of the persons making and seconding the motion or other proposal, and a record of all votes. The name of each person voting for or against a proposal shall be recorded. It shall be presumed that the action taken was approved by each person in attendance unless the minutes reflect the name of the persons voting against the proposal or abstaining.

(C) Minutes of executive sessions shall also be recorded but shall not be open to the public. Such minutes shall specify each issue discussed in executive session by the agency or committee. In the case of executive sessions where matters subject to the attorney-client privilege are discussed, the fact that an attorney-client discussion occurred and its subject shall be identified, but the substance of the discussion need not be recorded and shall not be identified in the minutes. Such minutes shall be kept and preserved for in camera inspection by an appropriate court should a dispute arise as to the propriety of any executive session.

(f) An agency with state-wide jurisdiction or a committee of such

agency shall be authorized to conduct meetings by teleconference; provided, however, that any such meeting is conducted in compliance with this chapter. A local workforce development board formed pursuant to the federal Workforce Innovation and Opportunity Act, P.L. 113-128, as now in effect or as hereafter amended, or its committees or local elected officials when performing duties relative to such board, shall qualify as an agency under this subsection.

(g)(1) As used in this paragraph, emergency conditions shall include declarations of federal, state, or local states of emergency; provided, however, that no such declaration shall be necessary for an agency as defined by subparagraph (A) of paragraph (1) of subsection (a) of this Code section to find that emergency conditions exist thereby necessitating meeting by teleconference.

(2) Under circumstances necessitated by emergency conditions involving public safety or the preservation of property or public services, agencies or committees thereof not otherwise permitted by subsection (f) of this Code section to conduct meetings by teleconference may meet by means of teleconference so long as the notice required by this chapter is provided and means are afforded for the public to have simultaneous access to the teleconference meeting. The participation by teleconference of members of agencies or committees means full participation in the same manner as if such members were physically present. In the event such teleconference meeting is a public hearing, members of the public must be afforded the means to participate fully in the same manner as if such members of the public were physically present.

(3) On any other occasion of the meeting of an agency or committee thereof, and so long as a quorum is present in person, a member may participate by teleconference if necessary due to reasons of health or absence from the jurisdiction so long as the other requirements of this chapter are met. Absent emergency conditions or the written opinion of a physician or other health professional that reasons of health prevent a member's physical presence, no member shall participate by teleconference pursuant to this subsection more than twice in one calendar year.

(h)(1) The following bodies and committees thereof shall be authorized to conduct meetings by teleconference, provided that any such meeting shall be considered to be conducted in compliance with this chapter so long as the notice required by this chapter is provided and, if fewer than a quorum of the members of a body or committee thereof are physically present, means have been afforded for the public to have simultaneous access to the teleconference meeting:

(A) Development authorities created pursuant to or authorized by the provisions of Chapter 42 or Chapter 62 of Title 36, by or

pursuant to Article IX, Section VI, Paragraph III of the Georgia Constitution, or by or pursuant to any amendment to the Constitution continued pursuant to the authority of Article XI, Section I, Paragraph IV of the Constitution;

(B) Community improvement districts created pursuant to the provisions of Article IX, Section VII of the Georgia Constitution;

(C) Hospital authorities created pursuant to Article 4 of Chapter 7 of Title 31;

(D) The board of trustees or other governing body of any large retirement system as such term is defined in subsection (a) of Code Section 47-20-84;

(E) The board of trustees of any county or regional public library created pursuant to Part 2 of Article 2 of Chapter 5 of Title 20; provided, however, that such meetings:

(i) Shall be held at a physical location with at least 50 percent of the board members physically present; and

(ii) Shall provide one or more methods for public viewing of such meetings and providing commentary at such meetings without being physically present at such meetings; and

(F) Community service boards created pursuant to Article 1 of Chapter 2 of Title 37; provided, however, that such meetings:

(i) Shall be held at a physical location with at least 50 percent of the board members physically present; and

(ii) Shall provide one or more methods for public viewing of such meetings and providing commentary at such meetings without being physically present at such meetings.

(2) The participation by teleconference of members of such bodies or committees thereof means full participation in the same manner as if such members were physically present. In the event such teleconference meeting is a public hearing, and if fewer than a quorum of the members of a body or committee thereof are physically present, then members of the public shall be afforded the means to participate fully in the same manner as if such members of the public were physically present.

History.

Code 1981, § 50-14-1, enacted by Ga. L. 1988, p. 235, § 1; Ga. L. 1992, p. 1061, §§ 1, 2; Ga. L. 1993, p. 784, § 1; Ga. L. 1999, p. 549, §§ 1, 2; Ga. L. 2012, p. 218, § 1/HB 397; Ga. L. 2021, p. 320, § 1/HB 98; Ga. L. 2024, p. 3, § 2-1/SB 26, effective February 13, 2024; Ga. L. 2025, p. 670, § 2/HB 516, effective July 1, 2025.

Amendments.

The 2024 amendment, effective February 13, 2024, in subsection (f), in the first sentence, substituted “a committee of such” for “committee of such an”, substituted “teleconference; provided, however,” for “teleconference, provided”, and added the last sentence; and added subsection (h).

The 2025 amendment, effective July 1, 2025, deleted “and” at the end of subparagraph (h)(1)(C); and added subparagraphs (h)(1)(E) and (h)(1)(F).

Cross references.

Duty of local boards of education to have public meetings and public comment, § 20-2-58.

Law reviews.

For article, “Problems, Old and New: A History of Public Records law in Georgia,” see 60 Ga. L. Rev. 1 (2025).

For annual survey on local governments, see 74 Mercer L. Rev. 197 (2022).

JUDICIAL DECISIONS

Application

Plaintiff had standing. — In a taxpayer’s challenge to the manner in which the County Board of Commissioners introduced and passed a 2018 salary increase in alleged violation of the Open Meetings Act, O.C.G.A. § 50-14-1 et seq., the taxpayer had standing because the taxpayer was a citizen and a taxpayer of the County. *Bryan Cave Leighton Paisner, LLP v. Gebo Law, LLC*, 371 Ga. App. 341, 899 S.E.2d 244, 2024 Ga. App. LEXIS 153 (2024)

Specific reasons for closure must be entered upon minutes, not affidavits, to comply. — City council members’ acts in approving minutes of two meetings that were closed to the public were ministerial in nature and genuine issues of material fact remained as to whether their approval of minutes that did not comply with the Open Meetings Act, O.C.G.A. § 50-14-1 et seq., was negligent since specific reasons for the closure were not entered upon minutes. *Cardinale v.*

Westmoreland, 367 Ga. App. 267, 885 S.E.2d 275, 2023 Ga. App. LEXIS 137 (2023).

Fact that specific reasons for closure of each meeting were part of publicly available affidavits does not mean that minutes complied with the statutory requirements of the Open Meetings Act, O.C.G.A. § 50-14-4(a). *Cardinale v. Westmoreland*, 367 Ga. App. 267, 885 S.E.2d 275, 2023 Ga. App. LEXIS 137 (2023).

Claims time-barred. — Plaintiffs claims that the January meetings were conducted in violation of the Open and Public Meetings Act (OMA), O.C.G.A. § 50-14-1 et seq., were time-barred because it was readily apparent from the pleadings that the plaintiff had knowledge of any OMA violations concerning the location, the agenda, and any improper notice of the January meetings more than 90 days before the complaint was filed. *Corkren v. Maynard*, 374 Ga. App. 777, 913 S.E.2d 876, 2025 Ga. App. LEXIS 120 (2025).

RESEARCH REFERENCES

ALR.

Telecommunications Act, 47 U.S.C.A. § 332(C)(7)(B)(I)(ii), Barring State

Regulations that Have Effect of Prohibiting Provision of Personal Wireless Services, 83 A.L.R. Fed. 3d 6.

50-14-3. Excluded proceedings.

JUDICIAL DECISIONS

Voting on employment decision.

Trial court erred in finding that the city violated the Open Meetings Act, O.C.G.A. § 50-14-1 et seq., in the manner in which it appointed a defendant to the position of interim-city manager because nothing in

the city charter required a formal vote for an appointment of an interim city manager. *City of College Park v. Martin*, 365 Ga. App. 640, 879 S.E.2d 807, 2022 Ga. App. LEXIS 482 (2022).

50-14-4. Procedure when meeting closed.

JUDICIAL DECISIONS

Specific reasons for closure must be entered upon minutes, not affidavits, to comply. — City council members’ acts in approving minutes of two meetings that were closed to public were ministerial in nature and genuine issues of material fact remained as to whether their approval of minutes that did not comply with the Open Meetings Act, O.C.G.A. § 50-14-1 et seq., was negligent since specific reasons for the closure were not entered upon the minutes. *Cardinale v. Westmoreland*, 367

Ga. App. 267, 885 S.E.2d 275, 2023 Ga. App. LEXIS 137 (2023).
Fact that specific reasons for closure of each meeting were part of publicly available affidavits does not mean that minutes complied with the statutory requirements of the Open Meetings Act, O.C.G.A. § 50-14-1 et seq. *Cardinale v. Westmoreland*, 367 Ga. App. 267, 885 S.E.2d 275, 2023 Ga. App. LEXIS 137 (2023).

50-14-5. Jurisdiction to enforce chapter.

Law reviews.

For annual survey on local governments, see 74 Mercer L. Rev. 197 (2022).

JUDICIAL DECISIONS

Private plaintiffs can seek civil penalties. — Georgia Court of Appeals, Second Division, held that the Open Records Act, O.C.G.A. § 50-14-1 et seq., allows private plaintiffs to seek civil

penalties for violations of the Act. *Cardinale v. Keane*, 362 Ga. App. 644, 869 S.E.2d 613, 2022 Ga. App. LEXIS 78 (2022).

50-14-6. Penalty for violation; defense.

Law reviews.

For annual survey on local governments, see 74 Mercer L. Rev. 197 (2022).

CHAPTER 15

PUBLIC LAWSUITS

50-15-1. Definitions.

JUDICIAL DECISIONS

Public lawsuit. — Trial court erred by finding that plaintiffs’ action was not a public lawsuit because defendants were political subdivisions and the challenged project was expected to bring a wide array

of economic benefits to the community on state-owned land. *Clay v. Morgan County*, 373 Ga. App. 7, 907 S.E.2d 226, 2024 Ga. App. LEXIS 376 (2024).

50-15-2. Petition by political subdivision for posting of bond by opposing party or intervenor; hearing; dismissal upon failure to file bond; appeal.

JUDICIAL DECISIONS

Remand required for trial court to reconsider bond. — In a suit to halt development of an electric vehicle manufacturing facility based on alleged violations of local zoning laws, the trial court erred in imposing a bond without consid-

ering the merits of all of the plaintiffs’ claims as at least one claim related to environmental regulations might have merit based on the current record. *Clay v. State*, 370 Ga. App. 482, 897 S.E.2d 886, 2024 Ga. App. LEXIS 43 (2024).

50-15-4. Commencement of subsequent actions.

JUDICIAL DECISIONS

Jurisdiction. — Trial court lacked jurisdiction over plaintiffs’ action because it was a duplicative public lawsuit, as plaintiffs had filed three lawsuits raising nearly identical claims in different counties. Even though plaintiffs voluntarily dismissed their first lawsuit without

prejudice, it was commenced within the meaning of the Public Lawsuits Act, O.C.G.A. § 50-15-1 et seq., when it was filed. *Clay v. Morgan County*, 373 Ga. App. 7, 907 S.E.2d 226, 2024 Ga. App. LEXIS 376 (2024).

CHAPTER 15A

GEORGIA RELIGIOUS FREEDOM RESTORATION ACT

Sec.		Sec.	
50-15A-1.	Governmental burden on religion; relief for violations.	50-15A-3.	Recovery of attorney’s fees.
50-15A-2.	Definitions.	50-15A-4.	Construction of chapter.

Effective date.
This chapter became effective April 4, 2025.

Cross references.
Freedom of religion, U.S. Const., amend. I.
Freedom of conscience, Ga. Const. 1983, Art. I, § I, Para. III.
Religious opinions and freedom of religion, Ga. Const. 1983, Art. I, § I, Para. IV.

Editor’s notes.
Ga. L. 2025, p. 13, § 1/SB 36, not codified by the General Assembly, provides: “This Act shall be known and may be cited as the ‘Georgia Religious Freedom Restoration Act.’”
Ga. L. 2025, p. 13, § 2/SB 36, not codified by the General Assembly, provides: “The General Assembly finds and determines that:

“(1) Whereas the framers of the United States Constitution and the people of this state, recognizing free exercise of religion as an inalienable right, secured its protection in the First Amendment to the United States Constitution and in Paragraphs III and IV of Section I, Article I of the Constitution of this state, respectively;

“(2) Whereas in *City of Boerne v. Flores*, 521 U.S. 507 (1997), the United States Supreme Court held that the compelling interest test provided for in the federal Religious Freedom Restoration Act, to protect the inalienable constitutional right of free exercise of religion, must be

adopted by a state through legislative act or court decision in order to apply to state or local government action; and

“(3) The General Assembly has determined that the following legislative act adopts the same compelling interest test provided for in the federal Religious Freedom Restoration Act in a manner that applies it to the actions of state and local governments in Georgia.”

U.S. Code.

The federal Religious Freedom Restoration Act, referred to in the Editor’s note, is codified at 42 U.S.C. § 2000bb.

50-15A-1. Governmental burden on religion; relief for violations.

(a) Government shall not substantially burden a person’s exercise of religion even if the burden results from a rule of general applicability, except as provided in subsection (b) of this Code section.

(b) Government may substantially burden a person’s exercise of religion only if it demonstrates that application of the burden to the person is:

- (1) In furtherance of a compelling governmental interest; and
- (2) The least restrictive means of furthering such compelling governmental interest.

(c) A person whose religious exercise has been burdened in violation of this chapter may assert the violation as a claim or defense in a judicial proceeding and obtain appropriate relief against government.

History. L. 2025, p. 13, § 3/SB 36, effective April 4, 2025.
Code 1981, § 50-15A-1, enacted by Ga.

50-15A-2. Definitions.

As used in this chapter, the term:

- (1) “Demonstrates” means meets the burden of going forward with the evidence and of persuasion.
- (2) “Exercise of religion” means any exercise of religion, whether or not compelled by, or central to, a system of religious belief, including, but not limited to, the practice or observance of religion under Paragraphs III and IV of Section I, Article I of the Constitution of this state or the Free Exercise Clause of the First Amendment to the Constitution of the United States.
- (3) “Government” includes any branch, department, agency, in-

strumentality, and official or other person acting under color of law of this state, or any political subdivision of this state as defined in Code Section 50-15-1.

History. L. 2025, p. 13, § 3/SB 36, effective April 4,
Code 1981, § 50-15A-2, enacted by Ga. 2025.

50-15A-3. Recovery of attorney’s fees.

In any action or proceeding to enforce a provision of this chapter, the court or tribunal may allow the prevailing party, other than government, a reasonable attorney fee as part of costs; provided, however, that, in any action brought against a judicial officer for an act or omission taken in such officer’s judicial capacity, such officer shall not be held liable for any costs, including attorney’s fees, unless such action was clearly in excess of such officer’s jurisdiction.

History. L. 2025, p. 13, § 3/SB 36, effective April 4,
Code 1981, § 50-15A-3, enacted by Ga. 2025.

50-15A-4. Construction of chapter.

Nothing in this chapter shall be construed to affect, interpret, or in any way address that portion of the First Amendment of the Constitution of the United States prohibiting laws respecting the establishment of religion, referred to in this Code section as the “Establishment Clause.” Granting government funding, benefits, or exemptions, to the extent permissible under the Establishment Clause, shall not constitute a violation of this chapter. As used in this Code section, the term “granting,” used with respect to government funding, benefits, or exemptions, does not include the denial of government funding, benefits, or exemptions.

History. L. 2025, p. 13, § 3/SB 36, effective April 4,
Code 1981, § 50-15A-4, enacted by Ga. 2025.

CHAPTER 16

PUBLIC PROPERTY

Article 1 General Provisions

the Preservation of the
State Capitol.

Sec.
50-16-5.1. [Repealed] Commission on

ARTICLE 1
GENERAL PROVISIONS

Editor’s notes. By resolution (Ga. L. 2022, p. 684/SR 504), the General Assembly authorized and directed the Georgia Building Authority to plant a Georgia red cedar tree upon state capitol grounds in recognition of Native American Honor Day and the three Native American tribes of Georgia.

50-16-5.1. [Repealed] Commission on the Preservation of the State Capitol.

History. Code 1981, § 50-16-5.1, enacted by Ga. L. 1993, p. 1541, § 1; Ga. L. 2020, p. 38, § 9/SB 473; repealed by Ga. L. 2024, p. 337, § 3-3/HB 1046, effective July 1, 2024; repealed by Ga. L. 2024, p. 922, § 13-1/SB 341, effective May 6, 2024.

CHAPTER 17
STATE DEBT, INVESTMENT, AND DEPOSITORIES

Article 2	Sec.	
State Financing and Investment	50-17-22.	State Financing and Investment Commission.
Sec. 50-17-21.	Definitions.	

ARTICLE 2
STATE FINANCING AND INVESTMENT

50-17-21. Definitions.

As used in this article, the term:

- (1) “Commission” means the Georgia State Financing and Investment Commission as defined by Article VII, Section IV, Paragraph VII of the Constitution, consisting of the Governor, the President of the Senate, the Speaker of the House of Representatives, the state auditor, the Attorney General, the state treasurer, and the Commissioner of Agriculture, and declared an agency and instrumentality of the state.
- (2) “Constitution” means the Constitution of the State of Georgia of 1983.
- (3) “Financial advisory matters” means all matters pertaining to the issuance of state debt and state authority bonds and the investment of funds created by the issuance of such debt or bonds and the performing of ministerial services in connection with the issuance,

marketing, and delivery of all such debt or bonds. Financial advice shall include the development and recommendation to state authorities of a financial plan which will provide state authorities with required funds.

(4) “Fiscal officer of the state” means the state treasurer or such other officer as may be designated by a valid Act of the General Assembly to perform the functions of the state treasurer with respect to public debt.

(5) “General obligation debt” means obligations of this state issued pursuant to this article to acquire, construct, develop, extend, enlarge, or improve land, waters, property, highways, buildings, structures, equipment, or facilities of the state, its agencies, departments, institutions, and those state authorities which were created and activated prior to the amendment to Article VII, Section VI, Paragraph I(a) of the Constitution of 1945, adopted November 8, 1960, for which the full faith, credit, and taxing power of the state are pledged for the payment thereof. “General obligation debt” also means obligations of this state issued to provide educational facilities for county and independent school systems and to provide public library facilities for county and independent school systems, counties, municipalities, and boards of trustees of public libraries or boards of trustees of public library systems. “General obligation debt” further means debt incurred to make loans to counties, municipal corporations, political subdivisions, local authorities, and other local governmental entities for water or sewerage facilities or systems.

(6) “Guaranteed revenue debt” means revenue obligations issued by an instrumentality of the state pursuant to this article to finance toll bridges, toll roads, and any other land public transportation facilities or systems and water and sewer facilities or to make or purchase, or lend or deposit against the security of, loans to citizens of the state for educational purposes, the payment of which has been guaranteed by the state as provided in this article.

(7) “Public debt” means any debt authorized by Article VII, Section IV of the Constitution.

(8) “Sinking fund” means the State of Georgia General Obligation Debt Sinking Fund established by this article.

(9) “State authorities” means the following instrumentalities of the state: Georgia Building Authority, Georgia Education Authority (University), Georgia Highway Authority, State Road and Tollway Authority, Georgia Ports Authority, Georgia Development Authority, Jekyll Island—State Park Authority, Stone Mountain Memorial Association, North Georgia Mountains Authority, Lake Lanier Islands Development Authority, Groveland Lake Development Authority,

Georgia Higher Education Assistance Authority, the Georgia Housing and Finance Authority, and other instrumentalities of the state created by the General Assembly and authorized to issue debt and not specifically exempt from this article.

History.

Ga. L. 1973, p. 750, § 2; Ga. L. 1974, p. 171, § 1; Ga. L. 1979, p. 401, §§ 1-5; Ga. L. 1983, p. 3, § 66; Ga. L. 1983, p. 839, § 4; Ga. L. 1983, p. 1024, § 1; Ga. L. 1984, p. 22, § 50; Ga. L. 1987, p. 642, § 1; Ga. L. 1988, p. 426, § 2; Ga. L. 1991, p. 1653, § 2-3; Ga. L. 1993, p. 1402, § 18; Ga. L. 2001, p. 1251, § 2-1; Ga. L. 2010, p. 863,

§ 6/SB 296; Ga. L. 2012, p. 775, § 50/HB 942; Ga. L. 2013, p. 141, § 50/HB 79; Ga. L. 2014, p. 866, § 50/SB 340; Ga. L. 2024, p. 922, § 3-6/SB 341, effective May 6, 2024.

Amendments.

The 2024 amendment, effective May 6, 2024, deleted “Georgia Education Authority (Schools),” following “Georgia Building Authority,” in paragraph (9).

50-17-22. State Financing and Investment Commission.

(a) **Responsibilities.** Subject to the limitations contained in this article, the commission shall be responsible for the issuance of all public debt incurred hereunder, for the proper application of the proceeds of such debt to the purposes for which it is incurred, for the proper application of an appropriation to the commission for capital outlay to the purpose for which it is appropriated, and for the application and administration of this article; provided, however, that the proceeds of guaranteed revenue obligations shall be paid to the issuer thereof, and such proceeds and the application thereof shall be the responsibility of the issuer. The commission shall also be responsible for the proper disbursement of an appropriation to it for public school capital outlay, and the commission and the State Board of Education will be concurrently responsible for its proper application. The commission shall be responsible for the issuance of guaranteed revenue debt, except that bonds themselves evidencing such debt shall be in the name of the instrumentality of this state issuing the same and shall be issued and executed in accordance with the laws relative to such instrumentality and the applicable provisions of this article.

(b) **Organization.**

(1) The Governor shall serve as the chairperson and chief executive officer; the presiding officer of the Senate shall serve as the vice chairperson of the commission; and the state auditor shall serve as secretary and treasurer. The chairperson or vice chairperson or secretary and treasurer shall be the presiding officer at each meeting of the commission.

(2) There shall be a construction division of the commission administered by a director who shall not be a member of the commission and who shall also serve as the executive secretary for the commission. The director and the staff of the construction

division shall be appointed by and serve at the pleasure of the commission, shall provide administrative support for all personnel of the commission, and shall account for and keep all records pertaining to the operation and administration of the commission and its staff. The director, as executive secretary, shall prepare agendas and keep minutes of all meetings of the commission. In construction and construction related matters, the construction division shall act in accordance with the policies, resolutions, and directives of the Georgia Education Authority (University) until such time as such policies, resolutions, or directives are changed or modified by the commission. In carrying out its responsibilities in connection with the application of any funds under its control, including the proceeds of any debt or any appropriation made directly to it for construction purposes, the commission is specifically authorized to acquire and construct projects for the benefit of any department or agency of the state or to contract with any such department or agency for the acquisition or construction of projects under policies, standards, and operating procedures to be established by the commission; provided, however, that the commission shall contract with the Department of Transportation or the Georgia Highway Authority or the State Road and Tollway Authority or any combination of the foregoing for the supervision of and contracting for design, planning, building, rebuilding, constructing, reconstructing, surfacing, resurfacing, laying out, grading, repairing, improving, widening, straightening, operating, owning, maintaining, leasing, and managing any public roads and bridges for which general obligation debt has been authorized. The construction division also shall perform such construction related services and grant administration services for state agencies and instrumentalities and for local governments, instrumentalities of local governments, and other political subdivisions as may be assigned to the commission or to the construction division by executive order of the Governor.

(3) There shall also be a financing and investment division of the commission administered by a director who shall not be a member of the commission. The director shall be appointed by and serve at the pleasure of the commission. The financing and investment division shall perform all services relating to issuance of public debt, the investment and accounting of all proceeds derived from incurring general obligation debt or such other amounts as may be appropriated from time to time to the commission for capital outlay purposes, the guaranteed revenue debt and the proceeds thereof as may be directed by the commission and the issuer, the management of all other state debt, and such financial advisory matters and general accounting duties as are not specifically assigned to the executive secretary in paragraph (2) of this subsection and in subsection (g) of

this Code section. The director of the financing and investment division shall report directly to the commission on all matters pertaining to the functions and duties assigned to the division.

(4) Members of the commission shall serve without compensation but shall receive actual expenses incurred by them in the performance of their duties. The expenses, including mileage, shall be paid on the same basis as for other state officials and employees.

(c) **Meetings.** The commission shall hold regular meetings as it deems necessary, but, in any event, not less than one meeting shall be held in each calendar quarter. The commission shall meet at the call of the chairperson, vice chairperson, or secretary and treasurer or a majority of the members of the commission. Meetings of the commission shall be subject to Chapter 14 of this title, and its records shall be subject to Article 4 of Chapter 18 of Title 50. The commission shall approve the issuance of public debt, as hereinafter provided, adopt and amend bylaws, and establish salaries and wages of employees of the commission only upon the affirmative vote of a majority of its members; all other actions of the commission may be taken upon the affirmative vote of a majority of a quorum present. A quorum shall consist of a majority of the members of the commission. If any vote is less than unanimous, the vote shall be recorded in the minutes of the commission.

(d) **Powers.** The commission shall have those powers set forth in the Constitution and the powers necessary and incidental thereto. In addition to such powers, the commission shall have power:

(1) To have a seal and alter the same at pleasure;

(2) To make contracts and to execute all instruments necessary or convenient, including contracts with any and all political subdivisions, institutions, or agencies of the state and state authorities, upon such terms and for such purposes as it deems advisable; and such political subdivisions, institutions, or agencies of the state and state authorities are authorized and empowered to enter into and perform such contracts;

(3) To employ such other experts, agents, and employees as may be in the commission's judgment necessary to carry on properly the business of the commission; to fix the compensation for such officers, experts, agents, and employees and to promote and discharge the same;

(4) To do and perform all things necessary or convenient to carry out the powers conferred upon the commission by this article;

(5) To make reasonable regulations or adopt the standard specifications or regulations of the Department of Transportation or the

state authorities, or parts thereof, for the construction, reconstruction, building, rebuilding, renovating, surfacing, resurfacing, acquiring, leasing, maintaining, repairing, removing, installing, planning, or disposing of projects for which public debt has been authorized, or for such other purposes as deemed necessary by the commission; and

(6)(A) To apply for, arrange for, accept, and administer federal funds for capital outlay and construction related services and for authorization or payment of public debt.

(B) Without limitation, the commission may:

(i) Deposit or arrange for federal funds to be deposited into the State of Georgia General Obligation Debt Sinking Fund or into the State of Georgia Guaranteed Revenue Debt Common Reserve Fund, and the fiscal officer of the state shall accept such deposits;

(ii) Arrange for the disbursement of federal funds directly to trustees, paying agents, or other persons for the payment of public debt;

(iii) Cooperate with any public agency, authority, or officer in applying for, accepting, and administering federal funds for public purposes mutual to the commission and any other agency, authority, or officer;

(iv) Apply or arrange to participate in and take all actions the commission determines appropriate to obtain the benefits of federal programs which provide tax credits, incentives, or other inducements to the state or to holders of public debt;

(v) Apply or arrange to participate in federal programs which require the allocation of funds or bonding authority among geographical areas, governmental jurisdictions and entities, or other categories, and perform such allocation, including mandating, requiring, treating, or deeming the waiver of any local allocation by way of resolution or policy of the commission, unless another officer, agency, or instrumentality is explicitly authorized by state law to perform such allocation and all officers, agencies, or instrumentalities are required to provide such assistance, cooperation, and information as the commission directs related to any federal programs. In such cases where the commission has allocated funds or bonding authority or mandated, required, treated, or deemed the waiver of any allocation, any local governmental entity desiring to issue obligations of any type that are dependent upon a waived allocation shall only be lawfully permitted to do so in a manner that is consistent with the actions of the commission; and any notice to the district attorney or the Attorney General, pursuant to Code Section

36-82-20 or 36-82-74 or any similar provision of law, by any local governmental entity shall include a certification that the issuance of such obligations is consistent with the actions of the commission. No court shall have jurisdiction to consider any petition regarding the validation of any such obligations, whether pursuant to Article 2 or Article 3 of Chapter 82 of Title 36 or any other similar provision of law, in the absence of such certification when required by this division;

(vi) Establish and apply criteria for determining a reasonable expectation of the state that an allocation made pursuant to division (v) of this subparagraph will not be used by a local governmental entity so that the commission may mandate, require, treat, or deem such allocation as waived; and

(vii) Apply or arrange to participate in any other federal program which provides benefits consistent with state law and supportive of functions of the commission.

(C) The use of federal funds as part of the authorization for the issuance of general obligation debt or the issuance of guaranteed revenue debt shall be by appropriation as provided by law. The payment of federal funds into the sinking fund to pay annual debt service requirements shall be by appropriation or by direction of the commission in the absence of appropriation. The payment of federal funds into the State of Georgia Guaranteed Revenue Debt Common Reserve Fund as part of the common reserve shall be by appropriation or by direction of the commission in the absence of appropriation.

(D) The commission may delegate to the fiscal officer of the state its authority to arrange for and accept federal funds as provided in this Code section.

(e) **Records.** Except for those records specifically designated in this article to be kept by the fiscal officer of the state, the commission shall be responsible for keeping the records provided for in this article and such other records as it deems necessary or convenient for the administration of this article.

(f) **Advisory and service function.**

(1) The commission is further vested with complete and exclusive authority and jurisdiction in all financial advisory matters relating to the issuance or incurrence of debt by state authorities as defined in paragraph (9) of Code Section 50-17-21; and no such state authority shall be authorized, without the approval of the commission, to employ other financial or investment advisory counsel in any matter whatsoever or to incur debt without the specific approval of the commission.

(2) When the commission performs financial advisory or construction related services, the state authority or state agency requiring such services shall reimburse the commission for such services.

(g) **Budget unit; budget.**

(1) The commission is designated a budget unit and shall be subject to Part 1 of Article 4 of Chapter 12 of Title 45, the “Budget Act.”

(2) The executive secretary shall prepare, under the direction and supervision of the commission, any budgets, requests, estimates, records, or other documents deemed necessary or efficient for compliance with Part 1 of Article 4 of Chapter 12 of Title 45, the “Budget Act,” to provide for the payment of personnel services, operating expense, and administration and otherwise carry out this article. The commission may but need not receive an appropriation for personnel, administrative services, and other operating expenses of the commission. The commission may but need not receive an appropriation for the costs of issuance, validation, and delivery of obligations to be incurred, including, but not limited to, trustee’s fees, paying agent fees, printing fees, bond counsel fees, district attorney fees, clerk of the superior court fees, architect fees, and engineering fees, which costs and fees are dependent on the principal amount of the obligations incurred and are determined to be appropriate costs of the project or projects for which such obligations are incurred and are authorized to be paid from bond proceeds. The commission may but need not receive an appropriation for expenditures made for fees and expenses incurred in safeguarding and protecting public health, life, and property in connection with projects for which general obligation debt has been incurred.

(h) **Retirement system.** All officers and employees of the commission shall be qualified to be and shall become members of the Employees’ Retirement System of Georgia; provided, however, that any such officer or employee who was on April 13, 1973, an officer or employee of any state agency, authority, department, or instrumentality and a member or participant in any annuity or retirement program other than the Employees’ Retirement System of Georgia, which person hereinafter is referred to as a “present employee,” may elect to remain under such other annuity or retirement program or to transfer membership to the Employees’ Retirement System of Georgia. The commission is authorized to perform and shall perform all obligations of employer if such present employee shall elect to remain under such other annuity or retirement program. A present employee electing to transfer membership to the Employees’ Retirement System of Georgia under this article shall give notice of electing to transfer membership to the Board of Trustees of the Employees’ Retirement System of Georgia

and simultaneously therewith shall give to the governing body of the other annuity or retirement program notice that it shall transfer to the Board of Trustees of the Employees' Retirement System of Georgia the employer's and employee's contributions standing to his account. From and after the date of transfer of contributions, the present employee electing to transfer membership shall be a member of the Employees' Retirement System of Georgia with membership service and prior service credits equivalent to those he would have accrued had he been a member of the Employees' Retirement System of Georgia throughout the period of transferred creditable service. In lieu of the foregoing election, any present employee wishing to retain his rights under any private annuity or retirement program may assume responsibility for the payment of all costs of such program and may elect to become a member of the Employees' Retirement System of Georgia effective the date upon which he becomes an officer or employee of the commission. Any present employee so electing to retain his rights may also receive membership service credit and prior service credit under the Employees' Retirement System of Georgia for all or part of his service with any state agency, authority, department, or instrumentality, plus military service credit as otherwise provided by law, by paying to the Board of Trustees of the Employees' Retirement System of Georgia, on terms acceptable to the Board of Trustees, all the employee's contributions, plus regular interest thereon, which would have stood to his credit had he been a member of the Employees' Retirement System of Georgia during the period of creditable service sought to be established. In the event of the latter election, the commission shall pay all employer's contributions, plus regular interest thereon, attributable to the creditable service sought to be established. Any elections under this subsection shall be made in writing within six months from the date of appointment to office or employment by the commission.

(i) **Surety bonds.** All members and officers of the commission and such employees as the commission may designate shall be surety bonded in such amounts as determined by the commission.

(j) **Exemptions from laws.** The commission shall not be subject to the following:

(1) Articles 3 and 4 of Chapter 5 of this title;

(2) Subpart 2 of Part 2 of Article 4 of Chapter 12 of Title 45, relating to approval of contracts;

(3) Article 1 of Chapter 20 of Title 45; or

(4) Code Sections 45-12-82, 45-12-83, 45-12-89, and 45-12-92.

History.

1213, § 1; Ga. L. 1979, p. 401, § 7; Ga. L. 1973, p. 750, § 3; Ga. L. 1974, p. 1982, p. 3, § 50; Ga. L. 1988, p. 227, § 7;

Ga. L. 1994, p. 97, § 50; Ga. L. 2001, p. 496, § 1; Ga. L. 2001, p. 1251, § 2-1; Ga. L. 2005, p. 642, § 3/SB 227; Ga. L. 2009, p. 139, § 11/HB 581; Ga. L. 2010, p. 123, § 1/HB 1258; Ga. L. 2010, p. 863, § 4/SB 296; Ga. L. 2011, p. 752, § 50/HB 142; Ga. L. 2012, p. 218, § 16/HB 397; Ga. L. 2024, p. 922, § 3-7/SB 341, effective May 6, 2024.

Amendments.
The 2024 amendment, effective May 6, 2024, deleted “Georgia Education Authority (Schools) and the” preceding “Georgia Education Authority (University)” in the third sentence in paragraph (b)(2).

CHAPTER 18

STATE PRINTING AND DOCUMENTS

Article 4

Inspection of Public Records

- Sec.
50-18-70. Legislative intent; definitions.
50-18-71. Right of access; timing; fees; denial of requests; impact of electronic records.
50-18-72. When public disclosure not required.
50-18-78. Removal of law enforcement officer’s personally identifiable information from public records.

- Sec.
50-18-152. participation; rules and regulations.
(Effective July 1, 2026.) Training and certification for victim advocates.
50-18-153. (Effective July 1, 2026.) Compliance by governmental and non-governmental entities; service of process.
50-18-154. (Effective July 1, 2026.) Cancellation of certification.
50-18-155. (Effective July 1, 2026.) Exceptions.

Article 8

Victim Centered Address Confidentiality Program

- 50-18-150. (Effective July 1, 2026.) Definitions.
50-18-151. (Effective July 1, 2026.) Office created; application;

Article 9

Protection of Personal Information

- 50-18-160. (Effective until January 1, 2026.) Individuals or non-profit organizations.
50-18-160. (Effective January 1, 2026.) Individuals or nonprofit organizations.

ARTICLE 4

INSPECTION OF PUBLIC RECORDS

Law reviews. For article, “SB 202: Revisions to Georgia’s Election and Voting Procedures,” see 38 Ga. St. U.L. Rev. 105 (2021).

50-18-70. Legislative intent; definitions.

(a) The General Assembly finds and declares that the strong public policy of this state is in favor of open government; that open government is essential to a free, open, and democratic society; and that public access to public records should be encouraged to foster confidence in

government and so that the public can evaluate the expenditure of public funds and the efficient and proper functioning of its institutions. The General Assembly further finds and declares that there is a strong presumption that public records should be made available for public inspection without delay. This article shall be broadly construed to allow the inspection of governmental records. The exceptions set forth in this article, together with any other exception located elsewhere in the Code, shall be interpreted narrowly to exclude only those portions of records addressed by such exception.

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

(1) “Agency” shall have the same meaning as in Code Section 50-14-1 and shall additionally include any association, corporation, or other similar organization that has a membership or ownership body composed primarily of counties, municipal corporations, or school districts of this state, their officers, or any combination thereof and derives more than 33 1/3 percent of its general operating budget from payments from such political subdivisions.

(1.1) “Custodian” or “lawful custodian” means the agency that has charge, custody, care, and control over a public record or an employee of such agency who is designated as the custodian of such agency’s records.

(2) “Public record” means all documents, papers, letters, maps, books, tapes, photographs, computer based or generated information, data, data fields, or similar material prepared and maintained or received by an agency or by a private person or entity in the performance of a service or function for or on behalf of an agency or when such documents have been transferred to a private person or entity by an agency for storage or future governmental use.

History.

Ga. L. 1959, p. 88, § 1; Code 1981, § 50-18-70; Ga. L. 1982, p. 1789, § 1; Ga. L. 1988, p. 243, § 1; Ga. L. 1992, p. 1061, § 5; Ga. L. 1992, p. 1545, § 1; Ga. L. 1992, p. 2829, § 2; Ga. L. 1993, p. 1394, § 2; Ga. L. 1993, p. 1436, §§ 1, 2; Ga. L. 1994, p. 618, § 1; Ga. L. 1998, p. 128, § 50; Ga. L. 1999, p. 552, §§ 1, 2; Ga. L. 2012, p. 173, § 1-38/HB 665; Ga. L. 2012, p. 218, § 2/HB 397; Ga. L. 2025, p. 689, § 1/SB 12, effective May 14, 2025.

Amendments.

The 2025 amendment, effective May 14, 2025, added paragraph (b)(1.1).

Law reviews.

For article, “Problems, Old and New: A History of Public Records Laws in Georgia,” see 60 Ga. L. Rev. 1 (2025).

For article, “Executive Secrecy: Congress, the People, and the Courts,” see 72 Emory L.J. 1301 (2023).

JUDICIAL DECISIONS

ANALYSIS

GENERAL CONSIDERATION
PUBLIC RECORDS**General Consideration**

Applicable to district attorneys' offices. — Open Records Act (ORA), O.C.G.A. § 50-18-70 et seq., was held to apply to public records maintained by district attorneys' offices because the ORA defined agency to include offices of state and local government. *Gonzalez v. Miller*, 320 Ga. 170, 907 S.E.2d 859, 2024 Ga. LEXIS 245 (2024).

Response not required if agency does not have any records requested.

— Trial court did not err in granting the Governor's motion to dismiss the appellant's claims alleging violations of the Open Records Act, O.C.G.A. § 50-14-1 et seq., because the trial court did not erroneously use a summary-judgment-like standard when considering the Governor's motion to dismiss rather than assessing the parties' pleadings as the trial court concluded that the appellant's complaint did not contain any factual allegations; and the appellant did not identify any language in the Open Records Act that imposed a responsibility on the Office of the Governor to respond to the appellant's request even if it did not have any of the records requested. *Butt v. Kemp*, 367 Ga. App. 252, 885 S.E.2d 311, 2023 Ga. App. LEXIS 144 (2023).

Private plaintiffs can seek civil penalties. — Georgia Court of Appeals, Second Division, held that the Open Records Act, O.C.G.A. § 50-14-1 et seq., allows private plaintiffs to seek civil penalties for violations of the Act. *Cardinale v. Keane*, 362 Ga. App. 644, 869 S.E.2d 613, 2022 Ga. App. LEXIS 78 (2022).

Standing to bring suit against district attorney. — Plaintiff had constitutional standing to bring an enforcement action under the Open Records Act, O.C.G.A. § 50-18-70 et seq., against the district attorney in their official capacity as the custodian of public records and constitutional prosecutorial immunity

conferred upon district attorneys did not bar plaintiff's official-capacity claims against the district attorney, but may bar individual-capacity claims to the extent those claims pertained to actions arising from the performance of duties. *Gonzalez v. Miller*, 320 Ga. 170, 907 S.E.2d 859, 2024 Ga. LEXIS 245 (2024).

Evidence sufficient for misdemeanor conviction for violation. —

There was sufficient evidence to support the defendant's conviction for misdemeanor violation of the Georgia Open Records Act, as it permitted the jury to infer that the defendant knew about the request for the corrected records and was attempting to frustrate access to the records associated with the mayor's brother — and not the records associated with the second requested address — at the time the defendant sent the text messages underlying the accusation. *Garland v. State*, 361 Ga. App. 724, 865 S.E.2d 533, 2021 Ga. App. LEXIS 540 (2021).

Public Records**"Public records" defined.**

Under the plain language of O.C.G.A. § 50-18-70(b)(2), records prepared or maintained by a private contractor in the performance of a service or function for or on behalf of an agency are "public records" under the Open Records Act, O.C.G.A. § 50-18-70 et seq., even if the private contractor separately works as an employee of an agency. *Milliron v. Anton*, 319 Ga. 616, 905 S.E.2d 657, 2024 Ga. LEXIS 169 (2024).

Records prepared in operation of public office. — Trial court and the newspaper improperly conflated the mayor as an individual and a candidate throughout the litigation, which was significant as to whether the records requested were prepared in the course of the operation of a public office. *Davis v. Augusta Press*, 367 Ga. App. 893, 889 S.E.2d 110, 2023 Ga. App. LEXIS 252 (2023).

Journalist’s entitlement to information about lethal injections. — When an investigative journalist sought records relating to the purchase, acquisition, transportation, and handling of the drugs that the Georgia Department of Corrections (GDOC) used or planned to use for executions by lethal injection under Georgia’s Open Records Act (ORA), O.C.G.A. § 50-18-70 et seq., the trial court erred in dismissing the journalist’s ORA claim because, while there might be

records in the possession of the GDOC that consisted solely of identifying information protected by the Secrecy Act, O.C.G.A. § 42-5-36, the allegations of the amended complaint did not disclose with certainty that the journalist would not be entitled to relief under the ORA. Further, if protected information was properly redacted, there would be no violation of the Secrecy Act. *Blau v. Ga. Dep’t of Corr.*, 364 Ga. App. 1, 873 S.E.2d 464, 2022 Ga. App. LEXIS 247 (2022).

RESEARCH REFERENCES

ALR. Deliberative Process Exemption from Freedom of Information Act, 5 U.S.C.A. § 552(b) — Legal Documents, 78 A.L.R. Fed. 3d 1. Government Dismissal of Qui Tam Suit Under 31 U.S.C.A. § 3730(c)(2)(A), 79 A.L.R. Fed. 3d 6.

50-18-71. Right of access; timing; fees; denial of requests; impact of electronic records.

(a)(1) All public records shall be open for personal inspection and copying, except those which by order of a court of this state or by law are specifically exempted from disclosure. Records shall be maintained by agencies to the extent and in the manner required by Article 5 of this chapter.

(2)(A) All requests to inspect or copy public records under this article shall be made upon a custodian.

(B) Upon receiving a request to inspect or copy public records under this article, a custodian shall comply with the requirements of this Code section, including, but not limited to, the requirement to retrieve public records prepared and maintained or received by a private person or private entity in the performance of a service or function for or on behalf of an agency or transferred to a private person or private entity by an agency for storage or future governmental use; provided, however, that a custodian shall have no obligation to retrieve public records held by another agency or any other public entity. Such private persons or private entities shall be required to produce such public records to a custodian upon request from such custodian so long as such request is made within the period of time as prescribed by the statutory document retention guideline or a period of time as defined in an agreement between the private person or private entity and the agency, whichever comes later.

(b)(1)(A) Agencies shall produce for inspection all records responsive

to a request within a reasonable amount of time not to exceed three business days of receipt of a request; provided, however, that nothing in this chapter shall require agencies to produce records in response to a request if such records did not exist at the time of the request. In those instances where some, but not all, records are available within three business days, an agency shall make available within that period those records that can be located and produced. In any instance where records are unavailable within three business days of receipt of the request, and responsive records exist, the agency shall, within such time period, provide the requester with a description of such records and a timeline for when the records will be available for inspection or copying and provide the responsive records or access thereto as soon as practicable.

(B) A request made pursuant to this article may be made to the custodian of a public record orally or in writing. An agency may, but shall not be obligated to, require that all written requests be made upon the responder's choice of one of the following: the agency's director, chairperson, or chief executive officer, however denominated; the senior official at any satellite office of an agency; a clerk specifically designated by an agency as the custodian of agency records; or a duly designated open records officer of an agency; provided, however, that the absence or unavailability of the designated agency officer or employee shall not be permitted to delay the agency's response. At the time of inspection, any person may make photographic copies or other electronic reproductions of the records using suitable portable devices brought to the place of inspection. Notwithstanding any other provision of this chapter, an agency may, in its discretion, provide copies of a record in lieu of providing access to the record when portions of the record contain confidential information that must be redacted.

(2) Any agency that designates one or more open records officers upon whom requests for inspection or copying of records may be delivered shall make such designation in writing and shall immediately provide notice to any person upon request, orally or in writing, of those open records officers. If the agency has elected to designate an open records officer, the agency shall so notify the legal organ of the county in which the agency's principal offices reside and, if the agency has a website, shall also prominently display such designation on the agency's website. In the event an agency requires that requests be made upon the individuals identified in subparagraph (B) of paragraph (1) of this subsection, the three-day period for response to a written request shall not begin to run until the request is made in writing upon such individuals. An agency shall permit receipt of written requests by email or facsimile transmission in addition to any

other methods of transmission approved by the agency, provided such agency uses email or facsimile in the normal course of its business.

(3) The enforcement provisions of Code Sections 50-18-73 and 50-18-74 shall be available only to enforce compliance and punish noncompliance when a written request is made consistent with this subsection and shall not be available when such request is made orally.

(c)(1) An agency may impose a reasonable charge for the search, retrieval, redaction, and production or copying costs for the production of records pursuant to this article. An agency shall utilize the most economical means reasonably calculated to identify and produce responsive, nonexcluded documents. Where fees for certified copies or other copies or records are specifically authorized or otherwise prescribed by law, such specific fee shall apply when certified copies or other records to which a specific fee may apply are sought. In all other instances, the charge for the search, retrieval, or redaction of records shall not exceed the prorated hourly salary of the lowest paid full-time employee who, in the reasonable discretion of the custodian of the records, has the necessary skill and training to perform the request; provided, however, that no charge shall be made for the first quarter hour.

(2) In addition to a charge for the search, retrieval, or redaction of records, an agency may charge a fee for the copying of records or data, not to exceed 10¢ per page for letter or legal size documents or, in the case of other documents, the actual cost of producing the copy. In the case of electronic records, the agency may charge the actual cost of the media on which the records or data are produced.

(3) Whenever any person has requested to inspect or copy a public record and does not pay the cost for search, retrieval, redaction, or copying of such records when such charges have been lawfully estimated and agreed to pursuant to this article, and the agency has incurred the agreed-upon costs to make the records available, regardless of whether the requester inspects or accepts copies of the records, the agency shall be authorized to collect such charges in any manner authorized by law for the collection of taxes, fees, or assessments by such agency.

(d) In any instance in which an agency is required to or has decided to withhold all or part of a requested record, the agency shall notify the requester of the specific legal authority exempting the requested record or records from disclosure by Code section, subsection, and paragraph within a reasonable amount of time not to exceed three business days or in the event the search and retrieval of records is delayed pursuant to this subsection or pursuant to subparagraph (b)(1)(A) of this Code

section, then no later than three business days after the records have been retrieved. In any instance in which an agency will seek costs in excess of \$25.00 for responding to a request, the agency shall notify the requester within a reasonable amount of time not to exceed three business days and inform the requester of the estimate of the costs, and the agency may defer search and retrieval of the records until the requester agrees to pay the estimated costs unless the requester has stated in his or her request a willingness to pay an amount that exceeds the search and retrieval costs. In any instance in which the estimated costs for production of the records exceeds \$500.00, an agency may insist on prepayment of the costs prior to beginning search, retrieval, review, or production of the records. Whenever any person who has requested to inspect or copy a public record has not paid the cost for search, retrieval, redaction, or copying of such records when such charges have been lawfully incurred, an agency may require prepayment for compliance with all future requests for production of records from that person until the costs for the prior production of records have been paid or the dispute regarding payment resolved.

(d.1) Any other provision of this Code section to the contrary notwithstanding, the period within which any production, access, response, or notice is required from an agency with respect to a request for records, other than salary information for nonclerical staff, of intercollegiate sports programs of any unit of the University System of Georgia, including athletic departments and related private athletic associations, shall be 90 business days from the date the agency received the request.

(e) Requests by civil litigants for records that are sought as part of or for use in any ongoing civil or administrative litigation against an agency shall be made in writing and copied to counsel of record for that agency contemporaneously with their submission to that agency. The agency shall provide, at no cost, duplicate sets of all records produced in response to the request to counsel of record for that agency unless the counsel of record for that agency elects not to receive the records.

(f) As provided in this subsection, an agency's use of electronic record-keeping systems must not erode the public's right of access to records under this article. Agencies shall produce electronic copies of or, if the requester prefers, printouts of electronic records or data from data base fields that the agency maintains using the computer programs that the agency has in its possession. An agency shall not refuse to produce such electronic records, data, or data fields on the grounds that exporting data or redaction of exempted information will require inputting range, search, filter, report parameters, or similar commands or instructions into an agency's computer system so long as such commands or instructions can be executed using existing computer

programs that the agency uses in the ordinary course of business to access, support, or otherwise manage the records or data. A requester may request that electronic records, data, or data fields be produced in the format in which such data or electronic records are kept by the agency, or in a standard export format such as a flat file electronic American Standard Code for Information Interchange (ASCII) format, if the agency's existing computer programs support such an export format. In such instance, the data or electronic records shall be downloaded in such format onto suitable electronic media by the agency.

(g) Requests to inspect or copy electronic messages, whether in the form of email, text message, or other format, should contain information about the messages that is reasonably calculated to allow the recipient of the request to locate the messages sought, including, if known, the name, title, or office of the specific person or persons whose electronic messages are sought and, to the extent possible, the specific data bases to be searched for such messages.

(h) In lieu of providing separate printouts or copies of records or data, an agency may provide access to records through a website accessible by the public. However, if an agency receives a request for data fields, an agency shall not refuse to provide the responsive data on the grounds that the data is available in whole or in its constituent parts through a website if the requester seeks the data in the electronic format in which it is kept. Additionally, if an agency contracts with a private vendor to collect or maintain public records, the agency shall ensure that the arrangement does not limit public access to those records and that the vendor does not impede public record access and method of delivery as established by the agency or as otherwise provided for in this Code section.

(i) Any computerized index of county real estate deed records shall be printed for purposes of public inspection no less than every 30 days, and any correction made on such index shall be made a part of the printout and shall reflect the time and date that such index was corrected.

(j) No public officer or agency shall be required to prepare new reports, summaries, or compilations not in existence at the time of the request.

(k) Scanned ballot images created by a voting system authorized by Chapter 2 of Title 21 shall be public records subject to disclosure under this article.

History.

Ga. L. 1959, p. 88, § 2; Ga. L. 1982, p. 1789, § 1; Ga. L. 1988, p. 243, § 2; Ga. L. 1992, p. 1061, § 6; Ga. L. 1996, p. 313, § 1; Ga. L. 2012, p. 218, § 2/HB 397; Ga. L. 2013, p. 141, § 50/HB 79; Ga. L. 2016, p. 6, § 1/SB 323; Ga. L. 2021, p. 14, § 51/SB 202; Ga. L. 2021, p. 922, § 50/HB

497; Ga. L. 2025, p. 689, § 2/SB 12, effective May 14, 2025.

Amendments.

The 2025 amendment, effective May 14, 2025, added the paragraph (a)(1) designation and added paragraph (a)(2).

Law reviews.

For article, “SB 202: Revisions to Georgia’s Election and Voting Procedures,” see 38 Ga. St. U.L. Rev. 105 (2021).

For annual survey on local governments, see 74 Mercer L. Rev. 197 (2022).

JUDICIAL DECISIONS

Applicable to district attorneys’ offices. — Open Records Act (ORA), O.C.G.A. § 50-18-70 et seq., was held to apply to public records maintained by district attorneys’ offices because the ORA defined agency to include offices of state and local government. *Gonzalez v. Miller*, 320 Ga. 170, 907 S.E.2d 859, 2024 Ga. LEXIS 245 (2024).

Request must be made to agency officer, not individual. — Trial court did not err in dismissing the plaintiff’s action against the defendant because the trial court expressly found that Georgia Tech had a designated Open Records officer to whom requests must be sent and, thus, the request for documents sent directly to the defendant was not properly submitted, and the plaintiff’s attempt to enforce an improper request failed as a matter of law. *Milliron v. Anton*, 369 Ga. App. 121, 891 S.E.2d 448, 2023 Ga. App. LEXIS 381 (2023), rev’d in part, 319 Ga. 616, 905 S.E.2d 657, 2024 Ga. LEXIS 169 (2024), vacated, 375 Ga. App. 150, 914 S.E.2d 819, 2025 Ga. App. LEXIS 149 (2025).

Request may be made to private contractor who is custodian of records. — Under O.C.G.A. § 50-18-71, even when an open records officer has

been designated by an agency, a request for public records related to a private contractor’s services to a public agency can be served upon the private contractor who is the custodian of the records sought. *Milliron v. Anton*, 319 Ga. 616, 905 S.E.2d 657, 2024 Ga. LEXIS 169 (2024).

Journalist’s entitlement to information about lethal injections. — When an investigative journalist sought records relating to the purchase, acquisition, transportation, and handling of the drugs that the Georgia Department of Corrections (GDOC) used or planned to use for executions by lethal injection under Georgia’s Open Records Act (ORA), O.C.G.A. § 50-18-70 et seq., the trial court erred in dismissing the journalist’s ORA claim because, while there might be records in the possession of the GDOC that consisted solely of identifying information protected by the Secrecy Act, O.C.G.A. § 42-5-36 the allegations of the amended complaint did not disclose with certainty that the journalist would not be entitled to relief under the ORA. Further, if protected information was properly redacted, there would be no violation of the Secrecy Act. *Blau v. Ga. Dep’t of Corr.*, 364 Ga. App. 1, 873 S.E.2d 464, 2022 Ga. App. LEXIS 247 (2022).

50-18-72. When public disclosure not required.

(a) Public disclosure shall not be required for records that are:

- (1) Specifically required by federal statute or regulation to be kept confidential;
- (2) Medical or veterinary records and similar files, the disclosure of which would be an invasion of personal privacy;
- (3) Except as otherwise provided by law, records compiled for law enforcement or prosecution purposes to the extent that production of such records is reasonably likely to disclose the identity of a confidential source, disclose confidential investigative or prosecution

material which would endanger the life or physical safety of any person or persons, or disclose the existence of a confidential surveillance or investigation;

(4) Records of law enforcement, prosecution, or regulatory agencies in any pending investigation or prosecution of criminal or unlawful activity, other than initial police arrest reports and initial incident reports; provided, however, that an investigation or prosecution shall no longer be deemed to be pending when all direct litigation involving such investigation and prosecution has become final or otherwise terminated; and provided, further, that this paragraph shall not apply to records in the possession of an agency that is the subject of the pending investigation or prosecution; and provided, further, that the release of booking photographs shall only be permissible in accordance with Code Section 35-1-19;

(4.1) Records relating to Giglio lists, as such term is defined in Code Section 35-8-2;

(5) Individual Georgia Uniform Motor Vehicle Accident Reports, except upon the submission of a written statement of need by the requesting party to be provided to the custodian of records and to set forth the need for the report pursuant to this Code section; provided, however, that any person or entity whose name or identifying information is contained in a Georgia Uniform Motor Vehicle Accident Report shall be entitled, either personally or through a lawyer or other representative, to receive a copy of such report; and provided, further, that Georgia Uniform Motor Vehicle Accident Reports shall not be available in bulk for inspection or copying by any person absent a written statement showing the need for each such report pursuant to the requirements of this Code section. For the purposes of this subsection, the term “need” means that the natural person or legal entity who is requesting in person or by representative to inspect or copy the Georgia Uniform Motor Vehicle Accident Report:

(A) Has a personal, professional, or business connection with a party to the accident;

(B) Owns or leases an interest in property allegedly or actually damaged in the accident;

(C) Was allegedly or actually injured by the accident;

(D) Was a witness to the accident;

(E) Is the actual or alleged insurer of a party to the accident or of property actually or allegedly damaged by the accident;

(F) Is a prosecutor or a publicly employed law enforcement officer;

(G) Is alleged to be liable to another party as a result of the accident;

(H) Is an attorney stating that he or she needs the requested reports as part of a criminal case, or an investigation of a potential claim involving contentions that a roadway, railroad crossing, or intersection is unsafe;

(I) Is gathering information as a representative of a news media organization; provided, however, that such representative submits a statement affirming that the use of such accident report is in compliance with Code Section 33-24-53. Any person who knowingly makes a false statement in requesting such accident report shall be guilty of a violation of Code Section 16-10-20;

(J) Is conducting research in the public interest for such purposes as accident prevention, prevention of injuries or damages in accidents, determination of fault in an accident or accidents, or other similar purposes; provided, however, that this subparagraph shall apply only to accident reports on accidents that occurred more than 60 days prior to the request and which shall have the name, street address, telephone number, and driver's license number redacted; or

(K) Is a governmental official, entity, or agency, or an authorized agent thereof, requesting reports for the purpose of carrying out governmental functions or legitimate governmental duties;

(6) Jury list data, including, but not limited to, persons' names, dates of birth, addresses, ages, race, gender, telephone numbers, social security numbers, and when it is available, the person's ethnicity, and other confidential identifying information that is collected and used by The Council of Superior Court Clerks of Georgia for creating, compiling, and maintaining state-wide master jury lists and county master jury lists for the purpose of establishing and maintaining county jury source lists pursuant to the provisions of Chapter 12 of Title 15; provided, however, that when ordered by the judge of a court having jurisdiction over a case in which a challenge to the array of the grand or trial jury has been filed, The Council of Superior Court Clerks of Georgia, superior court clerk, or jury clerk shall provide data within the time limit established by the court for the limited purpose of such challenge. The Council of Superior Court Clerks of Georgia, superior court clerk, or jury clerk shall not be liable for any use or misuse of such data;

(7) Records consisting of confidential evaluations submitted to, or examinations prepared by, a governmental agency and prepared in connection with the appointment or hiring of a public officer or employee;

(8) Records consisting of material obtained in investigations related to the suspension, firing, or investigation of complaints against public officers or employees until ten days after the same has been presented to the agency or an officer for action or the investigation is otherwise concluded or terminated, provided that this paragraph shall not be interpreted to make such investigatory records privileged;

(9) Real estate appraisals, engineering or feasibility estimates, or other records made for or by the state or a local agency relative to the acquisition of real property until such time as the property has been acquired or the proposed transaction has been terminated or abandoned;

(10) Pending, rejected, or deferred sealed bids or sealed proposals and detailed cost estimates related thereto until such time as the final award of the contract is made, the project is terminated or abandoned, or the agency in possession of the records takes a public vote regarding the sealed bid or sealed proposal, whichever comes first;

(11) Records which identify persons applying for or under consideration for employment or appointment as executive head of an agency or of a unit of the University System of Georgia; provided, however, that at least 14 calendar days prior to the meeting at which final action or vote is to be taken on the position of executive head of an agency or five business days prior to the meeting at which final action or vote is to be taken on the position of president of a unit of the University System of Georgia, all documents concerning as many as three persons under consideration whom the agency has determined to be the best qualified for the position shall be subject to inspection and copying. Prior to the release of these documents, an agency may allow such a person to decline being considered further for the position rather than have documents pertaining to such person released. In that event, the agency shall release the documents of the next most qualified person under consideration who does not decline the position. If an agency has conducted its hiring or appointment process without conducting interviews or discussing or deliberating in executive session in a manner otherwise consistent with Chapter 14 of this title, it shall not be required to delay final action on the position. The agency shall not be required to release such records of other applicants or persons under consideration, except at the request of any such person. Upon request, the hiring agency shall furnish the number of applicants and the composition of the list by such factors as race and sex. The agency shall not be allowed to avoid the provisions of this paragraph by the employment of a private person or agency to assist with the search or application process;

(12) Records from the Department of Natural Resources that contain information relating to the location or character of a historic resource, pursuant to the authority granted by Code Section 12-3-50, if the Department of Natural Resources determines that disclosure may create a substantial risk of harm, theft, or destruction to such historic resource or any property, real or personal, at or near the location of the historic resource;

(13) Records that are of historical research value which are given or sold to public archival institutions, public libraries, or libraries of a unit of the Board of Regents of the University System of Georgia when the owner or donor of such records wishes to place restrictions on access to the records. No restriction on access, however, may extend more than 75 years from the date of donation or sale. This exemption shall not apply to any records prepared in the course of the operation of state or local governments of the State of Georgia;

(14) Records that contain information from the Department of Community Affairs inventory and register relating to the location and character of a historic property or of historic properties as those terms are defined in Code Sections 12-3-50.1 and 12-3-50.2 if the Department of Community Affairs determines that disclosure will create a substantial risk of harm, theft, or destruction to the property or properties or the area or place where the property or properties are located;

(15) Records of farm water use by individual farms as determined by water-measuring devices installed pursuant to Code Section 12-5-31 or 12-5-105; provided, however, that compilations of such records for the 52 large watershed basins as identified by the eight-digit United States Geologic Survey hydrologic code or an aquifer that do not reveal farm water use by individual farms shall be subject to disclosure under this article;

(16) Agricultural or food system records, data, or information that are considered by the Department of Agriculture to be a part of the critical infrastructure, provided that nothing in this paragraph shall prevent the release of such records, data, or information to another state or federal agency if the release of such records, data, or information is necessary to prevent or control disease or to protect public health, safety, or welfare. As used in this paragraph, the term "critical infrastructure" shall have the same meaning as in 42 U.S.C. Section 5195c(e). Such records, data, or information shall be subject to disclosure only upon the order of a court of competent jurisdiction;

(17) Records, data, or information collected, recorded, or otherwise obtained that is deemed confidential by the Department of Agriculture for the purposes of the national animal identification system,

provided that nothing in this paragraph shall prevent the release of such records, data, or information to another state or federal agency if the release of such records, data, or information is necessary to prevent or control disease or to protect public health, safety, or welfare. As used in this paragraph, the term “national animal identification program” means a national program intended to identify animals and track them as they come into contact with or commingle with animals other than herdmates from their premises of origin. Such records, data, or information shall be subject to disclosure only upon the order of a court of competent jurisdiction;

(18) Records that contain site-specific information regarding the occurrence of rare species of plants or animals or the location of sensitive natural habitats on public or private property if the Department of Natural Resources determines that disclosure will create a substantial risk of harm, theft, or destruction to the species or habitats or the area or place where the species or habitats are located; provided, however, that the owner or owners of private property upon which rare species of plants or animals occur or upon which sensitive natural habitats are located shall be entitled to such information pursuant to this article;

(19) Records that reveal the names, home addresses, telephone numbers, security codes, email addresses, or any other data or information developed, collected, or received by counties or municipalities in connection with neighborhood watch or public safety notification programs or with the installation, servicing, maintaining, operating, selling, or leasing of burglar alarm systems, fire alarm systems, or other electronic security systems; provided, however, that initial police reports and initial incident reports shall remain subject to disclosure pursuant to paragraph (4) of this subsection;

(20)(A) Records that reveal an individual’s social security number, mother’s birth name, credit card information, debit card information, bank account information, account number, utility account number, password used to access his or her account, financial data or information, insurance or medical information in all records, unlisted telephone number if so designated in a public record, personal email address or cellular telephone number, day and month of birth, and information regarding public utility, television, internet, or telephone accounts held by private customers, provided that nonitemized bills showing amounts owed and amounts paid shall be available. Items exempted by this subparagraph shall be redacted prior to disclosure of any record requested pursuant to this article; provided, however, that such information shall not be redacted from such records if the person or entity requesting such records requests such information in a writing signed under oath

by such person or a person legally authorized to represent such entity which states that such person or entity is gathering information as a representative of a news media organization for use in connection with news gathering and reporting; and provided, further, that such access shall be limited to social security numbers and day and month of birth; and provided, further, that the news media organization exception in this subparagraph shall not apply to paragraph (21) of this subsection.

(B) This paragraph shall have no application to:

(i) The disclosure of information contained in the records or papers of any court or derived therefrom including without limitation records maintained pursuant to Article 9 of Title 11;

(ii) The disclosure of information to a court, prosecutor, or publicly employed law enforcement officer, or authorized agent thereof, seeking records in an official capacity;

(iii) The disclosure of information to a public employee of this state, its political subdivisions, or the United States who is obtaining such information for administrative purposes, in which case, subject to applicable laws of the United States, further access to such information shall continue to be subject to the provisions of this paragraph;

(iv) The disclosure of information as authorized by the order of a court of competent jurisdiction upon good cause shown to have access to any or all of such information upon such conditions as may be set forth in such order;

(v) The disclosure of information to the individual in respect of whom such information is maintained, with the authorization thereof, or to an authorized agent thereof; provided, however, that the agency maintaining such information shall require proper identification of such individual or such individual's agent, or proof of authorization, as determined by such agency;

(vi) The disclosure of the day and month of birth and mother's birth name of a deceased individual;

(vii) The disclosure by an agency of credit or payment information in connection with a request by a consumer reporting agency as that term is defined under the federal Fair Credit Reporting Act (15 U.S.C. Section 1681, et seq.);

(viii) The disclosure by an agency of information in its records in connection with the agency's discharging or fulfilling of its duties and responsibilities, including, but not limited to, the collection of debts owed to the agency or individuals or entities

whom the agency assists in the collection of debts owed to the individual or entity;

(ix) The disclosure of information necessary to comply with legal or regulatory requirements or for legitimate law enforcement purposes; or

(x) The disclosure of the date of birth within criminal records.

(C) Records and information disseminated pursuant to this paragraph may be used only by the authorized recipient and only for the authorized purpose. Any person who obtains records or information pursuant to the provisions of this paragraph and knowingly and willfully discloses, distributes, or sells such records or information to an unauthorized recipient or for an unauthorized purpose shall be guilty of a misdemeanor of a high and aggravated nature and upon conviction thereof shall be punished as provided in Code Section 17-10-4. Any person injured thereby shall have a cause of action for invasion of privacy.

(D) In the event that the custodian of public records protected by this paragraph has good faith reason to believe that a pending request for such records has been made fraudulently, under false pretenses, or by means of false swearing, such custodian shall apply to the superior court of the county in which such records are maintained for a protective order limiting or prohibiting access to such records.

(E) This paragraph shall supplement and shall not supplant, overrule, replace, or otherwise modify or supersede any provision of statute, regulation, or law of the federal government or of this state as now or hereafter amended or enacted requiring, restricting, or prohibiting access to the information identified in subparagraph (A) of this paragraph and shall constitute only a regulation of the methods of such access where not otherwise provided for, restricted, or prohibited;

(21) Records concerning public employees that reveal the public employee's home address, home telephone number, personal mobile or wireless telephone number, day and month of birth, social security number, insurance information, medical information, mother's birth name, credit card information, debit card information, bank account information, account number, utility account number, password used to access his or her account, financial data and information other than compensation by a government agency, unlisted telephone number if so designated in a public record, and the identity of the public employee's immediate family members or dependents. This paragraph shall not apply to public records that do not specifically identify public employees or their jobs, titles, or offices. For the

purposes of this paragraph, the term “public employee” means any officer, employee, or former employee of:

(A) The State of Georgia or its agencies, departments, or commissions;

(B) Any county or municipality or its agencies, departments, or commissions;

(C) Other political subdivisions of this state;

(D) Teachers in public and charter schools and nonpublic schools;

(E) Early care and education programs administered through the Department of Early Care and Learning; or

(F) The federal government or its agencies, departments, or commissions;

(21.1)(A) Records of the Department of Human Services concerning any foster parent or former foster parent that reveal his or her home address, home telephone number, day and month of birth, social security number, insurance or medical information, mother’s birth name, credit card information, debit card information, bank account information, account number, utility account number, password used to access his or her account, financial data or information other than compensation by a government agency, or unlisted telephone number if so designated in a public record or that reveal the identity of his or her immediate family members or dependents.

(B) For the purposes of this paragraph, the term “foster parent or former foster parent” means individuals who were approved to serve in such capacity by the Division of Family and Children Services of the Department of Human Services or a child-placing agency licensed in accordance with Code Section 49-5-12;

(22) Records of the Department of Early Care and Learning that contain the:

(A) Names of children and day and month of each child’s birth;

(B) Names, addresses, telephone numbers, or email addresses of parents, immediate family members, and emergency contact persons; or

(C) Names or other identifying information of individuals who report violations to the department;

(23) Public records containing information that would disclose or might lead to the disclosure of any component in the process used to

execute or adopt an electronic signature, if such disclosure would or might cause the electronic signature to cease being under the sole control of the person using it. For purposes of this paragraph, the term “electronic signature” has the same meaning as that term is defined in Code Section 10-12-2;

(24) Records acquired by an agency for the purpose of establishing or implementing, or assisting in the establishment or implementation of, a carpooling or ridesharing program, including, but not limited to, the formation of carpools, vanpools, or buspools, the provision of transit routes, rideshare research, and the development of other demand management strategies such as variable working hours and telecommuting;

(25)(A) Records the disclosure of which would compromise security against sabotage or criminal or terrorist acts and the nondisclosure of which is necessary for the protection of life, safety, or public property, which shall be limited to the following:

(i) Security plans and vulnerability assessments for any public utility, technology infrastructure, building, facility, function, or activity in effect at the time of the request for disclosure or pertaining to a plan or assessment in effect at such time;

(ii) Any plan for protection against terrorist or other attacks that depends for its effectiveness in whole or in part upon a lack of general public knowledge of its details;

(iii) Any document relating to the existence, nature, location, or function of security devices designed to protect against terrorist or other attacks that depend for their effectiveness in whole or in part upon a lack of general public knowledge;

(iv) Any plan, blueprint, or other material which if made public could compromise security against sabotage, criminal, or terroristic acts;

(v) Any document or plan for protection relating to the existence, nature, location, or function of cybersecurity devices, programs, or systems designed to protect computer, information technology, or communication systems against terrorist or other attacks that depend for their effectiveness in whole or in part upon a lack of general public knowledge; and

(vi) Records of any government sponsored programs concerning training relative to governmental security measures which would identify persons being trained or instructors or would reveal information described in divisions (i) through (v) of this subparagraph.

(B) In the event of litigation challenging nondisclosure pursuant

to this paragraph by an agency of a document covered by this paragraph, the court may review the documents in question in camera and may condition, in writing, any disclosure upon such measures as the court may find to be necessary to protect against endangerment of life, safety, or public property.

(C) As used in division (i) of subparagraph (A) of this paragraph, the term “activity” means deployment or surveillance strategies, actions mandated by changes in the federal threat level, motorcades, contingency plans, proposed or alternative motorcade routes, executive and dignitary protection, planned responses to criminal or terrorist actions, after-action reports still in use, proposed or actual plans and responses to bioterrorism, and proposed or actual plans and responses to requesting and receiving the National Pharmacy Stockpile;

(25.1) School safety plans prepared pursuant to Code Section 20-2-1185, whether in the possession of a local school system, a local law enforcement agency, a local emergency management agency, the Department of Education, the Georgia Emergency Management and Homeland Security Agency, or any other public entity;

(25.2) Records of a person’s name and driver’s license information collected and maintained for purposes of Code Section 20-2-1127;

(26) Unless the request is made by the accused in a criminal case or by his or her attorney, public records of an emergency 9-1-1 system, as defined in paragraph (5) of Code Section 46-5-122, containing information which would reveal the name, address, or telephone number of a person placing a call to a public safety answering point. Such information may be redacted from such records if necessary to prevent the disclosure of the identity of a confidential source, to prevent disclosure of material which would endanger the life or physical safety of any person or persons, or to prevent the disclosure of the existence of a confidential surveillance or investigation;

(26.1) In addition to the exemption provided by paragraph (26) of this subsection, audio recordings of a 9-1-1 telephone call to a public safety answering point which contain the speech in distress or cries in extremis of a caller who died during the call or the speech or cries of a person who was a minor at the time of the call, except to the following, provided that the person seeking the audio recording of a 9-1-1 telephone call submits a sworn affidavit that attests to the facts necessary to establish eligibility under this paragraph:

- (A) A duly appointed representative of a deceased caller’s estate;
- (B) A parent or legal guardian of a minor caller;
- (C) An accused in a criminal case when, in the good faith belief

of the accused, the audio recording of the 9-1-1 telephone call is relevant to his or her criminal proceeding;

(D) A party to a civil action when, in the good faith belief of such party, the audio recording of the 9-1-1 telephone call is relevant to the civil action;

(E) An attorney for any of the persons identified in subparagraphs (A) through (D) of this paragraph; or

(F) An attorney for a person who may pursue a civil action when, in the good faith belief of such attorney, the audio recording of the 9-1-1 telephone call is relevant to the potential civil action;

(26.2) Audio and video recordings from devices used by law enforcement officers in a place where there is a reasonable expectation of privacy when there is no pending investigation, except to the following, provided that the person seeking the audio or video recording submits a sworn affidavit that attests to the facts necessary to establish eligibility under this paragraph:

(A) A duly appointed representative of a deceased's estate when the decedent was depicted or heard on such recording;

(B) A parent or legal guardian of a minor depicted or heard on such recording;

(C) An accused in a criminal case when, in the good faith belief of the accused, such recording is relevant to his or her criminal proceeding;

(D) A party to a civil action when, in the good faith belief of such party, such recording is relevant to the civil action;

(E) An attorney for any of the persons identified in subparagraphs (A) through (D) of this paragraph; or

(F) An attorney for a person who may pursue a civil action when, in the good faith belief of such attorney, such recording is relevant to the potential civil action;

(27) Records of athletic or recreational programs, available through the state or a political subdivision of the state, that include information identifying a child or children 12 years of age or under by name, address, telephone number, or emergency contact, unless such identifying information has been redacted;

(28) Records or data of the State Road and Tollway Authority or the Department of Transportation which would reveal the financial accounts, travel history, vehicle information, or personally identifiable information of any individual who is a motorist upon any toll project or roadway;

(29) Records maintained by public postsecondary educational institutions in this state and associated foundations of such institutions that contain personal information concerning donors or potential donors to such institutions or foundations; provided, however, that the name of any donor and the amount of donation made by such donor shall be subject to disclosure if such donor or any entity in which such donor has a substantial interest transacts business with the public postsecondary educational institution to which the donation is made within three years of the date of such donation. As used in this paragraph, the term “transact business” means to sell or lease any personal property, real property, or services on behalf of oneself or on behalf of any third party as an agent, broker, dealer, or representative in an amount in excess of \$10,000.00 in the aggregate in a calendar year; and the term “substantial interest” means the direct or indirect ownership of more than 25 percent of the assets or stock of an entity;

(30) Records of the Metropolitan Atlanta Rapid Transit Authority or of any other transit system that is connected to that system’s TransCard, SmartCard, or successor or similar system which would reveal the financial records or travel history of any individual who is a purchaser of a TransCard, SmartCard, or successor or similar fare medium. Such financial records shall include, but not be limited to, social security number, home address, home telephone number, email address, credit or debit card information, and bank account information but shall not include the user’s name;

(31) Building mapping information produced and maintained pursuant to Article 10 of Chapter 3 of Title 38;

(32) Notwithstanding the provisions of paragraph (4) of this subsection, any physical evidence or investigatory materials that are evidence of an alleged violation of Part 2 of Article 3 of Chapter 12 of Title 16 and are in the possession, custody, or control of law enforcement, prosecution, or regulatory agencies;

(33) Records that are expressly exempt from public inspection pursuant to Code Section 47-1-14;

(34) Any trade secrets obtained from a person or business entity that are required by law, regulation, bid, or request for proposal to be submitted to an agency. An entity submitting records containing trade secrets that wishes to keep such records confidential under this paragraph shall submit and attach to the records an affidavit affirmatively declaring that specific information in the records constitute trade secrets pursuant to Article 27 of Chapter 1 of Title 10. If such entity attaches such an affidavit, before producing such records in response to a request under this article, the agency shall notify the

entity of its intention to produce such records as set forth in this paragraph. If the agency makes a determination that the specifically identified information does not in fact constitute a trade secret, it shall notify the entity submitting the affidavit of its intent to disclose the information within ten days unless prohibited from doing so by an appropriate court order. In the event the entity wishes to prevent disclosure of the requested records, the entity may file an action in superior court to obtain an order that the requested records are trade secrets exempt from disclosure. The entity filing such action shall serve the requestor with a copy of its court filing. If the agency makes a determination that the specifically identified information does constitute a trade secret, the agency shall withhold the records, and the requester may file an action in superior court to obtain an order that the requested records are not trade secrets and are subject to disclosure;

(35) Data, records, or information of a proprietary nature produced or collected by or for faculty or staff of state institutions of higher learning, or other governmental agencies, in the conduct of, or as a result of, study or research on commercial, scientific, technical, or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or private concern, where such data, records, or information has not been publicly released, published, copyrighted, or patented;

(36) Any data, records, or information developed, collected, or received by or on behalf of faculty, staff, employees, or students of an institution of higher education or any public or private entity supporting or participating in the activities of an institution of higher education in the conduct of, or as a result of, study or research on medical, scientific, technical, scholarly, or artistic issues, whether sponsored by the institution alone or in conjunction with a governmental body or private entity, until such information is published, patented, otherwise publicly disseminated, or released to an agency whereupon the request must be made to the agency. This paragraph shall apply to, but shall not be limited to, information provided by participants in research, research notes and data, discoveries, research projects, methodologies, protocols, and creative works;

(37) Any record that would not be subject to disclosure, or the disclosure of which would jeopardize the receipt of federal funds, under 20 U.S.C. Section 1232g or its implementing regulations;

(38) Unless otherwise provided by law, records consisting of questions, scoring keys, and other materials constituting a test that derives value from being unknown to the test taker prior to administration which is to be administered by an agency, including, but not limited to, any public school, any unit of the Board of Regents of the

University System of Georgia, any public technical school, the State Board of Education, the Office of Student Achievement, the Professional Standards Commission, or a local school system, if reasonable measures are taken by the owner of the test to protect security and confidentiality; provided, however, that the State Board of Education may establish procedures whereby a person may view, but not copy, such records if viewing will not, in the judgment of the board, affect the result of administration of such test. These limitations shall not be interpreted by any court of law to include or otherwise exempt from inspection the records of any athletic association or other nonprofit entity promoting intercollegiate athletics;

(39) Records disclosing the identity or personally identifiable information of any person participating in research on commercial, scientific, technical, medical, scholarly, or artistic issues conducted by the Department of Community Health, the Department of Public Health, the Department of Behavioral Health and Developmental Disabilities, or a state institution of higher education whether sponsored by the institution alone or in conjunction with a governmental body or private entity;

(40) Any permanent records maintained by a judge of the probate court pursuant to Code Section 16-11-129, relating to weapons carry licenses, or pursuant to any other requirement for maintaining records relative to the possession of firearms, except to the extent that such records relating to licensing and possession of firearms are sought by law enforcement agencies or a judge of the probate court as provided by law;

(41) Records containing communications subject to the attorney-client privilege recognized by state law; provided, however, that this paragraph shall not apply to the factual findings, but shall apply to the legal conclusions, of an attorney conducting an investigation on behalf of an agency so long as such investigation does not pertain to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the agency or any officer or employee; and provided, further, that such investigations conducted by hospital authorities to ensure compliance with federal or state law, regulations, or reimbursement policies shall be exempt from disclosure if such investigations are otherwise subject to the attorney-client privilege. Attorney-client communications, however, may be obtained in a proceeding under Code Section 50-18-73 to prove justification or lack thereof in refusing disclosure of documents under this Code section provided the judge of the court in which such proceeding is pending shall first determine by an in camera examination that such disclosure would be relevant on that issue. In addition, when an agency withholds information

subject to this paragraph, any party authorized to bring a proceeding under Code Section 50-18-73 may request that the judge of the court in which such proceeding is pending determine by an in camera examination whether such information was properly withheld;

(42) Confidential attorney work product; provided, however, that this paragraph shall not apply to the factual findings, but shall apply to the legal conclusions, of an attorney conducting an investigation on behalf of an agency so long as such investigation does not pertain to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the agency or any officer or employee; and provided, further, that such investigations conducted by hospital authorities to ensure compliance with federal or state law, regulations, or reimbursement policies shall be exempt from disclosure if such investigations are otherwise subject to confidentiality as attorney work product. In addition, when an agency withholds information subject to this paragraph, any party authorized to bring a proceeding under Code Section 50-18-73 may request that the judge of the court in which such proceeding is pending determine by an in camera examination whether such information was properly withheld;

(43) Records containing tax matters or tax information that is confidential under state or federal law;

(44) Records consisting of any computer program or computer software used or maintained in the course of operation of a public office or agency; provided, however, that data generated, kept, or received by an agency shall be subject to inspection and copying as provided in this article;

(45) Records pertaining to the rating plans, rating systems, underwriting rules, surveys, inspections, statistical plans, or similar proprietary information used to provide or administer liability insurance or self-insurance coverage to any agency;

(46) Documents maintained by any agency, as such term is defined in subparagraph (a)(1)(A) of Code Section 50-14-1, which pertain to an economic development project until the economic development project is secured by binding commitment, provided that any such documents shall be disclosed upon proper request after a binding commitment has been secured or the project has been terminated. No later than five business days after the Department of Economic Development secures a binding commitment and the department has committed the use of state funds from the OneGeorgia Authority or funds from Regional Economic Business Assistance for the project pursuant to Code Section 50-8-8, or other provisions of law, the Department of Economic Development shall give notice that a

binding commitment has been reached by posting on its website notice of the project in conjunction with a copy of the Department of Economic Development's records documenting the bidding commitment made in connection with the project and the negotiation relating thereto and by publishing notice of the project and participating parties in the legal organ of each county in which the economic development project is to be located. As used in this paragraph, the term "economic development project" means a plan or proposal to locate a business, or to expand a business, that would involve an expenditure of more than \$25 million by the business or the hiring of more than 50 employees by the business;

(47) Records related to a training program operated under the authority of Article 3 of Chapter 4 of Title 20 disclosing an economic development project prior to a binding commitment having been secured, relating to job applicants, or identifying proprietary hiring practices, training, skills, or other business methods and practices of a private entity. As used in this paragraph, the term "economic development project" means a plan or proposal to locate a business, or to expand a business, that would involve an expenditure of more than \$25 million by the business or the hiring of more than 50 employees by the business;

(48) Records that are expressly exempt from public inspection pursuant to Code Section 47-20-87;

(49) Data, records, or information acquired by the Commissioner of Labor or the Department of Labor as part of any investigation required pursuant to Code Section 39-2-18, relating to minors employed as actors or performers;

(50) Held by the Georgia Superior Court Clerks' Cooperative Authority or any other public or private entity for and on behalf of a clerk of superior court; provided, however, that such records may be obtained from a clerk of superior court unless otherwise exempted from disclosure;

(51) Reports submitted to the Department of Revenue, the Atlanta-region Transit Link "ATL" Authority, or the Department of Transportation by a for-hire ground transport service provider as required pursuant to Code Section 48-13-143; or

(52) Any information, including, but not limited to, data and records, prohibited from disclosure pursuant to Code Section 50-18-160.

(b) This Code section shall be interpreted narrowly so as to exclude from disclosure only that portion of a public record to which an exclusion is directly applicable. It shall be the duty of the agency having custody of a record to provide all other portions of a record for public inspection or copying.

(c)(1) Notwithstanding any other provision of this article, an exhibit tendered to the court as evidence in a criminal or civil trial shall not be open to public inspection without approval of the judge assigned to the case.

(2) Except as provided in subsection (d) of this Code section, in the event inspection is not approved by the court, in lieu of inspection of such an exhibit, the custodian of such an exhibit shall, upon request, provide one or more of the following:

- (A) A photograph;
- (B) A photocopy;
- (C) A facsimile; or
- (D) Another reproduction.

(3) The provisions of this article regarding fees for production of a record, including, but not limited to, subsections (c) and (d) of Code Section 50-18-71, shall apply to exhibits produced according to this subsection.

(d) Any physical evidence that is used as an exhibit in a criminal or civil trial to show or support an alleged violation of Part 2 of Article 3 of Chapter 12 of Title 16 shall not be open to public inspection except by court order. If the judge approves inspection of such physical evidence, the judge shall designate, in writing, the facility owned or operated by an agency of the state or local government where such physical evidence may be inspected. If the judge permits inspection, such property or material shall not be photographed, copied, or reproduced by any means. Any person who violates the provisions of this subsection shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than 20 years, a fine of not more than \$100,000.00, or both.

History.

Ga. L. 1967, p. 455, § 1; Ga. L. 1970, p. 163, § 1; Code 1981, § 50-18-72, enacted by Ga. L. 1982, p. 1789, § 1; Ga. L. 1986, p. 1090, § 2; Ga. L. 1987, p. 377, § 1; Ga. L. 1988, p. 13, § 50; Ga. L. 1988, p. 243, § 3; Ga. L. 1989, p. 553, § 2; Ga. L. 1989, p. 827, § 1; Ga. L. 1990, p. 341, § 1; Ga. L. 1992, p. 1061, § 8; Ga. L. 1993, p. 968, § 1; Ga. L. 1993, p. 1336, § 1; Ga. L. 1993, p. 1669, § 1; Ga. L. 1995, p. 704, § 1; Ga. L. 1996, p. 6, § 50; Ga. L. 1997, p. 1052, § 2; Ga. L. 1998, p. 1652, § 1; Ga. L. 1999, p. 552, §§ 4, 4.1; Ga. L. 1999, p. 809, §§ 4, 5; Ga. L. 1999, p. 1222, §§ 1, 2; Ga. L. 2000, p. 136, § 50; Ga. L. 2000, p. 1556, §§ 1, 2; Ga. L. 2001, p. 4, § 50; Ga. L.

2001, p. 327, § 1; Ga. L. 2001, p. 331, § 1; Ga. L. 2001, p. 491, § 1; Ga. L. 2001, p. 820, § 13; Ga. L. 2002, p. 415, § 50; Ga. L. 2003, p. 602, § 1; Ga. L. 2003, p. 880, § 2; Ga. L. 2004, p. 107, § 22; Ga. L. 2004, p. 161, § 15; Ga. L. 2004, p. 341, § 1A; Ga. L. 2004, p. 410, § 9; Ga. L. 2004, p. 770, § 1; Ga. L. 2005, p. 334, § 30-2/HB 501; Ga. L. 2005, p. 558, § 1/HB 437; Ga. L. 2005, p. 595, § 1/SB 121; Ga. L. 2005, p. 660, § 11/HB 470; Ga. L. 2005, p. 1133, § 1/HB 340; Ga. L. 2006, p. 72, § 50/SB 465; Ga. L. 2006, p. 536, § 1/HB 955; Ga. L. 2007, p. 87, § 1/SB 212; Ga. L. 2007, p. 160, § 1/HB 101; Ga. L. 2008, p. 564, § 2/SB 33; Ga. L. 2008, p. 829, § 4/HB 1020; Ga. L. 2009, p. 8, § 50/SB 46; Ga. L.

2009, p. 37, §§ 1, 1.1, 1.2/SB 26; Ga. L. 2009, p. 453, § 1-4/HB 228; Ga. L. 2009, p. 698, § 7/HB 126; Ga. L. 2010, p. 243, §§ 1, 2/HB 1086; Ga. L. 2010, p. 286, § 23/SB 244; Ga. L. 2010, p. 415, § 2/HB 249; Ga. L. 2010, p. 963, § 2-21/SB 308; Ga. L. 2011, p. 59, §§ 3-1, 1-68/HB 415; Ga. L. 2011, p. 611, § 1/HB 261; Ga. L. 2011, p. 705, § 5-29/HB 214; Ga. L. 2012, p. 211, § 4/SB 402; Ga. L. 2012, p. 218, § 2/HB 397; Ga. L. 2012, p. 775, § 50/HB 942; Ga. L. 2013, p. 141, § 50/HB 79; Ga. L. 2014, p. 418, § 2/HB 828; Ga. L. 2014, p. 451, § 15/HB 776; Ga. L. 2014, p. 692, § 1/HB 449; Ga. L. 2014, p. 742, § 2/HB 845; Ga. L. 2014, p. 866, § 50/SB 340; Ga. L. 2015, p. 805, § 13/HB 492; Ga. L. 2015, p. 943, § 5/HB 366; Ga. L. 2015, p. 1046, § 5/SB 94; Ga. L. 2015, p. 1065, § 2-3/SB 135; Ga. L. 2016, p. 6, § 2/SB 323; Ga. L. 2018, p. 753, § 3/HB 763; Ga. L. 2018, p. 927, § 4-1/HB 906; Ga. L. 2019, p. 302, § 1-2/HB 459; Ga. L. 2020, p. 38, § 9/SB 473; Ga. L. 2020, p. 493, § 50/SB 429; Ga. L. 2020, p. 903, § 2-3/HB 105; Ga. L. 2021, p. 110, § 2/HB 134; Ga. L. 2021, p. 559, § 2/SB 32; Ga. L. 2021, p. 922, § 50/HB 497; Ga. L. 2023, p. 351, § 1/HB 165, effective May 2, 2023; Ga. L. 2023, p. 730, § 6(b)(13)/HB 475, effective July 1, 2023; Ga. L. 2024, p. 7, § 6/SB 353, effective March 4, 2024; Ga. L. 2024, p. 941, § 3/SB 414, effective July 1, 2024; Ga. L. 2025, p. 420, § 9/HB 288, effective May 12, 2025.

Amendments.

The first 2023 amendment, effective May 2, 2023, substituted the present provisions of paragraph (a)(12) for “Reserved;”.

The second 2023 amendment, effective July 1, 2023, part of an Act to revise,

modernize, and correct the Code, substituted “pursuant to Code Section 47-1-14” for “pursuant to Code Sections 47-1-14 and 47-7-127” in paragraph (a)(33).

The first 2024 amendment, effective March 4, 2024, rewrote paragraph (a)(28), which read: “Records of the State Road and Tollway Authority which would reveal the financial accounts or travel history of any individual who is a motorist upon any toll project;”.

The second 2024 amendment, effective July 1, 2024, deleted “or” from the end of paragraph (a)(50); substituted “; or” for a period at the end of paragraph (a)(51); and added paragraph (a)(52).

The 2025 amendment, effective May 12, 2025, added paragraph (a)(4.1).

Code Commission notes.

Pursuant to Code Section 28-9-5, in 2023, in paragraph (a)(12), a comma was deleted after “resource” and before “or”.

Editor’s notes.

Ga. L. 2023, p. 351, § 1/HB 165, which amended this Code section, purported to amend paragraph (12) but actually amended paragraph (a)(12).

Ga. L. 2024, p. 941, § 1/SB 414, not codified by the General Assembly, provides: “This Act shall be known and may be cited as the ‘Personal Privacy Protection Act.’”

Law reviews.

For note, “Implementing Information Fiduciaries,” see 40 Ga. St. U.L. Rev. 787 (2024).

For article, “Problems, Old and New: A History of Public Records Law in Georgia,” see 60 Ga. L. Rev. 1 (2025).

For article, “Executive Secrecy: Congress, the People, and the Courts,” see 72 Emory L.J. 1301 (2023).

JUDICIAL DECISIONS

ANALYSIS

APPLICATION

Application

Law enforcement records. — City failed to show that the requested police incident reports should not be disclosed as a matter of law because whether a narra-

tive report prepared at the same time as an incident report actually constituted part of that initial incident report was a fact specific inquiry. *Appen Media Group v. City of Sandy Springs*, 374 Ga. App. 841,

Application (Cont'd)

914 S.E.2d 374, 2025 Ga. App. LEXIS 130 (2025).

Private information protected.

Trial court and the newspaper improperly conflated the mayor as an individual

and a candidate throughout the litigation, which was significant as to whether the records requested were prepared in the course of the operation of a public office. *Davis v. Augusta Press*, 367 Ga. App. 893, 889 S.E.2d 110, 2023 Ga. App. LEXIS 252 (2023).

RESEARCH REFERENCES

ALR.

Privilege Against Self-Incrimination as Applied to Compelled Disclosure of Password or Production of Otherwise Encrypted Electronically Stored Data, 82 A.L.R.7th 4.

Deliberative Process Exemption from Freedom of Information Act, 5 U.S.C.A. § 552(b) — Investigative and Research Documents and Reports, 77 A.L.R. Fed. 3d 1.

Deliberative Process Exemption from

Freedom of Information Act, 5 U.S.C.A. § 552(b) — Legal Documents, 78 A.L.R. Fed. 3d 1.

Deliberative Process Exemption from Freedom of Information Act, 5 U.S.C.A. § 552(b)—Administrative Documents, 89 A.L.R. Fed. 3d Art. 5.

Deliberative Process Exemption from Freedom of Information Act (FOIA), 5 U.S.C.A. § 552(b) — Advisory Documents, 82 A.L.R. Fed. 3d 6.

50-18-73. Jurisdiction to enforce article; attorney’s fees and litigation expenses; good faith reliance as defense to action.

Law reviews.

For annual survey on local government, see 73 Mercer L. Rev. 193 (2021).

For article, “Executive Secrecy: Congress, the People, and the Courts,” see 72 Emory L.J. 1301 (2023).

JUDICIAL DECISIONS

Standing to bring suit against district attorney. — Plaintiff had constitutional standing to bring an enforcement action under the Open Records Act, O.C.G.A. § 50-18-70 et seq., against the district attorney in their official capacity as the custodian of public records and constitutional prosecutorial immunity conferred upon district attorneys did not bar plaintiff’s official-capacity claims against the district attorney, but may bar individual-capacity claims to the extent those claims pertained to actions arising from the performance of duties. *Gonzalez v. Miller*, 320 Ga. 170, 907 S.E.2d 859, 2024 Ga. LEXIS 245 (2024).

Private plaintiffs can seek civil penalties. — Georgia Court of Appeals,

Second Division held that the Open Records Act, O.C.G.A. § 50-18-70 et seq., allows private plaintiffs to seek civil penalties for violations of the Act. *Cardinale v. Keane*, 362 Ga. App. 644, 869 S.E.2d 613, 2022 Ga. App. LEXIS 78 (2022).

Final judgment involving mayor is premature. — Trial court and the newspaper improperly conflated the mayor as an individual and a candidate throughout the litigation, which was significant as to whether the records requested were prepared in the course of the operation of a public office. *Davis v. Augusta Press*, 367 Ga. App. 893, 889 S.E.2d 110, 2023 Ga. App. LEXIS 252 (2023).

Journalist’s entitlement to infor-

mation about lethal injections. — When an investigative journalist sought records relating to the purchase, acquisition, transportation, and handling of the drugs that the Georgia Department of Corrections (GDOC) used or planned to use for executions by lethal injection under Georgia’s Open Records Act (ORA), O.C.G.A. § 50-18-70 et seq., the trial court erred in dismissing the journalist’s ORA claim because, while there might be records in the possession of the GDOC

that consisted solely of identifying information protected by the Lethal Injection Secrecy Act, O.C.G.A. § 42-5-36, the allegations of the amended complaint did not disclose with certainty that the journalist would not be entitled to relief under the ORA. Further, if protected information was properly redacted, there would be no violation of the Lethal Injection Secrecy Act. *Blau v. Ga. Dep’t of Corr.*, 364 Ga. App. 1, 873 S.E.2d 464, 2022 Ga. App. LEXIS 247 (2022).

RESEARCH REFERENCES

ALR.

Deliberative Process Exemption from Freedom of Information Act, 5 U.S.C.A. §

552(b) — Legal Documents, 78 A.L.R. Fed. 3d 1.

50-18-74. Penalty for violations; procedure for commencement of prosecution.

JUDICIAL DECISIONS

Relationship to other laws. — To the extent that plaintiff’s claims against the defendant for overzealously litigating an Open Records action were predicated on federal and state racketeering statutes, none of the alleged violations of Georgia law supported the plaintiff’s claim, as the plaintiff did not allege that the defendant committed, attempted to commit, or induced anyone else to commit a predicate offense while litigating the Open Records Act, O.C.G.A. § 50-18-70 et seq., suit, and the plaintiff did not allege that the defen-

dant committed a crime punishable by imprisonment for more than one year. *Chua v. Ekonomou*, 1 F.4th 948, 2021 U.S. App. LEXIS 17755 (11th Cir. 2021).

Private plaintiffs can seek civil penalties. — Georgia Court of Appeals, Second Division, held that the Open Records Act, O.C.G.A. § 50-18-70 et seq., allows private plaintiffs to seek civil penalties for violations of the Act. *Cardinale v. Keane*, 362 Ga. App. 644, 869 S.E.2d 613, 2022 Ga. App. LEXIS 78 (2022).

RESEARCH REFERENCES

ALR.

Deliberative Process Exemption from Freedom of Information Act, 5 U.S.C.A. §

552(b) — Legal Documents, 78 A.L.R. Fed. 3d 1.

50-18-78. Removal of law enforcement officer’s personally identifiable information from public records.

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

(1) “Law enforcement officer” means a sheriff, deputy sheriff, police officer, policeman, peace officer, officer or member of the Department of Public Safety, or other officer or official who has the

power of arrest and who is responsible for enforcing the criminal laws of the federal government or the state or its political subdivisions.

(2) “Local government” means any county or municipality of this state.

(3) “Personally identifiable information” means the residential address or phone number of an individual and the individual’s spouse, if applicable.

(b) Within 30 days after receiving a written request by any law enforcement officer, a local government shall remove the personally identifiable information of such law enforcement officer from all property records that are publicly available on any internet website of the local government. Relief for a law enforcement officer whose personally identifiable information is not removed within 30 days of such request shall be limited to injunctive relief against the county employee who had a ministerial duty to remove such personally identifiable information.

(c) On or before January 1, 2024, each local government shall provide a form for a law enforcement officer to use when requesting removal of personally identifiable information, which may include a process for verification of employment as a law enforcement officer. Such form shall be made available by the local government on its internet website.

History.

Code 1981, § 50-18-78, enacted by Ga. L. 2023, p. 89, § 1/SB 215, effective July 1, 2023.

Cross references.

Georgia Peace Officer Standards and Training Act, § 35-8-1.

Effective date.

This Code section became effective July 1, 2023.

ARTICLE 8

VICTIM CENTERED ADDRESS CONFIDENTIALITY PROGRAM

Effective date.

This article becomes effective July 1, 2026.

Code Commission notes.

Pursuant to Code Section 28-9-5, in 2024, Article 8, as enacted by Ga. L. 2024, p. 941, § 2/SB 414, was redesignated as Article 9.

Editor’s notes.

Ga. L. 2024, p. 698, § 4(b)/SB 324, not codified by the General Assembly, provides that this article becomes effective July 1, 2026, subject to appropriations. Funds were appropriated in the 2025 session of the General Assembly.

50-18-150. (Effective July 1, 2026.) Definitions.

As used in this article, the term:

(1) “Confidential address” means a participant’s residential address or other address or addresses that could be used to physically

locate the participant, including a school attended by the participant or the participant's place of employment.

(2) "Designated address" means the publicly available address provided by a participant to the office.

(3) "Governmental entity" means:

(A) Every state department, agency, board, bureau, office, commission, public corporation, and authority;

(B) Every county, municipal corporation, school district, or other political subdivision of this state;

(C) Every department, agency, board, bureau, office, commission, authority, or similar body of each such county, municipal corporation, or other political subdivision of the state; and

(D) Every city, county, regional, or other authority established pursuant to the laws of this state.

(4) "Office" means the office of the Secretary of State.

(5) "Participant" means an individual who is currently certified to participate in the program pursuant to this article.

(6) "Program" means the victim centered address confidentiality program established by this article.

(7) "Victim advocate" means an employee or volunteer of the office who serves victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking and who has completed training pursuant to Code Section 50-18-152 to assist individuals in completing applications for the program.

History.

Code 1981, § 50-18-150, enacted by Ga.

L. 2024, p. 698, § 3/SB 324, effective July 1, 2026.

50-18-151. (Effective July 1, 2026.) Office created; application; participation; rules and regulations.

(a) There is created within the office of the Secretary of State a victim centered address confidentiality program.

(b) An individual who is changing his or her residence and who is at least 18 years of age or an emancipated minor may apply to the program, with or without the assistance of a victim advocate, for certification as a participant by the office upon providing an affidavit affirming that the disclosure of his or her actual address or addresses will increase the risk that he or she will be threatened or physically harmed by another person or that he or she has been a victim of

domestic violence, dating violence, sexual assault, stalking, or human trafficking.

(c) In order to be certified as a participant in the program, an individual shall submit to the office an application containing:

(1) The full legal name and date of birth of the individual;

(2) A knowing and voluntary designation of the office as the individual's agent for the purposes of receiving mail and service of process;

(3) The mailing address, telephone number, and email address, if applicable, at which the office may contact the individual;

(4) An acknowledgment that the individual is requesting that his or her confidential address not be disclosed;

(5) The signature of the individual, the name of the victim advocate who assisted the individual, if applicable, and the date the application was signed;

(6) At the discretion of the office and for evaluation purposes, an option for the individual to select the type of offense the individual believes warrants the need for participation in the program. The office may not consider information provided or withheld pursuant to this paragraph as certifying the participant; and

(7) A letter from a victim advocate or a provider, as that term is defined in Code Section 37-11-3, indicating that they have received services related to their victimization.

(d) Upon receipt of an application in compliance with subsection (c) of this Code section, the office shall:

(1) Certify the individual as a participant;

(2) Issue the participant an address confidentiality card containing the name of and a unique identification number for the participant and the designated address of the participant;

(3) Classify each eligible address listed in the application as a confidential address;

(4) Provide the participant with information concerning the manner in which the participant may use the office as the agent of the participant for the purposes of receiving mail and service of process; and

(5) Provide the participant with information regarding methods to protect a confidential address, including, but not limited to, information regarding the risks of disclosing the confidential address to other persons and the risks of using social media and other similar

technologies, including geotagging photographs, and other information that the office determines would help the participant protect his or her confidential address. A participant shall update information provided in an application within 30 days after a change to that information has occurred by submitting a notice of change to the office on a form prescribed by the office.

(e) A participant's certification shall be valid for four years. A participant who continues to be eligible for the program pursuant to this article may renew the certification of the participant. The renewal application shall be received by the office within 60 days prior to the end of the four-year certification period. The renewal application shall be on a form prescribed by the office and shall meet the requirements of this article. A renewal of certification of a participant shall not alter the unique identification number issued pursuant to subsection (d) of this Code section.

(f) The certification continuance application shall be on a form prescribed by the office, shall meet the requirements of this article, and shall inform the participant of his or her right to choose to continue or discontinue in the program.

(g) An application submitted pursuant to this article and the information of a participant shall be confidential, shall not be a public record, shall be exempt from disclosure pursuant to Article 4 of Chapter 18 of Title 50 or any similar law, and may only be disclosed as authorized pursuant to this article.

(h) An offender who is required to register pursuant to Code Section 42-1-12 shall not be eligible to submit an application and shall not be certified as a participant.

(i) A confidential address shall not be a public record and shall be exempt from disclosure pursuant to Article 4 of Chapter 18 of Title 50 or any similar law, except as otherwise provided in this article.

(j) A participant may withdraw from the program at any time by providing written notice of such withdrawal to the office.

(k) No individual shall apply for certification as a participant with the intent of avoiding prosecution or a lawful court order.

(l) The office shall promulgate rules and regulations as necessary to implement the provisions of this article.

History.

Code 1981, § 50-18-151, enacted by Ga. L. 2024, p. 698, § 3/SB 324, effective July 1, 2026.

50-18-152. (Effective July 1, 2026.) Training and certification for victim advocates.

(a) The office shall develop and offer a training program for victim advocates to obtain certification pursuant to this article. The training program shall, at a minimum, include:

- (1) Exhaustive information regarding the program;
- (2) Methods for assisting applicants with completing application forms;
- (3) Criteria for determining program eligibility;
- (4) Information to be provided to participants pursuant to subsection (d) of Code Section 50-18-151; and
- (5) Instruction on how to submit completed applications and supporting documents to the office.

(b) The office shall certify a person applying for certification as a victim advocate pursuant to this article if that person has completed the training program pursuant to this Code section. The office shall make available on its website contact information for the organizations that have certified victim advocates.

(c) There shall be no fee or charge to any participant for any services provided by a victim advocate pursuant to this article.

History.

Code 1981, § 50-18-152, enacted by Ga. L. 2024, p. 698, § 3/SB 324, effective July 1, 2026.

50-18-153. (Effective July 1, 2026.) Compliance by governmental and non-governmental entities; service of process.

(a) Upon a participant providing a copy of his or her address confidentiality card to a governmental entity and requesting that such governmental entity only use his or her designated address, the governmental entity shall only use the participant's designated address.

(b) If a participant's employer, or a school or institution of higher education attended by the participant, is not a governmental entity, the participant may request that the employer, school, or institution of higher education use the designated address as the participant's address.

(c) A utility owned by a governmental entity shall not release any confidential address.

(d) A participant may also use the designated address as the participant's work address.

(e) The office on each day that it is open for business shall place all first-class, registered, or certified mail or statutory overnight delivery received on behalf of a participant into an envelope or package and mail such envelope or package to the participant at his or her confidential address. The office may contract with the United States Postal Service for special rates for any mail forwarded pursuant to this subsection. Service by mail pursuant to this subsection of court papers, other than service of process, shall be deemed complete three business days after the office forwards the mail to the participant.

(f) If a person intends to serve process on a participant and makes an inquiry with the office to determine if the individual is a participant, the office shall only confirm that the individual is a participant and, except as otherwise allowed pursuant to this article, shall not disclose further information regarding the participant. If process has been forwarded to a participant pursuant to subsection (e) of this Code section, the office shall disclose the date of mailing to the person attempting to serve the participant.

History.

Code 1981, § 50-18-153, enacted by Ga. L. 2024, p. 698, § 3/SB 324, effective July 1, 2026.

50-18-154. (Effective July 1, 2026.) Cancellation of certification.

(a) The office may, after providing at least 30 days prior written notice to a participant, cancel the certification of a participant in any of the following circumstances:

- (1) The participant's legal name or contact information changes, unless the participant provides the office with prior written notice of such change;
- (2) Mail forwarded by the office to the participant's confidential address is returned as undeliverable by the United States Postal Service for 60 or more days;
- (3) The participant is no longer eligible for the program;
- (4) The participant requests to withdraw from the program pursuant to Code Section 50-18-151;
- (5) The participant files a notarized request for cancellation on a form prescribed by the office; or
- (6) The participant fails to file a renewal application pursuant to Code Section 50-18-151.

(b) The office shall cancel a participant's certification if the participant's renewal application or application for continuance contains false information.

History.

L. 2024, p. 698, § 3/SB 324, effective July
Code 1981, § 50-18-154, enacted by Ga. 1, 2026.

50-18-155. (Effective July 1, 2026.) Exceptions.

(a) If a participant notifies a governmental entity in writing, on a form prescribed by the office, that he or she is a participant, such entity shall not knowingly disclose the participant's confidential address, unless:

(1) The confidential address is subject to sharing or dissemination pursuant to court order;

(2) The confidential address is subject to sharing or dissemination in connection with an active investigation or inspection of a potential health code, building code, fire code, or local ordinance violation allegedly committed by the participant;

(3) The confidential address is needed to provide public assistance or other government services to a participant, or to allocate financial responsibility for such assistance or services;

(4) The confidential address is necessary to perform a governmental entity's health, safety, or welfare functions, including the provision of emergency 9-1-1 services, the assessment and investigation of child or vulnerable adult abuse or neglect, or the assessment or inspection of services or locations for compliance with health and safety standards;

(5) The confidential address is necessary to aid an active law enforcement investigation of the participant upon verification that the disclosure will aid the law enforcement agency in responding to an emergency situation or a criminal complaint or conducting an investigation; or

(6) The person to whom the confidential address is disclosed also resides, is employed at, or goes to school at the confidential address.

(b) Except as may be otherwise provided by law, a confidential address disclosed pursuant to subsection (a) of this Code section may be used only for the purposes authorized in this Code section and may not be further disclosed to any other person or governmental entity. Governmental entities receiving or sharing a confidential address pursuant to this Code section shall establish procedures to protect the confidential address from further disclosure.

(c) When a participant presents his or her designated address to any person, such designated address shall be accepted as the address of the participant. The person shall not require the participant to submit any other address either as a substitute address or in addition to the

designated address, or as a condition of receiving a service or benefit, unless the service or benefit would be impossible to provide without knowledge of the participant's confidential address.

History.

Code 1981, § 50-18-155, enacted by Ga.

L. 2024, p. 698, § 3/SB 324, effective July 1, 2026.

ARTICLE 9

PROTECTION OF PERSONAL INFORMATION

Effective date.

This article became effective July 1, 2024.

Code Commission notes.

Pursuant to Code Section 28-9-5, in 2024, Article 8, as enacted by Ga. L. 2024, p. 941, § 2/SB 414, was redesignated as Article 9.

Editor's notes.

Ga. L. 2024, p. 941, § 1/SB 414, not codified by the General Assembly, provides: "This Act shall be known and may be cited as the 'Personal Privacy Protection Act.'"

50-18-160. (Effective until January 1, 2026.) Individuals or non-profit organizations.

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

(1) "Nonprofit organization" means an entity that is exempt from federal income tax under Section 501(c) of the federal Internal Revenue Code or has submitted an application with the Internal Revenue Service for recognition of an exemption under Section 501(c) of the Internal Revenue Code, an entity registered as a nonprofit corporation under Chapter 3 of Title 14, the "Georgia Nonprofit Corporation Code," a charitable trust under Code Section 53-12-170, a charitable organization as defined by Code Section 43-17-2, or a religious organization as defined by Code Section 43-17-2. Such term shall not include any public agency.

(2) "Person" means an individual, a corporation, a partnership, a limited liability company, an association, a joint-stock company, a trust, or any unincorporated organization.

(3) "Personal information" means any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, volunteer, or donor of financial or nonfinancial support to a nonprofit organization.

(4) "Public agency" means any department, division, board, bureau, commission, system, or other agency of state government or any state authority; any local board, county, municipal corporation, commission, council, school district, or political subdivision of the state or any local authority; and any office, agency, or court provided for under Title 15.

(b) Notwithstanding any other provision of law to the contrary, and subject to the limitations in subsection (d) of this Code section, a public agency shall not:

(1) Require any individual or nonprofit organization to provide the public agency with personal information or otherwise compel the release of personal information;

(2) Release, publicize, or otherwise publicly disclose personal information in the possession of the public agency; or

(3) Request or require a current or prospective contractor or grantee with the public agency to provide a list of nonprofit organizations to which the current or prospective contractor or grantee has provided financial or nonfinancial support.

(c) Subject to the limitations in subsection (d) of this Code section, personal information shall not be subject to Article 4 of this chapter, relating to open records.

(d) Subsections (b) and (c) of this Code section shall not apply to:

(1) Any report or disclosure required by Chapter 5 of Title 21;

(2) Any lawful warrant for personal information issued by a court of competent jurisdiction;

(3) A lawful request for discovery of personal information in litigation if both of the following conditions are met:

(A) The requestor demonstrates a compelling need for the personal information by clear and convincing evidence; and

(B) The requestor obtains a protective order barring disclosure of personal information to any person not named in the litigation;

(4) Admission of personal information as evidence before a court of competent jurisdiction. However, such evidence shall be made part of the record under seal, and no court shall unseal such personal information absent a specific finding of good cause;

(5) A public body or agency from collecting or releasing personal information that was voluntarily released by the person or voluntarily released by the nonprofit organization to the public;

(6) A collection of information disclosing the identity of any director, officer, registered agent, or incorporator of a nonprofit organization in any report or disclosure required by statute to be filed with the Secretary of State pursuant to Chapter 3 of Title 14, the "Georgia Nonprofit Corporation Code";

(7) Disclosure of personal information derived from a donation to a nonprofit organization that is affiliated with a public agency and

required by statute, if the individual has not previously requested anonymity from the nonprofit organization;

(8) Any lawful request for personal information issued during an investigation pursuant to Chapter 17 of Title 43, the “Georgia Charitable Solicitations Act of 1988”;

(9) A collection of information disclosing the identifying information of any executive officers, directors, trustees, or executive personnel of a charitable organization in any registration statement, report, or disclosure required by statute or rule pursuant to Chapter 17 of Title 43, the “Georgia Charitable Solicitations Act of 1988”;

(10) Collection of information on any return, form, report, statement, or disclosure required for purposes of tax administration authorized by statute and pursuant to the express statutory authority granted to the Department of Revenue, provided that such information shall only be used in connection with the specific return, form, report, statement, or disclosure to which the request relates;

(11) Disclosure of personal information to the Department of Banking and Finance to conduct regulatory oversight of chartered and licensed entities pursuant to express statutory authority under Chapter 1 of Title 7, the “Financial Institutions Code of Georgia”; and

(12) Collection and use of personal information as permitted by statute, rule, or regulation for purposes of administration of programs and services, regulatory oversight, and ensuring compliance by prospective and approved contractors:

(A) By the Department of Human Services for purposes authorized in Article 1 of Chapter 2 of Title 49;

(B) By the Department of Behavioral Health and Developmental Disabilities for purposes authorized in Title 37;

(C) By the Department of Community Health for purposes authorized in Chapter 5 of Title 26, Title 31, Article 7 of Chapter 3 of Title 37, Article 1 of Chapter 18 of Title 45, Article 7 of Chapter 4 of Title 49, or Article 7 of Chapter 6 of Title 49;

(D) By the Department of Juvenile Justice for purposes authorized in Chapter 4A of Title 49; and

(E) By the Department of Early Care and Learning for purposes authorized in Chapter 1A of Title 20.

(e) Nothing in this Code section shall apply to a national securities association that is registered pursuant to Section 15A of the Securities Exchange Act of 1934, 15 U.S.C. Section 78o-3, as amended, or any information such national securities association provides to the

Secretary of State pursuant to the provisions of Chapter 5 of Title 10, the “Georgia Uniform Securities Act of 2008.”

(f) The provisions of this Code section may be enforced through civil actions for declaratory and injunctive relief pursuant to Article I, Section II, Paragraph V of the Georgia Constitution.

(g)(1) A person who suffers injury or damages as a result of an individual’s malicious or corrupt violation of this Code section may bring a civil action in superior court for damages. A successful claimant shall be awarded the actual damages of any such violation. Where it is proven that the violation was willful, the plaintiff shall be entitled to recover treble damages and reasonable attorney’s fees.

(2) Nothing in paragraph (1) of this subsection shall be construed to constitute a waiver of the sovereign immunity of the state or any officer or employee thereof beyond this subsection.

(h) An employee of a public agency who knowingly violates this Code section commits the crime of improper collection or disclosure of personal information and is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$1,000.00, or both.

History.

Code 1981, § 50-18-160, enacted by Ga. L. 2024, p. 941, § 2/SB 414, effective July 1, 2024; Ga. L. 2025, p. 806, § 31/HB 327, effective July 1, 2025; Ga. L. 2025, p. 1029, § 50(2)/SB 153, effective July 1, 2025.

Delayed effective date.

Code Section 50-18-160 is set out twice in this Code. This version is effective until January 1, 2026. For version effective January 1, 2026, see the following version.

Amendments.

The first 2025 amendment, effective

July 1, 2025, deleted “and” at the end of subparagraph (d)(12)(C); inserted “and” at the end of subparagraph (d)(12)(D); and added subparagraph (d)(12)(E).

The second 2025 amendment, effective July 1, 2025, part of an Act to revise, modernize, and correct the Code, substituted “Code or has” for “Code, has” in paragraph (a)(1); and substituted “in the possession” for “in possession” in paragraph (b)(2).

OPINIONS OF THE ATTORNEY GENERAL

Fingerprinting not required. — Offenses arising from violations of subsection (h) of O.C.G.A. § 50-18-160 appears to

be offenses for which fingerprinting is not required. 2024 Op. Att’y Gen. No. 24-3.

50-18-160. (Effective January 1, 2026.) Individuals or nonprofit organizations.

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

(1) “Nonprofit organization” means an entity that is exempt from federal income tax under Section 501(c) of the federal Internal

Revenue Code, or has submitted an application with the Internal Revenue Service for recognition of an exemption under Section 501(c) of the Internal Revenue Code, an entity registered as a nonprofit corporation under Chapter 3 of Title 14, the “Georgia Nonprofit Corporation Code,” a charitable trust under Code Section 53-12-170, a charitable organization as defined by Code Section 43-17-2, or a religious organization as defined by Code Section 43-17-2. Such term shall not include any public agency.

(2) “Person” means an individual, a corporation, a partnership, a limited liability company, an association, a joint-stock company, a trust, or any unincorporated organization.

(3) “Personal information” means any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, volunteer, or donor of financial or nonfinancial support to a nonprofit organization.

(4) “Public agency” means any department, division, board, bureau, commission, system, or other agency of state government or any state authority; any local board, county, municipal corporation, commission, council, school district, or political subdivision of the state or any local authority; and any office, agency, or court provided for under Title 15.

(b) Notwithstanding any other provision of law to the contrary, and subject to the limitations in subsection (d) of this Code section, a public agency shall not:

(1) Require any individual or nonprofit organization to provide the public agency with personal information or otherwise compel the release of personal information;

(2) Release, publicize, or otherwise publicly disclose personal information in the possession of the public agency; or

(3) Request or require a current or prospective contractor or grantee with the public agency to provide a list of nonprofit organizations to which the current or prospective contractor or grantee has provided financial or nonfinancial support.

(c) Subject to the limitations in subsection (d) of this Code section, personal information shall not be subject to Article 4 of this chapter, relating to open records.

(d) Subsections (b) and (c) of this Code section shall not apply to:

(1) Any report or disclosure required by Chapter 5 of Title 21;

(2) Any lawful warrant for personal information issued by a court of competent jurisdiction;

(3) A lawful request for discovery of personal information in litigation if both of the following conditions are met:

(A) The requestor demonstrates a compelling need for the personal information by clear and convincing evidence; and

(B) The requestor obtains a protective order barring disclosure of personal information to any person not named in the litigation;

(4) Admission of personal information as evidence before a court of competent jurisdiction. However, such evidence shall be made part of the record under seal, and no court shall unseal such personal information absent a specific finding of good cause;

(5) A public body or agency from collecting or releasing personal information that was voluntarily released by the person or voluntarily released by the nonprofit organization to the public;

(6) A collection of information disclosing the identity of any director, officer, registered agent, or incorporator of a nonprofit organization in any report or disclosure required by statute to be filed with the Secretary of State pursuant to Chapter 3 of Title 14, the “Georgia Nonprofit Corporation Code”;

(7) Disclosure of personal information derived from a donation to a nonprofit organization that is affiliated with a public agency and required by statute, if the individual has not previously requested anonymity from the nonprofit organization;

(8) Any lawful request for personal information issued during an investigation pursuant to Chapter 17 of Title 43, the “Georgia Charitable Solicitations Act of 1988”;

(9) A collection of information disclosing the identifying information of any executive officers, directors, trustees, or executive personnel of a charitable organization in any registration statement, report, or disclosure required by statute or rule pursuant to Chapter 17 of Title 43, the “Georgia Charitable Solicitations Act of 1988”;

(10) Collection of information on any return, form, report, statement, or disclosure required for purposes of tax administration authorized by statute and pursuant to the express statutory authority granted to the Department of Revenue, provided that such information shall only be used in connection with the specific return, form, report, statement, or disclosure to which the request relates;

(11) Disclosure of personal information to the Department of Banking and Finance to conduct regulatory oversight of chartered and licensed entities pursuant to express statutory authority under Chapter 1 of Title 7, the “Financial Institutions Code of Georgia”; and

(12) Collection and use of personal information as permitted by statute, rule, or regulation for purposes of administration of programs and services, regulatory oversight, and ensuring compliance by prospective and approved contractors:

(A) By the Department of Human Services for purposes authorized in Article 1 of Chapter 2 of Title 49;

(B) By the Department of Behavioral Health and Developmental Disabilities for purposes authorized in Chapter 5 of Title 26 and Title 37;

(C) By the Department of Community Health for purposes authorized in Article 1 of Chapter 18 of Title 45, Article 7 of Chapter 4 of Title 49, or Article 7 of Chapter 6 of Title 49; and

(D) By the Department of Juvenile Justice for purposes authorized in Chapter 4A of Title 49; and

(E) By the Department of Early Care and Learning for purposes authorized in Chapter 1A of Title 20.

(e) Nothing in this Code section shall apply to a national securities association that is registered pursuant to Section 15A of the Securities Exchange Act of 1934, 15 U.S.C. Section 78o-3, as amended, or any information such national securities association provides to the Secretary of State pursuant to the provisions of Chapter 5 of Title 10, the “Georgia Uniform Securities Act of 2008.”

(f) The provisions of this Code section may be enforced through civil actions for declaratory and injunctive relief pursuant to Article I, Section II, Paragraph V of the Georgia Constitution.

(g)(1) A person who suffers injury or damages as a result of an individual’s malicious or corrupt violation of this Code section may bring a civil action in superior court for damages. A successful claimant shall be awarded the actual damages of any such violation. Where it is proven that the violation was willful, the plaintiff shall be entitled to recover treble damages and reasonable attorney’s fees.

(2) Nothing in paragraph (1) of this subsection shall be construed to constitute a waiver of the sovereign immunity of the state or any officer or employee thereof beyond this subsection.

(h) An employee of a public agency who knowingly violates this Code section commits the crime of improper collection or disclosure of personal information and is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$1,000.00, or both.

History.

Code 1981, § 50-18-160, enacted by Ga. L. 2024, p. 941, § 2/SB 414, effective July 1, 2024; Ga. L. 2025, p. 177, § 3-9/HB 584, effective January 1, 2026; Ga. L. 2025, p. 806, § 31/HB 327, effective July 1, 2025; Ga. L. 2025, p. 1029, § 50(2)/SB 153, effective July 1, 2025.

Delayed effective date.

Code Section 50-18-160 is set out twice in this Code. This version is effective January 1, 2026. For version effective until January 1, 2026, see the preceding version.

Amendments.

The first 2025 amendment, effective January 1, 2026, in subsection (d), in-

serted “Chapter 5 of Title 26 and” in subparagraph (d)(12)(B) and deleted “Chapter 5 of Title 26, Title 31, Article 7 of Chapter 3 of Title 37,” following “authorized in” in subparagraph (d)(12)(C).

The second 2025 amendment, effective July 1, 2025, deleted “and” at the end of subparagraph (d)(12)(C); inserted “and” at the end of subparagraph (d)(12)(D); and added subparagraph (d)(12)(E).

The third 2025 amendment, effective July 1, 2025, part of an Act to revise, modernize, and correct the Code, substituted “Code or has” for “Code, has” in paragraph (a)(1); and substituted “in the possession” for “in possession” in paragraph (b)(2).

OPINIONS OF THE ATTORNEY GENERAL

Fingerprinting not required. — Offenses arising from violations of subsection (h) of O.C.G.A. § 50-18-160 appears to

be offenses for which fingerprinting is not required. 2024 Op. Att’y Gen. No. 24-3.

CHAPTER 21

**WAIVER OF SOVEREIGN IMMUNITY AS TO ACTIONS
EX CONTRACTU; STATE TORT CLAIMS**

Article 2

State Tort Claims

Sec.

50-21-35. Service of process; mailing of complaint.

ARTICLE 1

**WAIVER OF SOVEREIGN IMMUNITY AS TO ACTIONS EX
CONTRACTU**

50-21-1. Waiver of sovereign immunity as to actions ex contractu for breach of written contract to which state is party; venue.

JUDICIAL DECISIONS

Waiver via contract. — Because the appellees’ claims arising from the alleged violation of the Charter Schools Act,

O.C.G.A. § 20-2-2060 et seq., and the charter agreement sounded in contract they were not barred by sovereign

immunity under Ga. Const. 1983, Art. I, Sec. II, Para. IX(c) or O.C.G.A. § 50-21-1(a). *DeKalb County School District v. DeKalb Agriculture Technology & Environment, Inc.*, 2023 Ga. App. LEXIS 534 (November 2, 2023).

Waiver via e-mail. — Trial court did not abuse the court's discretion by granting the nonprofit corporation's motion for interlocutory injunction prohibiting resumption of the execution of death sentences in Georgia after the COVID-19 pandemic because the state waived sovereign immunity by entering into an agree-

ment to meet certain conditions, which was memorialized in an e-mail exchange. *State of Ga. v. Fed. Defender Program, Inc.*, 315 Ga. 319, 882 S.E.2d 257, 2022 Ga. LEXIS 325 (2022).

Georgia Supreme Court sees no reason under general principles of contract law why a contract cannot be memorialized in e-mail for purposes of determining whether the state has waived sovereign immunity. *State of Ga. v. Fed. Defender Program, Inc.*, 315 Ga. 319, 882 S.E.2d 257, 2022 Ga. LEXIS 325 (2022).

ARTICLE 2

STATE TORT CLAIMS

50-21-20. Short title.

JUDICIAL DECISIONS

Nuisance exception to sovereign immunity. — Trial court's dismissal of a personal injury case on grounds of sovereign immunity was upheld because the plaintiff's losses were the result of an assault and battery on the part of the

escaping inmates and not any sort of public nuisance created by the correction officers' conduct before they were murdered. *Beasley v. Ga. Dep't of Corr.*, 360 Ga. App. 33, 861 S.E.2d 106, 2021 Ga. App. LEXIS 303 (2021).

50-21-22. Definitions.

JUDICIAL DECISIONS

Death of prison guards while inmates escaping. — Trial court's dismissal of a personal injury case on grounds of sovereign immunity was upheld because the plaintiff's losses were the result of an assault and battery on the

part of the escaping inmates and not any sort of public nuisance created by the correction officers' conduct before the officers were murdered. *Beasley v. Ga. Dep't of Corr.*, 360 Ga. App. 33, 861 S.E.2d 106, 2021 Ga. App. LEXIS 303 (2021).

50-21-23. Limited waiver of sovereign immunity.

JUDICIAL DECISIONS

No waiver of immunity.

Trial court's dismissal of a personal injury case on grounds of sovereign immunity was upheld because the plaintiff's losses were the result of an assault and battery on the part of the escaping inmates and not any sort of public nuisance created by the correction officers' conduct before the officers were murdered. *Beasley*

v. Ga. Dep't of Corr., 360 Ga. App. 33, 861 S.E.2d 106, 2021 Ga. App. LEXIS 303 (2021).

In a defamation action by a principal against a vice principal in his official capacity, the waiver of immunity in O.C.G.A. § 50-21-23(a) of the Georgia Tort Claims Act, O.C.G.A. § 50-21-20 et seq., did not apply because the term "State" as

used in the Act did not include school districts. *Griffith v. Robinson*, 366 Ga. App. 869, 884 S.E.2d 532, 2023 Ga. App. LEXIS 91 (2023).

RESEARCH REFERENCES

ALR. What matters not contained in pleadings may be considered in ruling on motion to dismiss under Rule 12(b)(6) of Federal Rules of Civil Procedure or motion for judgment on pleadings under Rule 12(c) without conversion to motion for summary judgment — Sixth Circuit, 77 A.L.R. Fed. 3d 2.

50-21-24. Exceptions to state liability.

JUDICIAL DECISIONS

ANALYSIS

DISCRETIONARY FUNCTIONS APPLICATION

- 1. DEPARTMENT OF TRANSPORTATION
- 2. CRIMINAL ACTS
- 3. LAW ENFORCEMENT
- 4. OTHERS

Discretionary Functions

Exception applied. — Trial court did not err by finding that sovereign immunity barred the hiker’s negligence action against the Georgia Department of Natural Resources (DNR) because the hiker did not meet his burden by pointing to any statute, regulation, or policy requiring the DNR to warn visitors of potential danger or add additional barriers around the crevice, and the record showed that the DNR had a policy of preserving the park’s natural beauty and historical accuracy, which was a policy choice that fell within the discretionary function exception. *Sivak v. Ga. Dep’t of Natural Res.*, 371 Ga. App. 78, 899 S.E.2d 743, 2024 Ga. App. LEXIS 120 (2024).

Application

1. Department of Transportation

Waiver of immunity for design claims did not waive immunity for inspection claims.

In a wrongful death action, the dismissal of plaintiffs’ negligent-inspection claim was reversed because plaintiffs showed a waiver of sovereign immunity to the extent that the state Department of

Transportation’s role included inspection of the state roadway and intersection itself to detect hazards or to determine compliance with laws, regulations, codes, or ordinances. *Munro v. Ga. Dep’t of Transp.*, 368 Ga. App. 785, 890 S.E.2d 349, 2023 Ga. App. LEXIS 337 (2023).

Highway design exception.

In a wrongful death action, the trial court properly dismissed plaintiffs’ negligent-design claim because plaintiffs failed to meet their burden of showing a waiver of sovereign immunity on the part of the state Department of Transportation (DOT) since plaintiffs did show that the design of the intersection did not comply with the standards in effect at the time of the preparation of the design. *Munro v. Ga. Dep’t of Transp.*, 368 Ga. App. 785, 890 S.E.2d 349, 2023 Ga. App. LEXIS 337 (2023).

2. Criminal Acts

False imprisonment and false arrest exceptions to the Georgia Tort Claims Act, O.C.G.A. § 50-21-20 et seq., did not bar the client’s malpractice claims against the Georgia Public Defender Council because the client did not contend that the client was unlawfully arrested or

held. *Alred v. Georgia Public Defender Council*, 362 Ga. App. 465, 869 S.E.2d 99, 2022 Ga. App. LEXIS 57 (2022).

Escaping inmates committed assault and battery. — Trial court's dismissal of a personal injury case on grounds of sovereign immunity was upheld because the plaintiff's losses were the result of an assault and battery on the part of the escaping inmates and not any sort of public nuisance created by the correction officers' conduct before the officers were murdered. *Beasley v. Ga. Dep't of Corr.*, 360 Ga. App. 33, 861 S.E.2d 106, 2021 Ga. App. LEXIS 303 (2021).

3. Law Enforcement

Police pursuing suspect did not waive sovereign immunity. — In a personal injury action wherein plaintiffs were injured when, during a police pursuit, plaintiffs' vehicle was struck by the fleeing vehicle, the law enforcement exception to Georgia's waiver of sovereign immunity applied because the state trooper acted reasonably and followed department policy during the pursuit.

Shackelford v. Ga. Dep't of Pub. Safety, 371 Ga. App. 117, 898 S.E.2d 883, 2024 Ga. App. LEXIS 75 (2024).

4. Others

Officer for Georgia Ports Authority directing vehicle traffic. — Georgia Ports Authority (GPA) was entitled to sovereign immunity as the GPA police officer did not violate GPA policy when the officer parked a marked patrol vehicle with the blue lights flashing as a precautionary measure, even assuming that the officer waved another longshoreman driving a jockey truck through the area where the plaintiff was working as the officer was executing the officer's law enforcement duty in compliance with the GPA's policies because there was evidence that GPA policy permitted officers to direct vehicles in which direction the officers wished the vehicles to go; and the officers had discretion in how the officers assisted during vessel docking. *Bryant v. Ga. Ports Auth.*, 364 Ga. App. 285, 874 S.E.2d 455, 2022 Ga. App. LEXIS 293 (2022).

RESEARCH REFERENCES

ALR. Personal Liability of Public School Teacher in Negligence Action for Personal Injury or Death of Student, 92 A.L.R.7th 4.

50-21-25. Immunity of state officers or employees for acts within scope of official duties or employment; officer or employee not named in action against state; settlement or judgment.

RESEARCH REFERENCES

ALR. Duty of Law Enforcement Officer to Intervene Sufficiently Established to Defeat Qualified Immunity, 72 A.L.R. Fed.3d 3.

50-21-26. Notice of claim against state; time for commencement of action; examination of records to facilitate investigation of claims; confidential nature of documents and information furnished.

JUDICIAL DECISIONS

Local authorities. — In personal injury suit, the trial court did not err by ruling that the plaintiff failed to meet the notice requirements in the Georgia Tort Claims Act (GTCA), O.C.G.A. § 50-21-20 et seq., as the GTCA explicitly excluded

counties and local authorities from the definition of state and therefore state agency; the entities that the plaintiff sent the ante litem notice to were county entities and officials that were not considered state entities or officials under the GTCA; and the plaintiff's mailing to the county service board did not meet the one-year deadline. *Bing v. Taylor*, 362 Ga. App. 599, 869 S.E.2d 548, 2022 Ga. App. LEXIS 68 (2022).

Inadequate compliance with ante litem notice requirement.

Trial court properly dismissed the plaintiff's claim against the state because the plaintiff was required, but failed, to strictly comply with the statutory notice requirements of the Georgia Tort Claims Act, O.C.G.A. § 50-21-20 et seq., since the plaintiff failed to serve the notice upon the Georgia Department of Administrative Services. *Moreno v. Ga. Dep't of Trans.*, 360 Ga. App. 777, 861 S.E.2d 630, 2021 Ga. App. LEXIS 393 (2021).

Georgia Court of Appeals noted that nothing in the Georgia Tort Claims Act, O.C.G.A. § 50-21-20 et seq., specifically O.C.G.A. § 50-21-26, obligated the state to inform a claimant that a notice of claim was insufficient. *Moreno v. Ga. Dep't of Trans.*, 360 Ga. App. 777, 861 S.E.2d 630, 2021 Ga. App. LEXIS 393 (2021).

Trial court did not err by dismissing the driver's claim against the Georgia Department of Community Health (DCH) because his failure to strictly comply with O.C.G.A. § 50-21-26 deprived the trial court of jurisdiction, as he failed to identify in his ante litem notice the name of the state government entity and failed to send a copy of his notice to the DCH. *Langford v. Ga. Dep't of Community Health*, 363 Ga. App. 121, 871 S.E.2d 26, 2022 Ga. App. LEXIS 134 (2022).

Trial court did not have subject matter jurisdiction over plaintiff's lawsuit, and,

therefore, the trial court erred by denying defendant's motion to dismiss, because plaintiff failed to strictly comply with O.C.G.A. § 50-21-26, as the documents she attached to her complaint did not establish that the ante litem notice successfully reached the U.S. Postal Service. Plaintiff contended that her notice was mailed by certified or statutory overnight delivery, return receipt requested. *Ga. DOT v. Jackson*, 373 Ga. App. 342, 908 S.E.2d 345, 2024 Ga. App. LEXIS 438 (2024).

Trial court erred by denying defendant's motion to dismiss based on the Georgia Department of Administrative Services (DOAS) being personally served with the lawsuit because personal service on the DOAS could not satisfy O.C.G.A. § 50-21-26 as the notice had to be received prior to a lawsuit being filed. *Ga. DOT v. Jackson*, 373 Ga. App. 342, 908 S.E.2d 345, 2024 Ga. App. LEXIS 438 (2024).

Dismissal proper.

Dismissal of plaintiff's personal injury action was not erroneous because he failed to comply with the ante litem requirements in that he failed to name the correct state government entity, the Department of Public Safety, in the ante litem notice. *Georgia Department of Public Safety v. Cleapor*, 373 Ga. App. 225, 907 S.E.2d 910, 2024 Ga. App. LEXIS 411 (2024).

Adequate compliance with ante litem notice. — In a personal injury action under the Georgia Tort Claims Act, O.C.G.A. § 50-21-20 et seq., the court of appeals erred in determining that the plaintiff's ante litem notice failed to meet the requirements of the Act, because the notice, which listed the types of losses the plaintiff allegedly suffered was sufficient. *Roberts v. Unison Behavioral Health*, 312 Ga. 438, 863 S.E.2d 99, 2021 Ga. LEXIS 631 (2021).

50-21-35. Service of process; mailing of complaint.

(a) A chief executive officer of a state government entity shall provide a designee or designees for service of process for civil actions brought against the state under this article by publishing conspicuously on the homepage of the state government entity's website:

(1) The name and title of such designee or designees; and

(2) The office address of such designee or designees for service of process.

(b) The director of the Risk Management Division of the Department of Administrative Services shall provide a designee for service of process for civil actions brought against the state under this article by publishing conspicuously on the homepage of such division's website:

(1) The name and title of such designee; and

(2) The office address of such designee for service of process.

(c) A designee for service of process shall be present at the published office address no fewer than three days each Monday through Friday, excluding state observed holidays and other office closures, between the hours of 9:00 A.M. and 5:00 P.M. eastern standard time or eastern daylight time, whichever is applicable.

(d) Except as otherwise provided in subsection (f) of this Code section, in all civil actions brought against the state under this article, to perfect service of process the plaintiff must both:

(1) Cause process to be served upon the chief executive officer of the state government entity involved, or his or her designee, at his or her usual office address; and

(2) Cause process to be served upon the director of the Risk Management Division of the Department of Administrative Services, or his or her designee, at his or her usual office address.

(e) The time for the state to file an answer shall not begin to run until process has been served upon all required persons.

(f) A copy of the complaint showing the date of filing shall also be mailed to the Attorney General at his or her usual office address, by certified mail or statutory overnight delivery, return receipt requested, and there shall be attached to the complaint a certificate that this requirement has been met.

History.

Code 1981, § 50-21-35, enacted by Ga. L. 1992, p. 1883, § 1; Ga. L. 2000, p. 1589, § 3; Ga. L. 2023, p. 248, § 3-1/SB 74, effective May 1, 2023.

Amendments.

The 2023 amendment, effective May 1, 2023, rewrote this Code section, which read: "In all civil actions brought against the state under this article, to perfect service of process the plaintiff must both: (1) cause process to be served upon the

chief executive officer of the state government entity involved at his or her usual office address; and (2) cause process to be served upon the director of the Risk Management Division of the Department of Administrative Services at his or her usual office address. The time for the state to file an answer shall not begin to run until process has been served upon all required persons. A copy of the complaint, showing the date of filing, shall also be mailed to the Attorney General at his or

her usual office address, by certified mail or statutory overnight delivery, return receipt requested and there shall be attached to the complaint a certificate that this requirement has been met.” See Editor’s notes for applicability.

Editor’s notes.

Ga. L. 2023, p. 248, § 4-1(2)/SB 74, not

codified by the General Assembly, provides, in part, that the amendment of this Code section by that Act shall apply only to causes of action occurring on or after July 1, 2023.

CHAPTER 23

GEORGIA ENVIRONMENTAL FINANCE AUTHORITY

Article 1	Sec.	
Georgia Environmental Finance Authority	50-23-5.	Purpose, powers, and duties.
PART 1	50-23-12.	Personal liability of members of authority, officers, and employees.
GENERAL PROVISIONS		
Sec.		
50-23-4.	Definitions.	

ARTICLE 1

GEORGIA ENVIRONMENTAL FINANCE AUTHORITY

PART 1

GENERAL PROVISIONS

50-23-4. Definitions.

As used in this chapter, the term:

- (1) “Authority” means the Georgia Environmental Finance Authority.
- (2) “Bond” includes revenue bond, bond, note, or other obligation.
- (3) “Cost of project” or “cost of any project” means:
 - (A) All costs of acquisition, by purchase or otherwise, construction, assembly, installation, modification, renovation, extension, or rehabilitation incurred in connection with any project or any part of any project;
 - (B) All costs of real property, fixtures, or personal property used in or in connection with or necessary for any project or for any facilities related thereto, including but not limited to, the cost of all land, interests in land, estates for years, easements, rights, im-

provements, water rights, and connections for utility services; the cost of fees, franchises, permits, approvals, licenses, and certificates; the cost of securing any such franchises, permits, approvals, licenses, or certificates; the cost of preparation of any application therefor; and the cost of all fixtures, machinery, equipment, furniture, and other property used in or in connection with or necessary for any project;

(C) All financing charges, bond insurance, and loan or loan guarantee fees and all interest on revenue bonds, notes, or other obligations of the authority which accrue or are paid prior to and during the period of construction of a project and during such additional period as the authority may reasonably determine to be necessary to place such project in operation;

(D) All costs of engineering, surveying, planning, environmental assessments, financial analyses, and architectural, legal, and accounting services and all expenses incurred by engineers, surveyors, planners, environmental scientists, fiscal analysts, architects, attorneys, accountants, and any other necessary technical personnel in connection with any project;

(E) All expenses for inspection of any project;

(F) All fees of fiscal agents, paying agents, and trustees for bondholders under any bond resolution, trust agreement, indenture of trust, or similar instrument or agreement; all expenses incurred by any such fiscal agents, paying agents, and trustees; and all other costs and expenses incurred relative to the issuance of any bonds, revenue bonds, notes, or other obligations for any project, including bond insurance;

(G) All fees of any type charged by the authority in connection with any project;

(H) All expenses of or incidental to determining the feasibility or practicability of any project;

(I) All costs of plans and specifications for any project;

(J) All costs of title insurance and examinations of title with respect to any project;

(K) Repayment of any loans for the advance payment of any part of any of the foregoing costs, including interest thereon and any other expenses of such loans;

(L) Administrative expenses of the authority and such other expenses as may be necessary or incidental to any project or the financing thereof or the placing of any project in operation; and

(M) The establishment of a fund or funds for the creation of a debt service reserve, a renewal and replacement reserve, or such other funds or reserves as the authority may approve with respect to the financing and operation of any project and as may be authorized by any bond resolution, trust agreement, indenture, or trust or similar instrument or agreement pursuant to the provisions of which the issuance of any revenue bonds, notes, or other obligations of the authority may be authorized.

Any cost, obligation, or expense incurred for any of the purposes specified in this paragraph shall be a part of the cost of the project and may be paid or reimbursed as such out of the proceeds of revenue bonds, notes, or other obligations issued by the authority.

(4) “County” means any county created under the Constitution or laws of this state.

(5) “Environmental facilities” means any projects, structures, and other real or personal property acquired, rehabilitated, constructed, or planned:

(A) For the purposes of supplying, distributing, and treating water and diverting, channeling, or controlling water flow and head including, but not limited to, surface or ground water, canals, reservoirs, channels, basins, dams, aqueducts, standpipes, penstocks, conduits, pipelines, mains, pumping stations, water distribution systems, compensating reservoirs, intake stations, waterworks or sources of water supply, wells, purification or filtration plants or other treatment plants and works, connections, water meters, mechanical equipment, electric generating equipment, rights of flowage or division and other plant structures, equipment, conveyances, real or personal property or rights therein and appurtenances, furnishings, accessories, and devices thereto necessary or useful and convenient for the collection, conveyance, distribution, pumping, treatment, storing, or disposing of water;

(B) For the purposes of collecting, treating, or disposing of sewage including, but not limited to, main, trunk, intercepting, connecting, lateral, outlet, or other sewers, outfall, pumping stations, treatment and disposal plants, ground water recharge basins, backflow prevention devices, sludge dewatering or disposal equipment and facilities, clarifiers, filters, phosphorus removal equipment and other plants, soil absorption systems, innovative systems or equipment, structures, equipment, vehicles, conveyances, real or personal property or rights therein, and appurtenances thereto necessary or useful and convenient for the collection, conveyance, pumping, treatment, neutralization, storing, and disposing of sewage;

(C) For the purposes of collecting, treating, recycling, composting, or disposing of solid waste, including, but not limited to, trucks, dumpsters, intermediate reception stations or facilities, transfer stations, incinerators, shredders, treatment plants, landfills, landfill equipment, barrels, binders, barges, alternative technologies and other plant structures, equipment, conveyances, improvements, real or personal property or rights therein, and appurtenances, furnishings, accessories, and devices thereto necessary or useful and convenient for the collection, treatment, or disposal of solid waste;

(D) For the purposes of carrying out a community land conservation project or a state land conservation project pursuant to Chapter 22 of Title 36;

(E) For the purposes of conversion of electrical lines from above-ground lines to underground lines; or

(F) For the purposes of storing, supplying, and distributing natural gas outside any certified area of a nonmunicipal gas company, as such term is defined in paragraph (5) of Code Section 46-1-1, including, but not limited to, pipelines, storage tanks and facilities, natural gas distribution systems, equipment, vehicles, conveyances, real or personal property or rights therein and appurtenances, furnishings, accessories, and devices thereto necessary or useful and convenient for the storage, supply, and distribution of natural gas.

(6) “Environmental services” means the provision, collectively or individually, of water facilities, sewerage facilities, solid waste facilities, natural gas facilities, conversion of electrical lines from above-ground lines to underground lines, community land conservation projects or state land conservation projects pursuant to Chapter 22 Title 36, or management services.

(7) “Local government” or “local governing authority” means any municipal corporation or county or any local water or sewer or sanitary district and any state or local authority, board, or political subdivision created by the General Assembly or pursuant to the Constitution and laws of the state.

(8) “Management services” means technical, administrative, instructional, or informational services provided to any current or potential loan recipient in, but not limited to, the areas of service charge structure; accounting, capital improvements budgeting or financing; financial reporting, treasury management, debt structure or administration or related fields of financial management; contract or grant administration; management of water, sewer, or solid waste systems; and economic development administration or strategies.

Management services may be furnished either directly, on-site, or through other written or oral means of communication and may consist of reports, studies, presentations, or other analyses of a written or oral nature.

(9) “May” means permission and not command.

(10) “Municipal corporation” or “municipality” means any city or town in this state.

(10.1) “Natural gas facility” means any environmental facility described in subparagraph (F) of paragraph (5) of this Code section.

(10.2) “Nongovernmental entity” means a nonprofit organization the primary purposes of which are the permanent protection and conservation of land and natural resources.

(10.3) “Nonprofit corporation” means any corporation qualified as a not for profit corporation by the Internal Revenue Service under Section 501(c)(3) or Section 501(c)(4) of the Internal Revenue Code.

(11) “Obligation” means any bond, revenue bond, note, lease, contract, evidence of indebtedness, debt, or other obligation of the authority, the state, or local governments which are authorized to be issued under this chapter or under the Constitution or other laws of this state, including refunding bonds.

(12) “Project” means:

(A) The acquisition, construction, installation, modification, renovation, repair, extension, renewal, replacement, or rehabilitation of land, interest in land, buildings, structures, facilities, or other improvements and the acquisition, installation, modification, renovation, repair, extension, renewal, replacement, rehabilitation, or furnishing of fixtures, machinery, equipment, furniture, or other property of any nature whatsoever used on, in, or in connection with any such land, interest in land, building, structure, facility, or other improvement, all for the essential public purpose of providing environmental facilities and services so as to meet public health and environmental standards, protect the state’s valuable natural resources, or aid the development of trade, commerce, industry, agriculture, and employment opportunities, including, but not limited to, any project as defined by Code Section 12-5-471;

(B) Projects authorized by the Georgia Regional Transportation Authority created by Chapter 32 of this title and as defined in such chapter, where such authority has been directed to issue revenue bonds, bonds, notes, or other obligations to finance such project or the cost of a project in whole or in part, provided that such authority’s power with respect to such projects authorized by the

Georgia Regional Transportation Authority shall be limited to providing such financing and related matters as authorized by the Georgia Regional Transportation Authority; and

(C) Projects authorized by the Atlanta-region Transit Link “ATL” Authority created pursuant to Chapter 39 of this title and as defined in such chapter, where such authority has been directed to issue revenue bonds, bonds, notes, or other obligations to finance such project or the cost of a project in whole or in part, provided that such authority’s power with respect to such projects authorized by the Atlanta-region Transit Link “ATL” Authority shall be limited to providing such financing and related matters as authorized by the Atlanta-region Transit Link “ATL” Authority.

(13) “Revenue bond” includes bond, note, or other obligation.

(14) “Self-liquidating project” means any project or combination of projects if, in the judgment of the authority, the revenues, rents, or earnings to be derived by the authority therefrom will be sufficient to pay the cost of maintaining, repairing, and operating the project and to pay the principal and interest of revenue bonds which may be issued for the cost of such project, projects, or combination of projects.

(15) “Sewerage facility” means any environmental facility described in subparagraph (B) of paragraph (5) of this Code section, defining “environmental facilities.”

(15.5) “Solid waste facility” means any environmental facility described in subparagraph (C) of paragraph (5) of this Code section, defining “environmental facilities.”

(16) “Water facility” means any environmental facility described in subparagraph (A) of paragraph (5) of this Code section, defining “environmental facilities.”

History.

Code 1981, § 50-23-4, enacted by Ga. L. 1986, p. 569, § 1; Ga. L. 1989, p. 1289, §§ 1-3; Ga. L. 1992, p. 6, § 50; Ga. L. 1994, p. 1108, § 6; Ga. L. 1999, p. 112, § 8; Ga. L. 2006, p. 267, § 1/HB 1319; Ga. L. 2008, p. 90, § 3-1/HB 1176; Ga. L. 2008, p. 644, § 2-2/SB 342; Ga. L. 2010, p. 949, § 1/HB 244; Ga. L. 2018, p. 377, § 4-7/HB 930; Ga. L. 2025, p. 797, § 1/SB 13, effective May 14, 2025.

Amendments.

The 2025 amendment, effective May 14, 2025, deleted “or” at the end of sub-

paragraph (5)(C), substituted a semicolon for period at the end of subparagraph (5)(D), and added subparagraphs (5)(E) and (5)(F); inserted “natural gas facilities, conversion of electrical lines from above-ground lines to underground lines,” in paragraph (6); added paragraph (10.1), and redesignated former paragraphs (10.1) and (10.2) as present paragraphs (10.2) and (10.3).

50-23-5. Purpose, powers, and duties.

(a) The corporate purpose and the general nature of the business of the Georgia Environmental Finance Authority shall be assistance in constructing, extending, rehabilitating, repairing, replacing, and renewing environmental facilities necessary for public purposes and commercial, residential, and industrial development purposes or necessary or incidental to such purposes by providing grants, loans, bonds, and other forms of financial and technical assistance to local governments and instrumentalities of the state to finance any project or pay the cost of any project.

(b) The authority shall have power:

(1) To sue and be sued in all courts of this state, the original jurisdiction and venue of such actions being the Superior Court of Fulton County;

(2) To have a seal and alter the same at its pleasure;

(3) To make and execute contracts, lease agreements, and all other instruments necessary or convenient to exercise the powers of the authority or to further the public purpose for which the authority is created, such contracts, leases, or instruments to include contracts for construction, operation, management, or maintenance of projects and facilities owned by local government, the authority, or by the state or any state authority; and any and all local governments, departments, institutions, authorities, or agencies of the state are authorized to enter into contracts, leases, agreements, or other instruments with the authority upon such terms and to transfer real and personal property to the authority for such consideration and for such purposes as they deem advisable;

(4) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real or personal property of every kind and character, or any interest therein, in furtherance of the public purpose of the authority;

(5) To appoint an executive director who shall be executive officer and administrative head of the authority. The executive director shall be appointed and serve at the pleasure of the authority. The executive director shall hire officers, agents, and employees, prescribe their duties and qualifications and fix their compensation, and perform such other duties as may be prescribed by the authority. Such officers, agents, and employees shall serve at the pleasure of the executive director;

(6) To finance projects by loan, loan guarantee, grant, lease, or otherwise, and to pay the cost of any project from the proceeds of

bonds, revenue bonds, notes, or other obligations of the authority or any other funds of the authority or from any contributions or loans by persons, corporations, partnerships, whether limited or general, or other entities, all of which the authority is authorized to receive, accept, and use;

(7) To make loans, through the acquisition of bonds, revenue bonds, notes, or other obligations, and to make grants to local governments to finance projects and to pay the cost of any project by local government and to adopt rules, regulations, and procedures for making such loans and grants;

(8) To borrow money to further or carry out its public purpose and to issue revenue bonds, notes, or other obligations to evidence such loans and to execute leases, trust indentures, trust agreements for the sale of its revenue bonds, notes, or other obligations, loan agreements, mortgages, deeds to secure debt, trust deeds, security agreements, assignments, and such other agreements or instruments as may be necessary or desirable in the judgment of the authority, and to evidence and to provide security for such loans;

(9) To issue revenue bonds, bonds, notes, or other obligations of the authority, to receive payments from the Department of Community Affairs, and to use the proceeds thereof for the purpose of:

(A) Paying or loaning the proceeds thereof to pay, all or any part of, the cost of any project or the principal of and premium, if any, and interest on the revenue bonds, bonds, notes, or other obligations of any local government issued for the purpose of paying in whole or in part, the cost of any project and having a final maturity not exceeding three years from the date of original issuance thereof;

(B) Paying all costs of the authority incidental to, or necessary and appropriate to, furthering or carrying out the purposes of the authority; and

(C) Paying all costs of the authority incurred in connection with the issuance of the revenue bonds, bonds, notes, or other obligations;

(10) To collect fees and charges in connection with its loans, commitments, management services, and servicing including, but not limited to, reimbursements of costs of financing, as the authority shall determine to be reasonable and as shall be approved by the authority;

(11) Subject to any agreement with bondholders, to invest moneys of the authority not required for immediate use to carry out the purposes of this chapter, including the proceeds from the sale of any

bonds and any moneys held in reserve funds, in obligations which shall be limited to the following:

(A) Bonds or other obligations of the state or bonds or other obligations, the principal and interest of which are guaranteed by the state;

(B) Bonds or other obligations of the United States or of subsidiary corporations of the United States government fully guaranteed by such government;

(C) Obligations of agencies of the United States government and its subsidiary corporations and instrumentalities or entities sanctioned or authorized by the United States government including, but not limited to, the Federal Land Bank, the Federal Home Loan Bank, the Federal Intermediate Credit Bank, Farm Credit Banks regulated by the Farm Credit Administration, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, and the Bank for Cooperatives;

(D) Bonds or other obligations issued by any public housing agency or municipality in the United States, which bonds or obligations are fully secured as to the payment of both principal and interest by a pledge of annual contributions under an annual contributions contract or contracts with the United States government, or project notes issued by any public housing agency, urban renewal agency, or municipality in the United States and fully secured as to payment of both principal and interest by a requisition, loan, or payment agreement with the United States government;

(E) Certificates of deposit of national or state banks or federal savings and loan associations located within the state which have deposits insured by the Federal Deposit Insurance Corporation or any Georgia deposit insurance corporation and certificates of deposit of state building and loan associations located within the state which have deposits insured by any Georgia deposit insurance corporation, including the certificates of deposit of any bank, savings and loan association, or building and loan association acting as depository, custodian, or trustee for any such bond proceeds; provided, however, that the portion of such certificates of deposit in excess of the amount insured by the Federal Deposit Insurance Corporation or any Georgia deposit insurance corporation, if any such excess exists, shall be secured by deposit with the Federal Reserve Bank of Atlanta, Georgia, or with any national or state bank located within the state, of one or more of the following securities in an aggregate principal amount equal at least to the amount of such excess:

(i) Direct and general obligations of the state or of any county or municipality in the state;

(ii) Obligations of the United States or subsidiary corporations included in subparagraph (B) of this paragraph;

(iii) Obligations of agencies of the United States government included in subparagraph (C) of this paragraph; or

(iv) Bonds, obligations, or project notes of public housing agencies, urban renewal agencies, or municipalities included in subparagraph (D) of this paragraph;

(F) Interest-bearing time deposits, repurchase agreements, reverse repurchase agreements, rate guarantee agreements, or other similar banking arrangements with a bank or trust company having capital and surplus aggregating at least \$50 million or with any government bond dealer reporting to, trading with, and recognized as a primary dealer by the Federal Reserve Bank of New York having capital aggregating at least \$50 million or with any corporation which is subject to registration with the Board of Governors of the Federal Reserve System pursuant to the requirements of the Bank Holding Company Act of 1956, provided that each such interest-bearing time deposit, repurchase agreement, reverse repurchase agreement, rate guarantee agreement, or other similar banking arrangement shall permit the moneys so placed to be available for use at the time provided with respect to the investment or reinvestment of such moneys;

(G) Prime bankers' acceptances; and

(H) State operated investment pools;

(12) To acquire or contract to acquire from any person, firm, corporation, local government, federal or state agency, or corporation by grant, purchase, or otherwise, leaseholds, real or personal property, or any interest therein; and to sell, assign, exchange, transfer, convey, lease, mortgage, or otherwise dispose of or encumber the same; and local government is authorized to grant, sell, or otherwise alienate leaseholds, real and personal property, or any interest therein to the authority;

(13) To invest any moneys held in debt service funds or sinking funds not restricted as to investment by the Constitution or laws of this state or the federal government or by contract not required for immediate use or disbursement in obligations of the types specified in paragraph (11) of this subsection, provided that, for the purposes of this paragraph, the amounts and maturities of such obligations shall be based upon and correlated to the debt service, which debt service shall be the principal installments and interest payments, schedule for which such moneys are to be applied;

(14) To provide advisory, technical, consultative, training, educational, and project assistance services to the state and local government and to enter into contracts with the state and local government to provide such services. The state and local governments are authorized to enter into contracts with the authority for such services and to pay for such services as may be provided them;

(15) To make loan commitments and loans to local government and to enter into option arrangements with local government for the purchase of said bonds, revenue bonds, notes, or other obligations;

(16) To sell or pledge any bonds, revenue bonds, notes, or other obligations acquired by it whenever it is determined by the authority that the sale thereof is desirable;

(17) To apply for and to accept any gifts or grants or loan guarantees or loans of funds or property or financial or other aid in any form from the federal government or any agency or instrumentality thereof, or from the state or any agency or instrumentality thereof, or from any other source for any or all of the purposes specified in this chapter and to comply, subject to the provisions of this chapter, with the terms and conditions thereof;

(18) To lease to local governments any authority owned facilities or property or any state owned facilities or property which the authority is managing under contract with the state;

(19) To contract with state agencies or any local government for the use by the authority of any property or facilities or services of the state or any such state agency or local government or for the use by any state agency or local government of any facilities or services of the authority and such state agencies and local governments are authorized to enter into such contracts;

(20) To extend credit or make loans, including the acquisition of bonds, revenue bonds, notes, or other obligations to the state, any local government, or other entity, including the federal government, for the cost or expense of any project or any part of the cost or expense of any project, which credit or loans may be evidenced or secured by trust indentures, loan agreements, notes, mortgages, deeds to secure debt, trust deeds, security agreements, or assignments, on such terms and conditions as the authority shall determine to be reasonable in connection with such extension of credit or loans, including provision for the establishment and maintenance of reserve funds; and, in the exercise of powers granted by this chapter in connection with any project, the authority shall have the right and power to require the inclusion in any such trust indentures, loan agreement, note, mortgage, deed to secure debt, trust deed, security agreement, assignment, or other instrument such provisions or requirements for

guaranty of any obligations, insurance, construction, use, operation, maintenance, and financing of a project and such other terms and conditions as the authority may deem necessary or desirable;

(21) As security for repayment of any bonds, revenue bonds, notes, or other obligations of the authority, to pledge, lease, mortgage, convey, assign, hypothecate, or otherwise encumber any property of the authority including, but not limited to, real property, fixtures, personal property, and revenues or other funds and to execute any lease, trust indenture, trust agreement, agreement for the sale of the authority's revenue bonds, notes or other obligations, loan agreement, mortgage, deed to secure debt, trust deed, security agreement, assignment, or other agreement or instrument as may be necessary or desirable, in the judgment of the authority, to secure any such revenue bonds, notes, or other obligations, which instruments or agreements may provide for foreclosure or forced sale of any property of the authority upon default in any obligation of the authority, either in payment of principal, premium, if any, or interest or in the performance of any term or condition contained in any such agreement or instrument;

(22) To receive and use the proceeds of any tax levied by a local government to pay all or any part of the cost of any project or for any other purpose for which the authority may use its own funds pursuant to this chapter;

(23) To use income earned on any investment for such corporate purposes of the authority as the authority in its discretion shall determine, including, but not limited to, the use of repaid principal and earnings on funds, the ultimate source of which was an appropriation to a budget unit of the state to make loans for solid waste projects;

(23.1) To exercise such powers and perform such functions as provided for the authority under Chapter 6A of Title 12, including but not limited to the making of grants and loans as provided therein, for purposes of land conservation projects as defined in said chapter; and to provide advisory, technical, consultative, training, educational, and assistance services and enter into agreements for the same for purposes of such land conservation projects;

(23.2) To incorporate one or more nonprofit corporations as subsidiary corporations of the authority for the purpose of carrying out any of the powers of the authority and to accomplish any of the purposes of the authority including but not limited to accepting donations to be used to advance state-wide energy education and energy efficiency and conservation initiatives. Any such subsidiary corporation shall be a nonprofit corporation, a public body corporate and politic, a political

subdivision of the state, and an instrumentality of the state and shall exercise essential governmental functions. Any subsidiary corporations created pursuant to this power shall be created pursuant to Chapter 3 of Title 14, the "Georgia Nonprofit Corporation Code," and the Secretary of State shall be authorized to accept such filings. Upon dissolution of any subsidiary corporation of the authority, any assets shall revert to the authority or to any successor to the authority or, failing such succession, to the State of Georgia. The authority shall not be liable for the debts or obligations or bonds of any subsidiary corporation or for the actions or omissions to act of any subsidiary corporation unless the authority expressly so consents;

(24) To cooperate and act in conjunction with industrial, commercial, medical, scientific, public interest, or educational organizations; with agencies of the federal government and this state and local government; with other states and their political subdivisions; and with joint agencies thereof and such state agencies, local government, and joint agencies are authorized and empowered to cooperate and act in conjunction, and to enter into contracts or agreements with the authority and local government to achieve or further the policies of the state declared in this chapter;

(25) To adopt bylaws governing the conduct of business by the authority, the election and duties of officers of the authority, and other matters which the authority determines to deal with in its bylaws;

(26) To exercise any power granted by the laws of this state to public or private corporations which is not in conflict with the public purpose of the authority;

(27) To do all things necessary or convenient to carry out the powers conferred by this chapter;

(28) To designate three or more of its number to constitute an executive committee who, to the extent provided in such resolution or in the bylaws of the authority, shall have and may exercise the powers of the authority in the management of the affairs and property of the authority and the exercise of its powers;

(29) To procure insurance against any loss in connection with its property and other assets or obligations or to establish cash reserves to enable it to act as self-insurer against any and all such losses;

(30) To administer funds granted to the state by the administrator of the federal Environmental Protection Agency pursuant to Title VI of the Federal Water Pollution Control Act and Title XIV of the federal Safe Drinking Water Act, as now or hereafter amended, for the purpose of providing assistance to municipalities or counties or

any combination thereof or to any public authority or, if authorized by law, any private agency, commission, or institution for construction of treatment works as that term is defined in Section 212 of the federal Clean Water Act of 1977, P.L. 95-217, which are publicly owned. The authority may also administer funds granted to the state by the administrator of the federal Environmental Protection Agency pursuant to Title XIV of the federal Safe Drinking Water Act, as now or hereafter amended, for the purpose of providing assistance to municipalities or counties or any combination thereof or any public or, if authorized by law, any private authority, agency, commission, or institution for the construction of public drinking water works as such term is defined in Section 1401 of the federal Safe Drinking Water Act Amendments of 1986, P.L. 99-339. The authority may also administer funds granted to the state by the administrator of the federal Environmental Protection Agency pursuant to 33 U.S.C.A. Section 1381, et seq., for the purpose of providing financial assistance for any eligible water pollution control project. The authority shall deposit any such funds received from the administrator of the federal Environmental Protection Agency into a separate water pollution control revolving fund or a drinking water revolving fund transferred to the authority from the Environmental Protection Division of the Department of Natural Resources or hereafter established; provided, however, that where appropriate, the authority may deposit funds received from the administrator of the federal Environmental Protection Agency into the Georgia Reservoir Fund established by Code Section 50-23-28. The forms and administration of such funds shall be established by the authority in accordance with federal requirements;

(30.1) To exercise any powers necessary or convenient to conduct the activities and perform the acts that are contemplated for the authority by Chapter 22 of Title 36;

(30.2) To fund, or partially fund, the Georgia Land Conservation Revolving Loan Fund established by Chapter 22 of Title 36;

(31) To contract with the Environmental Protection Division of the Department of Natural Resources for the implementation and operation, in whole or in part, of any drought protection or reservoir program and for the purposes of Article 6 of Chapter 5 of Title 12;

(31.1) To fund, or partially fund, the Georgia Reservoir Fund established by Code Section 50-23-28. Proceeds of any bonds authorized by the General Assembly for the purposes of said Code section, and any repayment of such proceeds after their expenditure, may be deposited in such fund;

(31.2) For the purpose of supplementing and extending the ability of the authority to expedite and accommodate the construction of

projects, to enter into arrangements, consistent with existing bond indenture and other obligations of the authority, whereby the authority agrees to enter into one or more notes with a financial institution or other lender, the proceeds of which shall be payable to the authority and which constitute an obligation of the authority, together with a companion note or notes on substantially the same terms payable from the authority to a local government, with such companion notes, and the obligation of repayment thereon, pledged as security for the repayment of such notes, on such terms as may be agreeable to the parties thereto;

(32) To lend any of the securities of the type described in this subsection;

(33) To transfer to the state any funds of the authority determined by the authority to be in excess of those needed for its corporate purposes;

(34) To make loan commitments and loans to local governments and nongovernmental entities for projects that permanently protect land and water, or interests therein, that are in their undeveloped natural states or have been developed to be consistent with, or are restored to be consistent with, one or more of the following conservation purposes:

(A) Water quality protection for rivers, streams, and lakes;

(B) Flood protection;

(C) Wetlands protection;

(D) Reduction of erosion through protection of steep slopes, areas with erodible soils, and stream banks;

(E) Protection of riparian buffers and other areas that serve as natural habitats and corridors for native plant and animal species;

(F) Protection of prime agricultural and forestry lands;

(G) Protection of cultural sites, heritage corridors, and archeological and historic resources;

(H) Scenic protection;

(I) Provision of recreation in the form of boating, hiking, camping, fishing, hunting, running, jogging, biking, walking, or similar outdoor activities; and

(J) Connection of existing or planned areas contributing to the goals set out in this paragraph; and

(35) To promulgate and adopt rules and regulations to carry out the purposes of this chapter.

(c) The authority shall not have the power of eminent domain.

History.

Code 1981, § 50-23-5, enacted by Ga. L. 1986, p. 569, § 1; Ga. L. 1991, p. 94, § 50; Ga. L. 1992, p. 6, § 50; Ga. L. 1992, p. 2316, § 1; Ga. L. 1994, p. 555, § 2; Ga. L. 1994, p. 1108, § 6; Ga. L. 2000, p. 458, § 3; Ga. L. 2001, p. 1225, § 3; Ga. L. 2003, p. 359, § 2; Ga. L. 2004, p. 319, § 4; Ga. L. 2006, p. 72, § 50/SB 465; Ga. L. 2006, p. 267, § 2/HB 1319; Ga. L. 2008, p. 90, § 3-2/HB 1176; Ga. L. 2008, p. 644, § 2-

3/SB 342; Ga. L. 2010, p. 949, §§ 1, 1A, 2/HB 244; Ga. L. 2020, p. 566, § 2/HB 901; Ga. L. 2025, p. 797, § 2/SB 13, effective May 14, 2025.

Amendments.

The 2025 amendment, effective May 14, 2025, deleted “and” at the end of paragraph (33), substituted “; and” for a period at the end of subparagraph (b)(34)(J), and added paragraph (b)(35).

50-23-12. Personal liability of members of authority, officers, and employees.

Neither the members of the authority nor any officer or employee of the authority acting in behalf thereof, while acting within the scope of his or her authority, shall be subject to any liability resulting from:

- (1) The construction, ownership, maintenance, or operation of any project financed with the assistance of the authority;
- (2) The construction, ownership, maintenance, or operation of any solid waste system, sewerage system, natural gas system, environmental facility, or water system owned by a local government; or
- (3) Carrying out any of the powers expressly given in this article.

History.

Code 1981, § 50-23-12, enacted by Ga. L. 1986, p. 569, § 1; Ga. L. 1989, p. 1289, § 6; Ga. L. 1994, p. 1108, § 6; Ga. L. 2025, p. 797, § 3/SB 13, effective May 14, 2025.

Amendments.

The 2025 amendment, effective May 14, 2025, inserted “natural gas system,” in subsection (2).

50-23-21. Grants for clean energy property; rules and regulations; annual report.

Law reviews.

For article, “The Greens’ Dilemma:

Building Tomorrow’s Climate Infrastructure Today,” see 73 Emory L.J. 1 (2023).

CHAPTER 25

GEORGIA TECHNOLOGY AUTHORITY

Sec.

50-25-4. General powers.
50-25-4.1. Fingerprint criminal background checks for employ-

Sec.

ees with access to state filings; storage; fees; use.
50-25-7.1. Technology empowerment

fund; appropriations; initiatives; steering committee; release of funds.

50-25-4. General powers.

(a) The authority shall have the following powers:

(1) To have a seal and alter the same at its pleasure;

(2) To make and execute contracts, lease agreements, and all other instruments necessary or convenient to exercise the powers of the authority or to further the public purpose for which the authority is created;

(3) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real or personal property of every kind and character, or any interest therein, in furtherance of the public purpose of the authority;

(4) To apply for and to accept any gifts or grants or loan guarantees or loans of funds or property or financial or other aid in any form from the federal government or any agency or instrumentality thereof, or from the state or any agency or instrumentality thereof, or from any other source for any or all of the purposes specified in this chapter and to comply, subject to the provisions of this chapter, with the terms and conditions thereof;

(5) To contract with state agencies or any local government for the use by the authority of any property, facilities, or services of the state or any such state agency or local government or for the use by any state agency or local government of any facilities or services of the authority; and such state agencies and local governments are authorized to enter into such contracts;

(6) To fix and collect fees and charges for data, media, and incidental services;

(7) To deposit or invest funds held by it in any state depository or in any investment which is authorized for the investment of proceeds of state general obligation bonds; and to use for its corporate purposes or redeposit or reinvest interest earned on such funds;

(8) To establish policies and standards for agencies to submit information technology plans to the authority. Such policies and standards shall include without limitation content, format, and frequency of submission;

(9) To establish technology policies and standards for all agencies, including, but not limited to, the role and responsibilities of chief information officers and chief information security officers within such agencies;

(10) To establish and maintain official employee purchase programs for technology resources facilitated by and through the authority for state employees and public school employees of county or independent boards of education;

(11) To provide oversight and program management for all technology resources for projects exceeding a cumulative investment of \$1 million to accomplish goals of technology portfolio management;

(12) To develop such plans and reports as are deemed necessary and useful and to require agencies to submit periodic reports at such frequency and with such content as the board shall define;

(13) To prepare fiscal impact statements relating to necessary modifications and development of technology to support policies required by proposed legislation;

(14) To establish architecture for state technology infrastructure to promote efficient use of resources and to promote economic development;

(15) To provide processes and systems for timely and fiscally prudent management of the state's financial resources to include, without limitation, cash management;

(16) To establish advisory committees from time to time, including, without limitation, a standing advisory committee composed of representatives from agencies which shall make recommendations to the authority concerning such matters as policies, standards, and architecture;

(17) To coordinate with agencies, the legislative and judicial branches of government, and the Board of Regents of the University System of Georgia, regarding technology policy;

(18) To coordinate with local and federal governments to achieve the goals of the authority;

(19) To identify and pursue alternative funding approaches;

(20) To establish technology security policies, standards, and services to be used by all agencies;

(21) To conduct technology audits of all agencies;

(22) To facilitate and encourage the conduct of business on the internet;

(23) To expand and establish policies necessary to ensure the legal authority and integrity of electronic documents;

(24) To provide and approve as part of the state technology plan an implementation plan and subsequent policies and goals designed to increase the use of telecommuting among state employees;

(25) To create a center for innovation to create applications of technology that will yield positive, measurable benefits to the state;

(26) To contract through the Department of Administrative Services for the lease, rental, purchase, or other acquisition of all technology resource related supplies, materials, services, and equipment required by the state government or any of its agencies and designate such contracts as mandatory sources of supply for agency purchases or to authorize any agency to purchase or contract for technology;

(27)(A) To establish and enforce standard specifications which shall apply to all technology and technology resource related supplies, materials, and equipment purchased or to be purchased for the use of the state government or any of its agencies, which specifications shall be based on and consistent with industry accepted open network architecture standards; and

(B) To evaluate security risks associated with the purchase of technology-related goods and services made pursuant to Article 3 of Chapter 5 of this title and to determine to what extent the purchase of goods and services, in part or in whole, directly or indirectly, poses a potential security threat to this state or its residents;

(28) To establish specifications and standards for technology resources, which shall apply to all technology to be purchased, licensed, or leased by any agency;

(29) To provide a waiver for any agency as to the use of any policies, standards, specifications, or contracts developed by the authority, when it is determined by the authority that such should not be applicable to such agency or that it will promote the best interests of the state to grant such a waiver;

(30) To exercise any power granted by the laws of this state to public or private corporations which is not in conflict with the public purpose of the authority;

(31) To coordinate the establishment and administration of one or more programs to increase economic, educational, and social opportunities for citizens and businesses through the promotion of the deployment of broadband services and other emerging communications technologies throughout the state and to exercise any power granted to the authority in Chapter 40 of this title; and

(32) To do all things necessary or convenient to carry out the powers conferred by this chapter.

(b) The authority shall transfer to the general fund of the state treasury any funds of the authority determined by the authority to be in excess of those needed for the corporate purposes of the authority.

History.

Code 1981, § 50-25-4, enacted by Ga. L. 1990, p. 1566, § 1; Ga. L. 1991, p. 425, § 3; Ga. L. 2000, p. 249, § 10; Ga. L. 2005, p. 117, § 2/HB 312; Ga. L. 2009, p. 133, § 1/HB 436; Ga. L. 2017, p. 467, § 2/SB 117; Ga. L. 2018, p. 629, § 4-3/SB 402; Ga. L. 2021, p. 922, § 50/HB 497; Ga. L. 2025, p. 294, § 3/HB 113, effective July 1, 2025.

Amendments.

The 2025 amendment, effective July 1, 2025, designated the existing language of paragraph (a)(27) as subparagraph (a)(27)(A), substituted “; and” for a semicolon at the end of subparagraph (a)(27)(A) and added subparagraph (a)(27)(B).

50-25-4.1. Fingerprint criminal background checks for employees with access to state filings; storage; fees; use.

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

(1) “IT related proximity” means having access to IT systems that are not intended to provide direct access to tax documents but may inadvertently provide such access.

(2) “Tax document” means any return, declaration, report, claim for refund, assessment, demand, act, information return, statement, or other document relating to taxes, including any schedule or attachment thereto and including any amendment thereof, whether prepared by a taxpayer, a tax preparer, or a government or regulatory entity.

(b) The authority shall have the power to conduct fingerprint criminal background checks of employees and applicants for employment who have or are reasonably anticipated to have access to or be in physical or IT related proximity of tax documents. Such checks may be conducted as frequently as the authority deems necessary but no less frequently than once every five years.

(c) The authority shall have the power to conduct fingerprint criminal background checks of contractors and subcontractors and applicants for positions as contractors and subcontractors who have or are reasonably anticipated to have access to or be in physical or IT related proximity of tax documents. Such checks may be conducted as frequently as the authority deems necessary but no less frequently than once every ten years.

(d) Beginning January 1, 2025, and every day thereafter, the authority shall have the power to conduct fingerprint criminal background checks of all current and prospective employees at the authority’s discretion without regard to such person’s access to tax documents or IT related proximity to such documents.

(e) The authority shall submit the fingerprints described in this Code section to the Georgia Crime Information Center in such form and quality as required by such center. The results produced by such center

and provided to the authority shall not be subject to public disclosure in accord with Code Section 50-18-72 and other applicable law.

(f) The authority shall maintain the documentation produced and provided by the Georgia Crime Information Center’s investigation in accord with all relevant requirements under Article 5 of Chapter 18 of Title 50, the “Georgia Records Act,” and other applicable law.

(g) Upon receipt of the fingerprints described herein from the authority, the Georgia Crime Information Center shall promptly transmit one set of fingerprints to the Federal Bureau of Investigation for a search of the bureau records, retain another set of fingerprints, and conduct a search of its own records and records to which it has access. The Georgia Crime Information Center shall notify the authority in writing of the results of its investigation.

(h) At the discretion of the authority, fees required by the Georgia Crime Information Center or the Federal Bureau of Investigation for a fingerprint criminal background check shall be paid by the authority or by the individual seeking employment. The authority shall not pay such fees for contractor’s and subcontractor’s employees.

(i) The authority may use the information obtained from an individual’s fingerprint criminal background check for the purpose of verifying the identification of such person and to assist in evaluating the fitness of such person for initial or continued employment or, in the case of employees of contractors and subcontractors, only for the purpose of allowing or denying access to tax documents.

History.

Code 1981, § 50-25-4.1, enacted by Ga. L. 2023, p. 292, § 2/SB 181, effective May 1, 2023.

Effective date.

This Code section became effective May 1, 2023.

Code Commission notes.

Pursuant to Code Section 28-9-5, in 2023, the definitions in subsection (a) were redesignated to place the definitions in alphabetical order.

Editor’s notes.

Ga. L. 2023, p. 292, § 1/SB 181, not codified by the General Assembly, provides: “The General Assembly finds that:

“(1) A recent audit conducted by the Internal Revenue Service determined that the Georgia Technology Authority has employees, contractors, and subcontractors that have access to tax documents but have not undergone the fingerprint criminal background check required in IRS Publication 1075; and

“(2) At present, the Georgia Technology Authority does not have the legal authority to require its employees, contractors, and subcontractors with access to tax documents to undergo a fingerprint criminal background check.”

50-25-7.1. Technology empowerment fund; appropriations; initiatives; steering committee; release of funds.

(a) The authority is authorized and directed to establish a technology

empowerment fund to be administered by the authority. The fund shall consist of such moneys appropriated or otherwise available to the authority as the board may determine from time to time to deposit therein. Subject to the appropriations process, the decision-making and priority-setting responsibilities for allocating these funds are vested in the chief information officer and the director of the Office of Planning and Budget.

(b) The chief information officer is authorized to identify and select individual projects, initiatives, and systems to improve service delivery to be funded through the technology empowerment fund. Such projects shall demonstrate, to the satisfaction of the chief information officer, reduced costs through the use of technology. In identification and selection of such projects, initiatives, and systems, the chief information officer shall give priority to those which provide demonstrable cost savings and improved service delivery on a recurring basis through the employment of technology and training. Eligible projects, initiatives, and systems to receive disbursements from the technology empowerment fund may be selected from agency budget requests. Quarterly reports of the operations of the technology empowerment fund shall be required to be made to the board, the Office of Planning and Budget, the Senate Budget and Evaluation Office, and the House Budget and Research Office to ensure proper oversight and accountability.

(c) Each project or initiative developed and supported from the technology empowerment fund shall employ technology that is compatible with the architecture and standards established by the authority and shall be accounted for by a discrete account established for the individual project or initiative item in the operating budget and capital budget.

(d) A steering committee composed of the chairperson of the House Committee on Appropriations or his or her designee from among the membership of the committee, the chairperson of the Senate Appropriations Committee or his or her designee from among the membership of the committee, the director of the Office of Planning and Budget, the House Budget and Research Office, the Senate Budget and Evaluation Office, the state auditor, and a representative from the Governor's office shall advise and consult with the chief information officer regarding initiatives to receive funding from the technology empowerment fund and shall receive quarterly reports from the chief information officer as to the status of funded projects.

(e) Upon enactment of enforceable uniform standards for the submission of electronic records to the Georgia Crime Information Center promulgated pursuant to paragraph (5) of subsection (h) of Code Section 15-5-24.1 by the Criminal Data Exchange Board, and subject to the availability of appropriations and moneys otherwise available to the

authority, the authority is authorized to release funds from the technology empowerment fund for the purpose of installing or upgrading criminal justice information systems to be used by criminal justice agencies for complying with their respective obligations to provide information and data to the Georgia Crime Information Center. No release of funds pursuant to this paragraph shall be made on or after July 1, 2027.

History.

Code 1981, § 50-25-7.1, enacted by Ga. L. 2000, p. 249, § 12; Ga. L. 2008, p. VO1, § 1-21/HB 529; Ga. L. 2014, p. 866, § 50/SB 340; Ga. L. 2022, p. 121, § 18/SB 441; Ga. L. 2023, p. 294, § 12/SB 272, effective May 1, 2023.

Amendments.

The 2022 amendment, effective July 1, 2022, added subsection (e).

The 2023 amendment, effective May 1, 2023, in subsection (e), substituted “pursuant to paragraph (5) of subsection (h) of Code Section 15-5-24.1 by the Criminal Data Exchange Board” for “by The Council of Superior Court Clerks of Georgia” in the first sentence and added the second sentence.

Editor’s notes.

Ga. L. 2022, p. 121, § 1/SB 441, not codified by the General Assembly, provides: “(a) The General Assembly finds that:

“(1) The state’s current system for sharing criminal case data is not adequate to provide to all appropriately interested parties, including, but not limited to, law enforcement agencies and officers, courts, crime victims and other impacted individuals, housing providers, and employers, complete criminal case data;

“(2) One recent report indicates there may be as many as 7 million criminal

charges without a final disposition indicated, and, of those, as many as 5.4 million criminal charges have languished for years;

“(3) Georgia’s citizens and businesses are harmed by incomplete criminal case data. For example, in thousands of cases, as a result of incomplete criminal case data, citizens’ employability and housing opportunities have been negatively impacted; and

“(4) A more uniform, modern system and framework for handling criminal case data will support the state in meeting its obligations to victims to keep them informed as their perpetrators make their way through the criminal justice system.

“(b) It is the intent of the General Assembly that criminal case data be complete and accurately reported to the appropriate state data base and be accessible to state and local criminal justice agencies, employers, housing providers, victims, and all citizens.”

Ga. L. 2022, p. 121, § 2/SB 441, not codified by the General Assembly, provides: “This Act shall be known and may be cited as the ‘Criminal Records Responsibility Act.’”

Law reviews.

For article, “SB 441: Criminal Records Responsibility Act,” see 39 Ga. St. U.L. Rev. 105 (2022).

CHAPTER 26

HOUSING AND FINANCE AUTHORITY

Sec.
50-26-10. Obligations not subject to “Georgia Uniform Securities Act of 2008”; payment of operating costs; authority’s

revenue; bond anticipation notes; terms of bond; replacement of bond; validation; interest rates.

50-26-10. Obligations not subject to “Georgia Uniform Securities Act of 2008”; payment of operating costs; authority’s revenue; bond anticipation notes; terms of bond; replacement of bond; validation; interest rates.

(a) The offer, sale, or issuance of bonds, notes, or other obligations by the authority shall not be subject to regulation under Chapter 5 of Title 10, the “Georgia Uniform Securities Act of 2008.” No notice, proceeding, or publication except those required in this chapter is necessary to the performance of any act authorized in this chapter; nor is any such act subject to referendum.

(b) The authority shall fix such rates, fees, and charges for loans and for use of its services and facilities as is sufficient in the aggregate (when added to any other grants or funds available to the authority) to provide funds for the payment of the interest on and principal of all bonds payable from said revenues and to meet all other encumbrances upon such revenues as provided by any agreement executed by the authority in connection with the exercise of its powers under this chapter and for the payment of all operating costs and expenses which shall be incurred by the authority, including provisions for appropriate reserves, except for funds appropriated to the State of Georgia Guaranteed Revenue Debt Common Reserve Fund with respect to any bonds issued by the authority as guaranteed revenue debt; provided, however, that such costs and expenses shall include any reimbursement to the State of Georgia Guaranteed Revenue Debt Common Reserve Fund because of any payments made from such fund for any guaranteed revenue debt issued by the authority.

(c) The use and disposition of the authority’s revenue is subject to the provisions of the resolutions authorizing the issuance of any bonds payable therefrom or of the trust agreement or indenture, if any, securing the same. The authority may designate any of its bonds as general obligations or may limit the source of repayment pursuant to the resolution authorizing the issuance of the bonds.

(d) The making of any loan commitment or loan, and the issuance, in anticipation of the collection of the revenues from such loan or loans, of bonds to provide funds therefor, may be authorized under this chapter by resolution of the authority. Unless otherwise provided therein, such resolution shall take effect immediately and need not be published or posted. The authority, in determining the amount of such bonds, may include all costs and estimated costs of the issuance of the bonds; all fiscal, legal, and trustee expenses; and all costs of the project. Such bonds may also be issued to pay off, refund, or refinance any outstanding bonds or other obligations of any nature, whether or not such bonds or other obligations are then subject to redemption; and the authority

may provide for such arrangements as it may determine for the payment and security of the bonds being issued or for the payment and security of the bonds or other obligations to be paid off, refunded, or refinanced.

(e) Bonds may be issued under this chapter in one or more series; may bear such date or dates; may mature at such time or times, not exceeding 40 years from their respective dates; may bear interest at such rate or rates, payable at such time or times; may be payable in such medium of payment at such place or places; may be in such denomination or denominations; may be in such form, either coupon or registered or book entry; may be issued in such specific amounts; may carry such registration, conversion, and exchangeability privileges; may be declared or become due before the maturity date thereof; may provide such call or redemption privileges; may have such rank or priority; may be the subject of a put or agreement to repurchase by the authority or others; may be resold by the authority, once acquired, without the acquisition being considered the extinguishment of the bonds; may be issued for a project or for more than one project, whether or not such project is identified at the time of bond issuance; and may contain such other terms, covenants, assignments, and conditions as the bond resolution authorizing the issuance of such bonds or any indenture or trust agreement may provide. The authority may sell such bonds in such manner, at such price or prices, and on such terms and conditions as the authority determines.

(f) The bonds must be signed by the chair or vice chair of the authority; the corporate seal of the authority must be impressed, imprinted, or otherwise reproduced on the bonds; and the bonds must be attested by the signature of the secretary or assistant secretary of the authority. The signatures of the officers of the authority and the seal of the authority on any bond issued by the authority may be facsimile if the instrument is authenticated or countersigned by a trustee other than the authority itself or an officer or employee of the authority. All bonds issued under authority of this chapter bearing signatures or facsimiles of signatures of officers of the authority in office on the date of the signing thereof are valid and binding, notwithstanding that before the delivery thereof and payment therefor such officers whose signatures appear thereon have ceased to be officers of the authority. Pending the preparation of the definitive bonds, interim certificates, in such form and with such provisions as the authority may determine, may be issued to the purchasers of bonds to be issued under this chapter.

(g) The provisions of this chapter and of any bond resolution, indenture, or trust agreement entered into pursuant to this chapter are a contract with every holder of the bonds; and the duties of the

authority under this chapter and under any such bond resolution, indenture, or trust agreement are enforceable by any bondholder by mandamus or other appropriate action or proceeding at law or in equity.

(h) The authority may provide for the replacement of any bond which becomes mutilated, lost, or destroyed in the manner provided by the resolution, indenture, or trust agreement.

(i)(1) The authority shall not have outstanding at any one time bonds and notes for its single-family residential housing program in an aggregate amount exceeding \$6 billion, excluding bonds and notes issued to refund outstanding bonds and notes.

(2) The authority shall not have outstanding at any one time bonds and notes for financing of enterprises, other than enterprises contained in a health facility and other than housing, exceeding \$140 million and shall not issue any such bonds or notes after June 30, 1995; provided, however, that such limitations shall not apply with respect to bonds and notes issued to refund outstanding bonds and notes.

(3) The authority shall not have outstanding at any one time bonds and notes for the financing of health care services exceeding \$30 million; provided, however, that such limitations shall not apply with respect to bonds and notes issued to refinance outstanding bonds and notes.

(4) Any limitations with respect to interest rates or any maximum interest rate or rates found in Article 3 of Chapter 82 of Title 36, the "Revenue Bond Law," the usury laws of this state, or any other laws of this state do not apply to bonds of the authority.

(j) All bonds issued by the authority under this chapter shall be issued and shall be validated by the Superior Court of Fulton County, Georgia, under and in accordance with the procedures set forth in Code Sections 36-82-73 through 36-82-83, which comprise a portion of the "Revenue Bond Law," as now or hereafter in effect, except as provided in this chapter. Notes and other obligations of the authority may be, but are not required to be, so validated.

(k) All bonds must bear a certificate of validation signed by the clerk of the Superior Court of Fulton County, Georgia. Such signature may be made on the certificate of validation of such bonds by facsimile or by manual execution, stating the date on which such bonds were validated; and such entry is original evidence of the fact of judgment and shall be received as original evidence in any court in this state.

(l) The authority shall reimburse the district attorney for his or her actual costs, if any, associated with the bond validation proceedings. The fees payable to the clerk of the Superior Court of Fulton County for

validation and confirmation shall be as follows for each bond, regardless of the denomination of such bond: \$1.00 for each bond for the first 100 bonds; 25¢ for each of the next 400 bonds; and 10¢ for each bond over 500.

(m) In lieu of specifying the rate or rates of interest which bonds to be issued by the authority are to bear, the notice to the district attorney or the Attorney General; the notice to the public of the time, place, and date of the validation hearing; and the petition and complaint for validation may state that the bonds when issued will bear interest at a rate not exceeding a maximum per annum rate of interest (which may be fixed or may fluctuate or otherwise change from time to time) specified in such notices and the petition and complaint or may state that, if the bonds are to bear different rates of interest for different maturity dates, none of such rates will exceed the maximum rate (which may be fixed or may fluctuate or otherwise change from time to time) so specified; provided, however, that nothing in this Code section shall be construed as prohibiting or restricting the right of the authority to sell such bonds at a discount, even if in doing so the effective interest cost resulting therefrom would exceed the maximum per annum interest rate specified in such notices and in the petition and complaint.

(n) Prior to issuance, all bonds shall be subject to the approval of the Georgia State Financing and Investment Commission.

(o) Any other law to the contrary notwithstanding, this chapter shall govern all civil claims, proceedings, and actions respecting debt of the authority evidenced by bonds.

History.

Code 1981, § 50-26-10, enacted by Ga. L. 1991, p. 1653, § 1-2; Ga. L. 1993, p. 738, §§ 15, 16; Ga. L. 2008, p. 381, § 10/SB 358; Ga. L. 2016, p. 379, § 1/HB 773; Ga. L. 2025, p. 511, § 1/HB 159, effective May 13, 2025.

Amendments.

The 2025 amendment, effective May 13, 2025, substituted “\$6 billion” for “\$3 billion” in paragraph (i)(1).

CHAPTER 27

LOTTERY FOR EDUCATION

Article 1		Sec.	
General Provisions		50-27-9.	General powers of corporation.
Sec. 50-27-6.	[Reserved] Lottery Retailer Advisory Board.	50-27-13.	Disposition of lottery proceeds; budget report by Governor; appropriations by

Sec. General Assembly; shortfall reserve subaccount.
 50-27-34. Legislative oversight committee.

Article 3

Bona Fide Coin Operated Amusement Machines

PART 1

GENERAL PROVISIONS

50-27-70. Legislative findings; definitions.
 50-27-71. License fees; issuance of license; display of license; control number; duplicate certificates; application for license or renewal; penalty for noncompliance.
 50-27-71.1. Gift cards; redemption.
 50-27-73. Refusal to issue or renew license; revocation or sus-

Sec. pension; hearing; limitation on issuance of licenses.
 50-27-81.1. Regulatory guidance letter.
 50-27-84. Limitation on percent of monthly gross retail receipts derived from machines; verified reports; consequence for violations; submission of electronic reports.
 50-27-86. Local enactment and enforcement of ordinances authorized.
 50-27-87.1. Unfair methods of competition; unfair and deceptive acts.

PART 2

CLASS B ACCOUNTING TERMINALS

50-27-102. Role of corporation; implementation and certification; separation of funds and accounting; disputes.

ARTICLE 1

GENERAL PROVISIONS

50-27-6. [Reserved] Lottery Retailer Advisory Board.

History.

Code 1981, § 50-27-6, enacted by Ga. L. 1992, p. 3173, § 2; repealed by Ga. L. 2025, p. 332, § 12-1/SB 96, effective July 1, 2025.

Editor's notes.

Ga. L. 2025, p. 332, § 12-1/SB 96, reserved the designation of this Code section, effective July 1, 2025.

Ga. L. 2025, p. 332, § 12-2/SB 96, not codified by the General Assembly,

provides: "Any assets of the Lottery Retailer Advisory Board 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 Lottery Retailer Advisory Board 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."

50-27-9. General powers of corporation.

(a) The corporation shall have any and all powers necessary or convenient to its usefulness in carrying out and effectuating the purposes and provisions of this chapter which are not in conflict with the Constitution of this state and which are generally exercised by corporations engaged in entrepreneurial pursuits, including, but without limiting the generality of the foregoing, the following powers:

(1) To sue and be sued in contract and in tort and to complain and defend in all courts;

(2) To adopt and alter a seal;

(3) To adopt, amend, and repeal bylaws, regulations, and policies and procedures for the regulation of its affairs and the conduct of its business; to elect and prescribe the duties of officers and employees of the corporation; and to perform such other matters as the corporation may determine. In the adoption of bylaws, regulations, policies, and procedures or in the exercise of any regulatory power, the corporation shall be exempt from the requirements of Chapter 13 of this title, the “Georgia Administrative Procedure Act”;

(4) To procure or to provide insurance;

(5) To hold copyrights, trademarks, and service marks and enforce its rights with respect thereto;

(6) To initiate, supervise, and administer the operation of the lottery in accordance with the provisions of this chapter and regulations, policies, and procedures adopted pursuant thereto;

(7) To enter into written agreements with one or more other states or sovereigns for the operation, participation in marketing, and promotion of a joint lottery or joint lottery games;

(8) To conduct such market research as is necessary or appropriate, which may include an analysis of the demographic characteristics of the players of each lottery game and an analysis of advertising, promotion, public relations, incentives, and other aspects of communication;

(9) To acquire or lease real property and make improvements thereon and acquire by lease or by purchase personal property, including, but not limited to, computers; mechanical, electronic, and on-line equipment and terminals; and intangible property, including, but not limited to, computer programs, systems, and software;

(10) To enter into contracts to incur debt in its own name and enter into financing agreements with the state, agencies or instrumentalities of the state, or with any commercial bank or credit provider; provided, however, that any such debt must be approved by the Georgia State Financing and Investment Commission;

(11) To be authorized to administer oaths, take depositions, issue subpoenas, and compel the attendance of witnesses and the production of books, papers, documents, and other evidence relative to any investigation or proceeding conducted by the corporation;

(12) To appoint and select officers, agents, and employees, including professional and administrative staff and personnel and hearing

officers to conduct hearings required by this chapter, and to fix their compensation, pay their expenses, and provide a benefit program, including, but not limited to, a retirement plan and a group insurance plan;

(13) To select and contract with vendors and retailers;

(14) To enter into contracts or agreements with state or local law enforcement agencies, including the Department of Revenue, for the performance of law enforcement, background investigations, security checks, and auditing and enforcement of license requirements required by Article 3 of this chapter;

(15) To enter into contracts of any and all types on such terms and conditions as the corporation may determine;

(16) To establish and maintain banking relationships, including, but not limited to, establishment of checking and savings accounts and lines of credit;

(17) To advertise and promote the lottery and lottery games;

(18) To act as a retailer, to conduct promotions which involve the dispensing of lottery tickets or shares, and to establish and operate a sales facility to sell lottery tickets or shares and any related merchandise; and

(19) To adopt and amend such regulations, policies, and procedures as necessary to carry out and implement its powers and duties, organize and operate the corporation, regulate the conduct of lottery games in general, and any other matters necessary or desirable for the efficient and effective operation of the lottery or the convenience of the public. The promulgation of any such regulations, policies, and procedures pursuant to this article and Article 2 of this chapter shall be exempt from the requirements of Chapter 13 of this title, the "Georgia Administrative Procedure Act." Notwithstanding any other provision of law to the contrary, (1) the promulgation of any form of licensure, rules, regulations, policies, or procedures under Article 3 of this chapter, and (2) all administrative hearings regarding Article 3 of this chapter, except as otherwise specifically provided by law, shall be subject to and governed by the provisions of Chapter 13 of this title. Hearings under Code Section 50-27-102 shall be held in accordance with the provisions of Part 1 of Article 1 of Chapter 9 of Title 9, the "Georgia Arbitration Code."

(b) The powers enumerated in subsection (a) of this Code section are cumulative of and in addition to those powers enumerated elsewhere in this chapter, and no such powers limit or restrict any other powers of the corporation.

History.

Code 1981, § 50-27-9, enacted by Ga. L. 1992, p. 3173, § 2; Ga. L. 2013, p. 37, § 2-4/HB 487; Ga. L. 2024, p. 739, § 1/HB 353, effective May 6, 2024; Ga. L. 2025, p. 255, § 1/HB 74, effective May 9, 2025.

Amendments.

The 2024 amendment, effective May 6, 2024, in paragraph (a)(19), inserted “pursuant to this article and Article 2 of this chapter” in the second sentence, and added the third and fourth sentences.

The 2025 amendment, effective May 9, 2025, in paragraph (a)(19), rewrote the third sentence, which read: “Notwithstanding any other provision of law to the contrary, hearings related to any dispute between licensees under Code Section 50-27-102 shall be held in accordance with the provisions of Part 1 of Article 1 of Chapter 9 of Title 9, the ‘Georgia Arbitration Code.’” and deleted the last sentence, which read: “All other hearings and any rules, regulations, policies, or procedures related to the administration, enforcement, or violation of this article shall be subject to the provisions of Chapter 13 of this title.”.

Editor’s notes.

Ga. L. 2013, p. 37, § 3-1/HB 487, not

codified by the General Assembly, provides, in part, that: “(b) If any section of this Act is determined to be unconstitutional by a final decision of an appellate court of competent jurisdiction or by the trial court of competent jurisdiction if no appeal is made, with the exception of subsection (g) of Code Section 50-27-78 and Section 2-1 of this Act, this Act shall stand repealed by operation of law.

“(c) This Act is not intended to and shall not be construed to affect the legality of the repair, transport, possession, or use of otherwise prohibited gambling devices on maritime vessels within the jurisdiction of the State of Georgia. To the extent that such repair, transport, possession, or use was lawful prior to the enactment of this Act, it shall not be made illegal by this Act; and to the extent that such repair, transport, possession, or use was prohibited prior to the enactment of this Act, it shall remain prohibited.” As of May 2025, no such decision has been issued.

Law reviews.

For article on the 2024 amendment of this Code section, see 41 Ga. St. U.L. Rev. 27 (2024).

50-27-13. Disposition of lottery proceeds; budget report by Governor; appropriations by General Assembly; shortfall reserve subaccount.

- (a)(1) All lottery proceeds shall be the property of the corporation.
- (2) From its lottery proceeds the corporation shall pay the operating expenses of the corporation. As nearly as practical, at least 45 percent of the amount of money from the actual sale of lottery tickets or shares shall be made available as prize money; provided, however, that this paragraph shall be deemed not to create any lien, entitlement, cause of action, or other private right, and any rights of holders of tickets or shares shall be determined by the corporation in setting the terms of its lottery or lotteries.
- (3) As nearly as practical, for each fiscal year, net proceeds shall equal at least 35 percent of the lottery proceeds. However, for the first two full fiscal years and any partial first fiscal year of the corporation, net proceeds need only equal 30 percent of the proceeds as nearly as practical.
- (b)(1) On or before the fifteenth day of each quarter, the corporation

shall transfer to the general fund of the state treasury, for credit to the Lottery for Education Account for the preceding quarter, the amount of all net proceeds during the preceding quarter. The state treasurer shall separately account for net proceeds by establishing and maintaining a Lottery for Education Account within the state treasury.

(2) Upon their deposit into the state treasury, any moneys representing a deposit of net proceeds shall then become the unencumbered property of the State of Georgia and the corporation shall have no power to agree or undertake otherwise. Such moneys shall be invested by the state treasurer in accordance with state investment practices. All earnings attributable to such investments shall likewise be the unencumbered property of the state and shall accrue to the credit of the Lottery for Education Account.

(3)(A) Beginning in Fiscal Year 2025, a shortfall reserve shall be maintained within the Lottery for Education Account in an amount equal to at least 50 percent of the average amount of net proceeds deposited into such account for the preceding three fiscal years, hereinafter referred to as the minimum reserve. Beginning in Fiscal Year 2025 and for each fiscal year thereafter, if on the last day of the preceding fiscal year the total reserve fund balance exceeds the minimum reserve, an amount equal to 10 percent of the excess reserve funds, meaning the amount that the total reserve fund balance exceeds the minimum reserve, shall be appropriated for educational purposes and programs.

(B) If the net proceeds paid into the Lottery for Education Account in any year are not sufficient to meet the amount appropriated for educational purposes and programs, the shortfall reserve may be drawn upon to meet the deficiency and any amount so drawn may count for purposes of appropriations in subparagraph (A) of this paragraph.

(C) If the shortfall reserve is drawn upon and falls below 50 percent of the average amount of net proceeds deposited into such account for the preceding three fiscal years, the shortfall reserve shall be replenished to the level required by subparagraph (A) of this paragraph in the next fiscal year and the lottery funded programs shall be reviewed and adjusted accordingly.

(c)(1) In the budget report to the General Assembly, as a separate budget category entitled "lottery proceeds," the Governor shall estimate the amount of net proceeds and treasury earnings thereon to be credited to the Lottery for Education Account during the fiscal year and the amount of unappropriated surplus estimated to be accrued in the account at the beginning of the fiscal year. The sum of estimated

net proceeds, treasury earnings thereon, and unappropriated surplus shall be designated lottery proceeds.

(2) In the budget report the Governor shall further make specific recommendations as to the education programs and purposes for which appropriations should be made from the Lottery for Education Account. The General Assembly shall appropriate from the Lottery for Education Account by specific reference to it, or by reference to "lottery proceeds." All appropriations of lottery proceeds to any particular budget unit shall be made together in a separate part entitled, identified, administered, and accounted for separately as a distinct budget unit for lottery proceeds. Such appropriations shall otherwise be made in the manner required by law for appropriations.

(3) It is the intent of the General Assembly that appropriations from the Lottery for Education Account shall be for educational purposes and projects only.

(4) If, for any educational purpose or program, less is appropriated in or during the fiscal year than is authorized, the excess shall be available for appropriation the following fiscal year and shall not retain its character as funds for the particular purpose.

(d) Appropriations for educational purposes and programs from the account not committed during the fiscal year shall lapse to the general fund and shall be credited to the Lottery for Education Account.

(e) Except as qualified by this chapter, appropriations from the Lottery for Education Fund shall be subject to Part 1 of Article 4 of Chapter 12 of Title 45, the "Budget Act."

(f) In compliance with the requirement of the Constitution that there shall be a separate accounting of lottery proceeds, no deficiency in the Lottery for Education Account shall be replenished by book entries reducing any nonlottery reserve of general funds, including specifically but without limitation the revenue shortfall reserve or the midyear adjustment reserve; such programs must be adjusted or discontinued according to available lottery proceeds unless the General Assembly by general law establishes eligibility requirements and appropriates specific funds within the general appropriations Act; nor shall any nonlottery surplus in the general fund be reduced. No surplus in the Lottery for Education Account shall be reduced to correct any nonlottery deficiencies in sums available for general appropriations, and no surplus in the Lottery for Education Account shall be included in any surplus calculated for setting aside any nonlottery reserve or midyear adjustment reserve. In calculating net revenue collections for the revenue shortfall reserve and midyear adjustment reserve, the state accounting officer shall not include the net proceeds.

History.

Code 1981, § 50-27-13, enacted by Ga. L. 1992, p. 3173, § 2; Ga. L. 1993, p. 1402, § 18; Ga. L. 1994, p. 425, § 1; Ga. L. 1994, p. 470, § 1; Ga. L. 1994, p. 1662, § 1; Ga. L. 2004, p. 922, § 10; Ga. L. 2005, p. 694, § 18/HB 293; Ga. L. 2009, p. 313, § 1/HB 157; Ga. L. 2010, p. 863, §§ 3, 4/SB 296; Ga. L. 2011, p. 1, § 15/HB 326; Ga. L. 2024, p. 739, § 2/HB 353, effective May 6, 2024.

Amendments.

The 2024 amendment, effective May 6, 2024, substituted the present provisions of paragraph (b)(3) for the former provisions, which read: “A shortfall reserve shall be maintained within the Lot-

tery for Education Account in an amount equal to at least 50 percent of net proceeds deposited into such account for the preceding fiscal year. If the net proceeds paid into the Lottery for Education Account in any year are not sufficient to meet the amount appropriated for education purposes, the shortfall reserve may be drawn upon to meet the deficiency. In the event the shortfall reserve is drawn upon and falls below 50 percent of net proceeds deposited into such account for the preceding fiscal year, the shortfall reserve shall be replenished to the level required by this paragraph in the next fiscal year and the lottery-funded programs shall be reviewed and adjusted accordingly.”

50-27-34. Legislative oversight committee.

(a) There is created as a joint committee of the General Assembly, the Georgia Lottery Corporation Legislative Oversight Committee, to be composed of the members of the House Committee on Regulated Industries and the Senate Committee on Economic Development and Tourism. The chairpersons of such committees shall serve as cochairpersons of the oversight committee. The oversight committee shall periodically inquire into and review the operations of the Georgia Lottery Corporation, as well as periodically review and evaluate the success with which the corporation is accomplishing its statutory duties and functions as provided in this chapter. The oversight committee may conduct any independent audit or investigation of the corporation it deems necessary.

(b) The Georgia Lottery Corporation shall provide the oversight committee not later than December 1 of each year with a complete report of the level of participation of minority businesses in all retail and major procurement contracts awarded by the corporation.

History.

Code 1981, § 50-27-34, enacted by Ga. L. 1992, p. 3173, § 2; Ga. L. 2004, p. 593, § 1; Ga. L. 2009, p. 303, § 5/HB 117; Ga. L. 2024, p. 922, § 14-1/SB 341, effective May 6, 2024; Ga. L. 2024, p. 1052, § 6(36)/SB 448, effective July 1, 2024.

Amendments.

The first 2024 amendment, effective May 6, 2024, in subsection (a), substituted “Senate Committee on Economic Develop-

ment and Tourism” for “Senate Economic Development Committee” at the end of the first sentence, and substituted “the corporation” for “the authority” in the third and fourth sentences.

The second 2024 amendment, effective July 1, 2024, part of an Act to revise, modernize, and correct the Code, substituted “corporation” for “authority” in the third and fourth sentences in subsection (a).

ARTICLE 3

BONA FIDE COIN OPERATED AMUSEMENT MACHINES

Editor’s notes.

Ga. L. 2013, p. 37, § 3-1/HB 487, not codified by the General Assembly, provides, in part, that: “(b) If any section of this Act is determined to be unconstitutional by a final decision of an appellate court of competent jurisdiction or by the trial court of competent jurisdiction if no appeal is made, with the exception of subsection (g) of Code Section 50-27-78 and Section 2-1 of this Act, this Act shall stand repealed by operation of law.

“(c) This Act is not intended to and

shall not be construed to affect the legality of the repair, transport, possession, or use of otherwise prohibited gambling devices on maritime vessels within the jurisdiction of the State of Georgia. To the extent that such repair, transport, possession, or use was lawful prior to the enactment of this Act, it shall not be made illegal by this Act; and to the extent that such repair, transport, possession, or use was prohibited prior to the enactment of this Act, it shall remain prohibited.” As of May 2025, no such decision has been issued.

PART 1

GENERAL PROVISIONS

50-27-70. Legislative findings; definitions.

(a) The General Assembly finds that the ability to operate a bona fide coin operated amusement machine business in this state constitutes a privilege and not a right. Further, in order to prevent the unregulated operation of the bona fide coin operated amusement machine business, the General Assembly is enacting the procedural enhancements of this article which will aid in the enforcement of the tax obligations that arise from the operation of bona fide coin operated amusement machine businesses as well as prevent unauthorized cash payouts. The General Assembly finds that the bona fide coin operated amusement machine business can be conducted in a manner to safeguard the fiscal soundness of the state, enhance public welfare, and support the need to educate Georgia’s children through the HOPE scholarship program and pre-kindergarten funding authorized by Article I, Section II, Paragraph VIII of the Constitution.

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

(1) “Applicant” or “licensee” means an owner, including an owner’s officers, directors, shareholders, individuals, members of any association or other entity not specified, and, when applicable in context, the business entity itself.

(2)(A) “Bona fide coin operated amusement machine” means every machine of any kind or character used by the public to provide amusement or entertainment whose operation requires the payment of or the insertion of a coin, bill, other money, token, ticket,

card, or similar object and the result of whose operation depends in whole or in part upon the skill of the player, whether or not it affords an award to a successful player pursuant to subsections (b) through (g) of Code Section 16-12-35, and which can be legally shipped interstate according to federal law. Examples of bona fide coin operated amusement machines include, but are expressly not limited to, the following:

- (i) Pinball machines;
- (ii) Console machines;
- (iii) Video games;
- (iv) Crane machines;
- (v) Claw machines;
- (vi) Pusher machines;
- (vii) Bowling machines;
- (viii) Novelty arcade games;
- (ix) Foosball or table soccer machines;
- (x) Miniature racetrack, football, or golf machines;
- (xi) Target or shooting gallery machines;
- (xii) Basketball machines;
- (xiii) Shuffleboard games;
- (xiv) Kiddie ride games;
- (xv) Skee-ball machines;
- (xvi) Air hockey machines;
- (xvii) Roll down machines;
- (xviii) Trivia machines;
- (xix) Laser games;
- (xx) Simulator games;
- (xxi) Virtual reality machines;
- (xxii) Maze games;
- (xxiii) Racing games;
- (xxiv) Coin operated pool tables or coin operated billiard tables as defined in paragraph (3) of Code Section 43-8-1; and
- (xxv) Any other similar amusement machine which can be legally operated in Georgia.

The term also means a machine of any kind or character used by the public to provide music whose operation requires the payment of or the insertion of a coin, bill, other money, token, ticket, card, or similar object such as jukeboxes or other similar types of music machines.

(B) The term “bona fide coin operated amusement machine” does not include the following:

- (i) Coin operated washing machines or dryers;
- (ii) Vending machines which for payment of money dispense products or services;
- (iii) Gas and electric meters;
- (iv) Pay telephones;
- (v) Pay toilets;
- (vi) Cigarette vending machines;
- (vii) Coin operated scales;
- (viii) Coin operated gumball machines;
- (ix) Coin operated parking meters;
- (x) Coin operated television sets which provide cable or network programming;
- (xi) Coin operated massage beds; and
- (xii) Machines which are not legally permitted to be operated in Georgia.

(3) “Class A machine” means a bona fide coin operated amusement machine that is not a Class B machine, does not allow a successful player to carry over points won on one play to a subsequent play or plays, and:

- (A) Provides no reward to a successful player;
- (B) Rewards a successful player only with free replays or additional time to play;
- (C) Rewards a successful player with noncash merchandise, prizes, toys, gift certificates, or novelties in compliance with the provisions of subsection (c) or paragraph (1) of subsection (d) of Code Section 16-12-35, and does not reward a successful player with any item prohibited as a reward in subsection (i) of Code Section 16-12-35 or any reward redeemable as an item prohibited as a reward in subsection (i) of Code Section 16-12-35;
- (D) Rewards a successful player with points, tokens, tickets, or

other evidence of winnings that may be exchanged only for items listed in subparagraph (C) of this paragraph; or

(E) Rewards a successful player with any combination of items listed in subparagraphs (B), (C), and (D) of this paragraph.

Notwithstanding the provisions of Code Section 16-12-35 or any other Code section to the contrary, the permitted noncash redemption award per play for a Class A machine shall not exceed a wholesale value of \$50.00.

(4) "Class B machine" means a bona fide coin operated amusement machine that allows a successful player to accrue points on the machine and carry over points won on one play to a subsequent play or plays in accordance with paragraph (2) of subsection (d) of Code Section 16-12-35 and:

(A) Rewards a successful player in compliance with the provisions of paragraphs (1) and (2) of subsection (d) of Code Section 16-12-35; and

(B) Does not reward a successful player with any item prohibited as a reward in subsection (i) of Code Section 16-12-35 or any reward redeemable as an item prohibited as a reward in subsection (i) of Code Section 16-12-35.

(5) "Distributor" means a person, individual, partnership, corporation, limited liability company, or any other business entity that buys, sells, or distributes Class B machines to or from operators.

(5.1) "Gift card" means an electronic payment device or system:

(A) Issued for a specific amount of noncash redemption which was earned by a successful player of a bona fide coin operated amusement machine; and

(B) Provided or loaded on a prepaid basis for the future purchase or delivery of any merchandise or service permitted by law from a single merchant or service provider or multiple merchants or service providers, whether affiliated or not.

(6) "Location license" means the initial and annually renewed license which every location owner or location operator must purchase and display in the location where one or more bona fide coin operated amusement machines are available for commercial use by the public for play in order to operate legally any such machine in this state.

(7) "Location license fee" means the fee paid to obtain the location license.

(8) "Location owner or location operator" means an owner or operator of a business where one or more bona fide coin operated

amusement machines are available for commercial use and play by the public.

(9) “Manufacturer” means a person, individual, partnership, corporation, limited liability company, or any other business entity that supplies and sells major components or parts, including software, hardware, or both, to Class B machine distributors or operators.

(10) “Master license” means the certificate which every owner of a bona fide coin operated amusement machine must purchase and display in the owner’s or operator’s place of business where the machine is located for commercial use by the public for play in order to legally operate the machine in the state.

(10.1) “Master licensee” means any person that has lawfully applied for and received a master license.

(11) “Net receipts” means the entire amount of moneys received from the public for play of an amusement machine, minus the amount of expenses for noncash redemption of winnings from the amusement machine, and minus the amount of moneys refunded to the public for bona fide malfunctions of the amusement machine.

(12) “Operator” means any person, individual, firm, company, association, corporation, or other business entity that exhibits, displays, or permits to be exhibited or displayed, in a place of business other than his own, any bona fide coin operated amusement machine in this state.

(13) “Owner” means any person, individual, firm, company, association, corporation, or other business entity owning any bona fide coin operated amusement machine in this state.

(14) “Permit fee” means the annual per machine charge which every owner of a bona fide coin operated amusement machine in commercial use must purchase and display in either the owner’s or operator’s place of business in order to legally operate the machine in the state.

(15) “Person” means an individual, any corporate entity or form authorized by law including any of its subsidiaries or affiliates, or any officer, director, board member, or employee of any corporate entity or form authorized by law.

(16) “Single play” or “one play” means the completion of a sequence of a game, or replay of a game, where the player receives a score and from the score the player can secure free replays, merchandise, points, tokens, vouchers, tickets, cards, or other evidence of winnings as set forth in subsection (c) or (d) of Code Section 16-12-35. A player may, but is not required to, exchange a score for rewards permitted by

subparagraphs (d)(1)(A) through (d)(1)(D) of Code Section 16-12-35 after each play.

(17) “Slot machine or any simulation or variation thereof” means any contrivance which, for a consideration, affords the player an opportunity to obtain money or other thing of value, the award of which is determined solely by chance, whether or not a prize is automatically paid by the contrivance.

(18) “Sticker” means the decal issued for every bona fide coin operated amusement machine to show proof of payment of the permit fee.

(19) “Successful player” means an individual who wins on one or more plays of a bona fide coin operated amusement machine.

(20) “Temporary location permit” means the permit which every location owner or location operator must purchase and display in the location where one or more bona fide coin operated amusement machines are available for commercial use by the public for play in order to operate legally the machine or machines in this state for seven days or less. Such temporary location permits shall be subject to the same regulations and conditions as location licenses.

History.

Code 1981, § 48-17-1, enacted by Ga. L. 1992, p. 1521, § 3; Ga. L. 1995, p. 10, § 48; Ga. L. 1998, p. 128, § 48; Ga. L. 1998, p. 563, § 2; Ga. L. 1999, p. 1223, § 1; Ga. L. 2001, Ex. Sess., p. 312, § 3; Ga. L. 2005, p. 60, § 48/HB 95; Ga. L. 2010, p. 9, § 1-88/HB 1055; Ga. L. 2010, p. 470, § 1/SB 454; Ga. L. 2012, p. 1136, § 3/SB 431; Code 1981, § 50-27-70, as redesignated by Ga. L. 2013, p. 37, § 1-1/HB 487; Ga. L. 2013, p. 141, § 48/HB 79; Ga. L. 2014, p. 866, § 50/SB 340; Ga. L.

2015, p. 39, § 1/SB 190; Ga. L. 2024, p. 739, § 3/HB 353, effective May 6, 2024.

Amendments.

The 2024 amendment, effective May 6, 2024, added the undesignated paragraph following subparagraph (b)(3)(E) and added paragraph (b)(5.1).

Editor’s notes.

See Editor’s notes at the beginning of this article as to the contingency related to a court finding of unconstitutionality of this Code section.

50-27-71. License fees; issuance of license; display of license; control number; duplicate certificates; application for license or renewal; penalty for noncompliance.

(a) Every manufacturer, distributor, and owner, except an owner holding a bona fide coin operated amusement machine solely for personal use or resale, who offers a bona fide coin operated amusement machine for sale to a distributor or to an owner and who offers others the opportunity to play for a charge, whether directly or indirectly, any bona fide coin operated amusement machine shall pay annual master license fees to the corporation as follows:

(1) For Class A machines:

(A) For five or fewer machines, the owner shall pay a master license fee of \$500.00. In the event such owner acquires a sixth or greater number of machines during a calendar year which requires a certificate for lawful operation under this article so that the total number of machines owned does not exceed 60 machines or more, such owner shall pay an additional master license fee of \$1,500.00;

(B) For six or more machines but not more than 60 machines, the owner shall pay a master license fee of \$2,000.00. In the event such owner acquires a sixty-first or greater number of machines during a calendar year which requires a certificate for lawful operation under this article, such owner shall pay an additional master license fee of \$1,500.00; or

(C) For 61 or more machines, the owner shall pay a master license fee of \$3,500.00;

(2) For any number of Class B machines, the owner shall pay a master license fee of \$5,000.00;

(3) For any distributor, the distributor shall pay a distributor license fee of \$5,000.00; and

(4) For any manufacturer, the manufacturer shall pay a manufacturer license fee of \$5,000.00.

The cost of the license shall be paid to the corporation by company check, cash, cashier's check, money order, or any other method approved by the chief executive officer. Upon such payment, the corporation shall issue a master license certificate to the owner. The license fees levied by this Code section shall be collected by the corporation on an annual basis, and the board may establish procedures for license collection and set due dates for these license payments. No refund or credit of the license charge levied by this Code section may be allowed to any owner who ceases the manufacture, distribution, or operation of bona fide coin operated amusement machines prior to the end of any license or permit period.

(a.1) Every location owner or location operator shall pay an annual location license fee for each bona fide coin operated amusement machine offered to the public for play. The annual location license fee shall be \$25.00 for each Class A machine and \$125.00 for each Class B machine. The annual location license fee levied by this Code section shall be collected by the corporation, and the board may establish procedures for location license fee collection and set due dates for payment of such fees. The location license fee shall be paid to the corporation by company check, cash, cashier's check, money order, or any other method approved by the chief executive officer. Upon payment, the corporation shall issue a location license certificate that shall

state the number of bona fide coin operated amusement machines permitted for each class without further description or identification of specific machines. No refund or credit of the location license fee shall be allowed to any location owner or location operator who ceases to offer bona fide coin operated amusement machines to the public for commercial use prior the end of any license period.

(a.2) The corporation may refuse to issue or renew a location owner or location operator license or may revoke or suspend a location owner or location operator license issued under this article if:

(1) The licensee or applicant has intentionally violated a provision of this chapter or a regulation promulgated under this chapter;

(2) The licensee or applicant has intentionally failed to provide requested information or answer a question, intentionally made a false statement in or in connection with his or her application or renewal, or omitted any material or requested information;

(3) The licensee or applicant used coercion to accomplish a purpose or to engage in conduct regulated by the corporation;

(4) Failure to revoke or suspend the license would be contrary to the intent and purpose of this article;

(5) The licensee or applicant has engaged in unfair methods of competition and unfair or deceptive acts or practices as provided in Code Section 50-27-87.1; or

(6) Any applicant, or any person, firm, corporation, legal entity, or organization having any interest in any operation for which an application has been submitted, fails to meet any obligations imposed by the tax laws or other laws or regulations of this state.

(b) A copy of an owner's master license and the location owner's or location operator's location license shall be prominently displayed at all locations where the owner and location owner or location operator have bona fide coin operated amusement machines available for commercial use and for play by the public to evidence the payment of the fees levied under this Code section. A manufacturer's license and distributor's license, as well as invoices for the sales of any Class B machines to any person or entity licensed by this chapter, shall be available for inspection at their places of business and upon request from the corporation.

(c) Each manufacturer, distributor, and master license and each location license shall list the name and address of the manufacturer, distributor, owner, location owner, or location operator, as applicable.

(d) The corporation may provide a duplicate license issued pursuant to this Code section if the original license has been lost, stolen, or destroyed. The fee for a duplicate original license is \$100.00. If the

original license is lost, stolen, or destroyed, a sworn, written statement must be submitted explaining the circumstances by which the license was lost, stolen, or destroyed and including the number of the lost, stolen, or destroyed license, if applicable, before a duplicate original license can be issued. A license for which a duplicate license has been issued is void.

(e) A license or permit issued under this Code section:

(1) Is effective for a single business entity;

(2) Vests no property or right in the holder of the license or permit except to conduct the licensed or permitted business during the period the license or permit is in effect;

(3) Except as provided in paragraph (5) of this subsection, is nontransferable, nonassignable by and between owners or location owners and location operators, and not subject to execution;

(4) Expires upon the death of an individual holder of a license or permit or upon the dissolution of any other holder of a license or permit; and

(5) As it relates to a master licensee, upon the sale of a master licensee's business in its entirety, the buyer shall pay to the corporation a transfer fee for the master license that accompanies the business in the following amounts:

(A) For the first sale of a master licensee's business, a transfer fee for the master license in the amount of \$10,000.00;

(B) For the second sale of such business, a transfer fee for the master license in the amount of \$25,000.00;

(C) For the third sale of such business, a transfer fee for the master license in the amount of \$50,000.00; and

(D) For the fourth sale of such business and each sale thereafter, a transfer fee for the master license in an amount to be established by the corporation, which transfer fee shall be not less than \$50,000.00.

(f) An application for the renewal of a license or permit must be made to the corporation in accordance with the due dates set forth in the rules promulgated by the board each year.

(g) Acceptance of a license or permit issued under this Code section constitutes consent by the licensee and the location owner or location operator of the business where bona fide coin operated amusement machines are available for commercial use and for play by the public that the corporation's agents may freely enter the business premises where the licensed and permitted machines are located during normal business hours for the purpose of ensuring compliance with this article.

(h) An application for a license or permit to do business under this article shall contain a complete statement regarding the ownership of the business to be licensed or the business where the permitted machines are to be located. This statement of ownership shall specify the same information that is required by the application to secure a sales tax number for the State of Georgia.

(i) An application for a master license shall be accompanied by either the annual or semiannual fee plus the required permit fee due for each machine. Additional per machine permits can be purchased during the year if needed by the owner. An application for a location license shall be accompanied by the appropriate fee.

(j) An application is subject to public inspection.

(k) A renewal application filed on or after the due dates set forth in the rules promulgated by the board, but before the license expires, shall be accompanied by a nonrefundable late fee of \$1,000.00; provided, however, that the nonrefundable late fee for Class A master and location licenses shall be \$100.00. A manufacturer, distributor, or master license or location license that has been expired for more than 90 days may not be renewed. In such a case, the manufacturer, distributor, master licensee, or location license owner shall obtain a new license, as applicable, by complying with the requirements and procedures for obtaining an original license.

(l) A holder of a license who properly completes the application and remits all fees with it by the due date may continue to manufacture, distribute, or operate bona fide coin operated amusement machines after the expiration date if its license or permit renewal has not been issued, unless the holder of the license is notified by the corporation prior to the expiration date of a problem with the renewal.

(m) Holders of manufacturer, distributor, and location licenses and temporary location permits shall be subject to the same provisions of this article with regard to refunds, license renewals, license suspensions, and license revocations as are master licensees.

(n) Failure to obtain a license as required by this Code section shall subject the person to a fine of up to \$25,000.00 and repayment of all fees or receipts due to the corporation pursuant to this article and may subject the person to a loss of all state licenses.

(o)(1) Any license issued pursuant to this Code section shall be for a period of one, two, or three years at the option of the applicant or licensee at the time of issuance or renewal. The license fee for multiyear licenses shall be determined based on the annual license fees set forth in this Code section multiplied by the number of years for which the license is issued. Any refund of a license fee sought pursuant to Code Section 50-27-72 shall be prorated.

(2) A licensee shall report to the corporation any material change in the information requested by the corporation as a part of the application for or renewal of a license under this Code section and pay any additional fees associated with such change.

History.

Code 1981, § 48-17-2, enacted by Ga. L. 1992, p. 1521, § 3; Ga. L. 1994, p. 834, § 1; Ga. L. 1995, p. 10, § 48; Ga. L. 2010, p. 9, § 1-89/HB 1055; Ga. L. 2010, p. 470, § 2/SB 454; Code 1981, § 50-27-71, as redesignated by Ga. L. 2013, p. 37, § 1-1/HB 487; Ga. L. 2015, p. 39, § 2/SB 190; Ga. L. 2024, p. 739, § 4/HB 353, effective May 6, 2024.

Amendments.

The 2024 amendment, effective May 6, 2024, in subsection (k), inserted the proviso at the end of the first sentence, and substituted “master licensee” for “master license” in the third sentence; and added subsection (o).

50-27-71.1. Gift cards; redemption.

(a)(1) On and after May 6, 2024, and before July 1, 2026, nonreloadable gift cards shall be allowed as a legal form of redemption for Class A machines and Class B machines in addition to any other form of redemption allowed by law or authorized by the corporation.

(2) On and after July 1, 2026:

(A) Only replays and nonreloadable and reloadable gift cards shall be allowed as a legal form of redemption for Class A machines in addition to any other form of redemption allowed by law or authorized by the corporation; and

(B) Only replays, lottery products, and nonreloadable and reloadable gift cards shall be allowed as a legal form of redemption for Class B machines and no other form of redemption shall be allowed. Any location owner or location operator that provides for the redemption of products or services, other than replays and lottery products, that are not on a gift card shall, in addition to any other penalties provided by law, receive a warning for the first violation and shall be punished by civil penalties for any subsequent violations that shall be imposed by the corporation in amounts that are proportional to any amounts inappropriately redeemed; provided, however, that nothing in this subparagraph shall be construed to eliminate or reduce any administrative penalty related to a violation of Code Section 16-12-35.

(b) No value shall be placed on a gift card unless such value has been won by the player for the successful play of a game on the bona fide coin operated amusement machine. Such gift card may be used off the premises of the location licensee, but shall be loaded or caused to be loaded only on the location licensee’s premises and only by the location licensee or its employees on such premises or by a self-service gift card

redemption device on such premises. A gift card may be honored by the location licensee upon presentation but shall not be exchanged for cash, change, or currency.

(c) Notwithstanding Code Section 16-12-35 or any other provision of law to the contrary:

(1) Gift cards shall be redeemable or exchangeable for any goods or services which a successful player is entitled or permitted by law to purchase; and

(2) The award of such gift card shall be a lawful act of in-store redemption and shall be permitted to be fully redeemed off the premises.

(d) A successful player may redeem his or her winnings on a gift card from a self-service gift card device. Such device and the cost of such device may be provided by the location owner or location operator, the master licensee, or both. Any contract or agreement entered into with a master licensee for the provision of self-service gift card redemption devices shall not be subject to the provisions of Code Section 50-27-87.1.

History.

Code 1981, § 50-27-71.1, enacted by Ga. L. 2024, p. 739, § 5/HB 353, 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, “May 6, 2024,” was substituted for “the effective date of this Code section” at the beginning of paragraph (a)(1).

Law reviews.

For article on the 2024 amendment of this Code section, see 41 Ga. St. U.L. Rev. 27 (2024).

50-27-73. Refusal to issue or renew license; revocation or suspension; hearing; limitation on issuance of licenses.

(a) The corporation shall not renew a license for a person under this article and shall suspend for any period of time or cancel a license if the corporation finds that the applicant or licensee is indebted to the state for any fees, costs, penalties, or delinquent fees.

(b) The corporation shall not issue or renew a license for a person under this article if the applicant does not designate and maintain an office in this state or if the applicant does not permit inspection by the corporation’s agents of his or her place of business or of all records which the applicant or licensee is required to maintain; provided, however, that this subsection shall not apply to manufacturers.

(c) The corporation may refuse to issue or renew a manufacturer, distributor, or master license or may revoke or suspend a manufacturer, distributor, or master license issued under this chapter if:

(1) The licensee or applicant has intentionally violated a provision of this chapter or a regulation promulgated under this chapter;

(2) The licensee or applicant has intentionally failed to provide requested information or answer a question, intentionally made a false statement in or in connection with his or her application or renewal, or omitted any material or requested information;

(3) The licensee or applicant used coercion to accomplish a purpose or to engage in conduct regulated by the corporation;

(4) A master licensee or applicant allows the use of its master license certificate or per machine permit stickers by any other business entity or person that owns or operates bona fide coin operated amusement machines available for commercial use and available to the public for play. If such unauthorized use occurs, the corporation may fine the licensee as follows:

(A) One thousand dollars for each improper use of a per machine permit sticker; and

(B) Twenty-five thousand dollars for each improper use of a master license certificate.

In addition, the corporation is authorized to seize the machines in question and assess the master license and permit fees as required by law and to assess the costs of such seizure to the owner or operator of the machines;

(5) Failure to suspend or revoke the license would be contrary to the intent and purpose of this article;

(6) The licensee or applicant has engaged in unfair methods of competition and unfair or deceptive acts or practices as provided in Code Section 50-27-87.1; or

(7) Any applicant, or any person, firm, corporation, legal entity, or organization having any interest in any operation for which an application has been submitted, fails to meet any obligations imposed by the tax laws or other laws or regulations of this state.

(d) The corporation, on the request of a licensee or applicant for a license, shall conduct a hearing to ascertain whether a licensee or applicant for a license has engaged in conduct which would be grounds for revocation, suspension, or refusal to issue or renew a license.

(e) Effective July 1, 2024, the corporation may issue up to 220 Class B master licenses through a process of competitive auction to be established by the corporation and a competitive auction for one license shall occur once every three years effective July 1, 2024; provided, however, that any person or entity holding a Class B master license on

the effective date of this subsection shall not be subject to the competitive auction process provided for in this Code section but shall be subject to all other requirements of this article; provided, further, that the corporation shall be permitted to renew Class B master licenses at any time.

(f) At any time following a proposed revocation or a proposed nonrenewal of a master license by the corporation, any settlement of such proposed revocation or proposed nonrenewal involving the sale of the master license and associated assets, including, but not limited to, contracts or agreements entered into pursuant to Code Section 50-27-87 and bona fide coin operated amusement machines, shall require a public auction.

History.

Code 1981, § 48-17-4, enacted by Ga. L. 1992, p. 1521, § 3; Code 1981, § 50-27-73, as redesignated by Ga. L. 2013, p. 37, § 1-1/HB 487; Ga. L. 2013, p. 141, § 48/HB 79; Ga. L. 2015, p. 39, § 4/SB 190; Ga. L. 2024, p. 739, § 6/HB 353, effective May 6, 2024.

Amendments.

The 2024 amendment, effective May 6, 2024, in subsection (e), substituted “July 1, 2024” for “July 1, 2015” twice, and substituted “a competitive auction for one license shall occur once” for “such competitive auction shall occur at least once”; and added subsection (f).

50-27-74. Right to notice and hearing; service of notice; establishment of procedures; prohibition on assigning, transferring or selling by master licensee.

JUDICIAL DECISIONS

Intra-agency appeal procedure must be followed. — Order dismissing vendor’s petition for certiorari was upheld because to preserve its right to appeal, and notwithstanding any other direction by hearing officer to contrary, vendor was required to file Request for Reconsidera-

tion with Georgia Lottery Corporation (GLC) Chief Executive Officer no later than ten days after receipt of September 16, 2021, Order, which it did not do. *Lucky Fortune, LLC v. Ga. Lottery Corp.*, 367 Ga. App. 263, 885 S.E.2d 297, 2023 Ga. App. LEXIS 143 (2023).

50-27-76. Judicial review of action by corporation or chief executive officer.

JUDICIAL DECISIONS

Intra-agency appeal procedure must be followed. — Order dismissing vendor’s petition for certiorari was upheld because to preserve its right to appeal, and notwithstanding any other direction by hearing officer to contrary, vendor was required to file Request for Reconsidera-

tion with Georgia Lottery Corporation (GLC) Chief Executive Officer no later than ten days after receipt of September 16, 2021, Order, which it did not do. *Lucky Fortune, LLC v. Ga. Lottery Corp.*, 367 Ga. App. 263, 885 S.E.2d 297, 2023 Ga. App. LEXIS 143 (2023).

50-27-78. Payment and collection of annual permit fee; permit stickers; treatment of fees; penalty for defacing sticker.

Editor’s notes.

Ga. L. 2013, p. 37, § 3-1/HB 487, not codified by the General Assembly, provides, in part, that: “(b) If any section of this Act is determined to be unconstitutional by a final decision of an appellate court of competent jurisdiction or by the trial court of competent jurisdiction if no appeal is made, with the exception of subsection (g) of Code Section 50-27-78 and Section 2-1 of this Act, this Act shall stand repealed by operation of law.

“(c) This Act is not intended to and

shall not be construed to affect the legality of the repair, transport, possession, or use of otherwise prohibited gambling devices on maritime vessels within the jurisdiction of the State of Georgia. To the extent that such repair, transport, possession, or use was lawful prior to the enactment of this Act, it shall not be made illegal by this Act; and to the extent that such repair, transport, possession, or use was prohibited prior to the enactment of this Act, it shall remain prohibited.” As of May 2025, no such decision has been issued.

50-27-81.1. Regulatory guidance letter.

The corporation shall by rule and regulation create a process whereby any person may request an official interpretation of any rule or regulation through a regulatory guidance letter. A regulatory guidance letter shall be issued within 60 days of a request seeking guidance on a rule or regulation and shall only be used to interpret or clarify existing rules and regulations. A regulatory guidance letter shall remain in effect and be valid unless it is superseded by a subsequently adopted state law or a rule or regulation of the corporation, a subsequently issued regulatory guidance letter, or a court order. The corporation shall incorporate relevant portions of any regulatory guidance letter in subsequent rules and regulations as may be applicable and necessary to ensure clarity in such rules and regulations.

History.

Code 1981, § 50-27-81.1, enacted by Ga. L. 2024, p. 739, § 7/HB 353, effective May 6, 2024.

Effective date.

This Code section became effective May 6, 2024.

Law reviews.

For article on the 2024 amendment of this Code section, see 41 Ga. St. U.L. Rev. 27 (2024).

50-27-84. Limitation on percent of monthly gross retail receipts derived from machines; verified reports; consequence for violations; submission of electronic reports.

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

(1) “Amusement or recreational establishment” means an open-air establishment frequented by the public for amusement or recreation. Such an establishment shall be in a licensed fixed location located in this state and which has been in operation for at least 35 years.

(2) "Business location" means any structure, vehicle, or establishment where a business is conducted.

(3) "Gross retail receipts" means the total revenue derived by a business at any one business location from the sale of goods and services and the commission earned at any one business location on the sale of goods and services but shall not include revenue from the sale of goods or services for which the business will receive only a commission. The sale of goods or services for which the business will receive only a commission shall not include the sale of any item which the business has purchased for resale. Revenue shall not include the sale of goods and services at wholesale.

(b)(1) No location owner or location operator shall derive more than 50 percent of such location owner's or location operator's quarterly gross retail receipts for the business location in which the Class B machine or machines are situated from such Class B machines; provided, however, that revenues that are due to a master licensee or the corporation or noncash redemption that is earned by the player shall not be deemed revenue derived from Class B machines. This paragraph shall not apply to historical fraternal benefit associations or veterans organizations which are exempt from taxes and are described in Code Section 48-5-41 or 48-5-478.4.

(2) No location owner or location operator shall offer more than nine Class B machines to the public for play in the same business location; provided, however, that this limitation shall not apply to an amusement or recreational establishment.

(c) For each business location which offers to the public one or more Class B machines, the location owner or location operator shall prepare a quarterly verified report setting out separately by location in Georgia:

- (1) The gross receipts from the Class B machines;
- (2) The gross retail receipts for the business location; and
- (3) The net receipts of the Class B machines.

(c.1) Each person holding a Class B master license shall prepare a quarterly verified report setting out separately by location in Georgia:

- (1) The gross receipts from the Class B machines which the master licensee maintains; and
- (2) The net receipts of the Class B machines.

(d) In accordance with the provisions of Code Section 50-27-73 and the procedures set out in Code Sections 50-27-74 and 50-27-75, the corporation may fine an applicant or holder of a license, refuse to issue or renew a location license or master license, or revoke or suspend a

location license or master license for single or repeated violations of subsection (b) of this Code section.

(e) A location owner or location operator shall report the information prescribed in this Code section in the form required by the corporation. Such report shall be submitted in an electronic format approved by the corporation.

(f) Beginning on October 1, 2024, and on the twentieth day of January, April, July, and October of each year thereafter, for the previous calendar quarter, the reports required by subsections (c) and (c.1) of this Code section shall be supplied to the corporation on forms provided by the corporation, including electronic means. The corporation shall be authorized to audit any records for any such business location or master licensee subject to this Code section. The corporation may contract with any state agencies to perform the audits authorized by this Code section, and it may contract or enter into a memorandum of understanding with the Department of Revenue to enforce the provisions of this Code section.

History.

Code 1981, § 48-17-15, enacted by Ga. L. 1999, p. 1223, § 2; Ga. L. 2010, p. 470, § 6/SB 454; Code 1981, § 50-27-84, as redesignated by Ga. L. 2013, p. 37, § 1-1/HB 487; Ga. L. 2015, p. 39, § 6/SB 190; Ga. L. 2016, p. 762, § 3/SB 388; Ga. L. 2024, p. 739, § 8/HB 353, effective May 6, 2024.

“monthly” in paragraph (b)(1) and in the beginning of subsections (c) and (c.1); added the second sentence in paragraph (b)(1); and, in the first sentence in subsection (f), substituted “October 1, 2024” for “August 20, 2013”, “January, April, July, and October of each year” for “each month”, and “calendar quarter” for “month”.

Amendments.

The 2024 amendment, effective May 6, 2024, substituted “quarterly” for

50-27-86. Local enactment and enforcement of ordinances authorized.

In addition to the state regulatory provisions regarding bona fide coin operated amusement machines contained in Code Section 16-12-35 and this article, the governing authority of any county or municipal corporation shall be authorized to enact and enforce an ordinance which includes any or all of the following provisions:

(1) Prohibiting the offering to the public of more than six Class B machines at the same business location;

(2) Requiring the owner or operator of a business location which offers to the public any Class A machine or Class B machine to inform all employees of the prohibitions and penalties set out in subsections (e), (f), and (g) of Code Section 16-12-35;

(3) Requiring the owner or possessor of any Class A machine or Class B machine to inform each location owner or location operator of

the business location where such machine is located of the prohibitions and penalties set out in subsections (e), (f), and (g) of Code Section 16-12-35;

(4) Providing for the suspension or revocation of a license granted by such local governing authority to manufacture, distribute, or sell alcoholic beverages or for the suspension or revocation of any other license granted by such local governing authority as a penalty for conviction of the location owner or location operator of a violation of subsection (e), (f), or (g) of Code Section 16-12-35, or both. An ordinance providing for the suspension or revocation of a license shall conform to the due process guidelines for granting, refusal, suspension, or revocation of a license for the manufacture, distribution, or sale of alcoholic beverages set out in subsection (b) of Code Section 3-3-2;

(5) Providing for penalties, including fines or suspension or revocation of a license as provided in paragraph (4) of this Code section, or both, for a violation of any ordinance enacted pursuant to this Code section; provided, however, that a municipal corporation shall not be authorized to impose any penalty greater than the maximum penalty authorized by such municipal corporation's charter;

(6) Requiring any location owner or location operator subject to paragraph (1) of subsection (b) of Code Section 50-27-84 to provide to the local governing authority a copy of each verified monthly report prepared in accordance with such Code section, incorporating the provisions of such Code section in the ordinance, providing for any and all of the penalties authorized by subsection (d) of Code Section 50-27-84, and allowing an annual audit of the reports from the location owner or location operator;

(7) Requiring the location owner or location operator of any business location which offers to the public one or more Class A machines or Class B machines to post prominently a notice that includes language provided by the corporation through rules and regulations or language that is substantially similar;

(8) Providing for restrictions relating to distance from specified structures or uses so long as those distance requirements are no more restrictive than such requirements applicable to the sale of alcoholic beverages;

(9) Requiring as a condition for doing business in the jurisdiction disclosure by the location owner or location operator of the name and address of the owner of each Class A machine or Class B machine;

(10) Requiring that all Class A machines and Class B machines are placed and kept in plain view and accessible to any person who is at the business location; and

(11) Requiring a business that offers one or more Class A machines or Class B machines to the public for play to post its business license or occupation tax certificate.

History.

Code 1981, § 48-17-17, enacted by Ga. L. 2012, p. 1136, § 4/SB 431; Code 1981, § 50-27-86, as redesignated by Ga. L. 2013, p. 37, § 1-1/HB 487; Ga. L. 2024, p. 739, § 9/HB 353, effective May 6, 2024.

Amendments.

The 2024 amendment, effective May 6, 2024, deleted “that reward the player exclusively with noncash merchandise, prizes, toys, gift certificates, or novelties” in paragraph (1); substituted “Class A machine or Class B machine” for “bona fide coin operated amusement machine that rewards the player exclusively as described in subsection (d) of Code Section 16-12-35” in paragraphs (2) and (3); substituted “Code section” for “subsection” twice in paragraph (5); substituted the present provisions of paragraph (7) for the former provisions, which read: “Requiring the location owner or location operator of any business location which offers to the public one or more bona fide coin operated amusement machines to post prominently

a notice including the following or substantially similar language:

“GEORGIA LAW PROHIBITS PAYMENT OR RECEIPT OF MONEY FOR WINNING A GAME OR GAMES ON THIS AMUSEMENT MACHINE; PAYMENT OR RECEIPT OF MONEY FOR FREE REPLAYS WON ON THIS AMUSEMENT MACHINE; PAYMENT OR RECEIPT OF MONEY FOR ANY MERCHANDISE, PRIZE, TOY, GIFT CERTIFICATE, OR NOVELTY WON ON THIS AMUSEMENT MACHINE; OR AWARDING ANY MERCHANDISE, PRIZE, TOY, GIFT CERTIFICATE, OR NOVELTY OF A VALUE EXCEEDING \$5.00 FOR A SINGLE PLAY OF THIS MACHINE.”; substituted “each Class A machine or Class B machine” for “the bona fide coin operated amusement machine or machines” at the end of paragraph (9); and, substituted “Class A machines and Class B” for “bona fide coin operated amusement” in paragraphs (10) and (11).

50-27-87. Master licenses; requirements and restrictions for licensees.

JUDICIAL DECISIONS

Plaintiff with no license was not entitled to share in proceeds. — Because plaintiff admitted that plaintiff did not possess a master license, plaintiff could not show that plaintiff was an operator within the meaning and framework of the relevant statutes nor the Georgia Lottery Corporation rules and thus plaintiff was not entitled to share in the proceeds and revenues of the coin-operated amusement machine business at issue. *Stockton v. Shadwick*, 362 Ga. App. 779,

870 S.E.2d 104, 2022 Ga. App. LEXIS 100 (2022).

Agreement by one with no license was illegal. — Because plaintiff admitted that plaintiff did not hold a master license during the relevant time, the profit-sharing arrangement between the parties was illegal under coin-operated amusement machine laws. *Stockton v. Shadwick*, 362 Ga. App. 779, 870 S.E.2d 104, 2022 Ga. App. LEXIS 100 (2022).

50-27-87.1. Unfair methods of competition; unfair and deceptive acts.

(a) The following acts or practices are deemed unfair methods of competition and unfair and deceptive acts under this article:

(1) Until the corporation certifies that the Class B accounting terminal authorized by Code Section 50-27-101 is implemented, a master licensee, location owner, or location operator retaining more than 50 percent of the net monthly proceeds for the operation of a Class B machine;

(2) A master licensee or owner entering into an agreement with a manufacturer or distributor:

(A) That grants the owner or master licensee exclusive rights to own, maintain, place, or lease a type, model, or brand of bona fide coin operated amusement machine in this state; or

(B) For the lease of a bona fide coin operated amusement machine, its parts, or software or hardware;

(3) A location owner or location operator asking, demanding, or accepting anything of value, including but not limited to a loan or financing arrangement, gift, procurement fee, lease payments, revenue sharing, or payment of license fees or permit fees from a manufacturer, distributor, or master licensee, as an incentive, inducement, or any other consideration to locate bona fide coin operated amusement machines in that establishment. A location owner that violates this subsection shall have all of the location owner's state business licenses revoked for a period of one to five years per incident. The location owner also shall be fined up to \$50,000.00 per incident and required to repay any incentive fees or other payments received from the operator; and

(4) A manufacturer, distributor, operator, master licensee, or individual providing anything of value, including but not limited to a loan or financing arrangement, gift, procurement fee, lease payments, revenue sharing, or payment of license fees or permit fees to a location owner or location operator, as an incentive, inducement, or any other consideration to locate bona fide coin operated amusement machines in that establishment. A manufacturer, distributor, operator, master licensee, or individual who violates this subsection shall have all of his or her state business licenses revoked for a period of one to five years per incident. The individual, manufacturer, distributor, owner, or master licensee also shall be fined up to \$50,000.00 per incident.

(b) The provision by the master licensee of non-fixtures on or within a building in which there is a licensed location at which bona fide coin operated amusement machines are located to a location owner or location operator with whom the master licensee has a contract for the placement of Class B machines shall not be deemed to be an unfair method of competition or unfair or deceptive act under this Code section; provided, however, that such non-fixtures shall:

- (1) Be limited to branded posters and signs, digital video signage, rugs, seating, removable partition walls, and wall coverings, unless additional non-fixtures are authorized by the corporation by the adoption of rules and regulations;
- (2) Be exclusively for the facilitation and promotion of the play of Class B machines and the redemption of approved gift cards;
- (3) Remain the property of the master licensee; and
- (4) Be removed not later than when the Class B machines of the master licensee are removed from the location.

History.

Code 1981, § 50-27-87.1, enacted by Ga. L. 2013, p. 37, § 1-1/HB 487; Ga. L. 2015, p. 39, § 8/SB 190; Ga. L. 2017, p. 774, § 50/HB 323; Ga. L. 2024, p. 739, § 10/HB 353, effective May 6, 2024.

Amendments.

The 2024 amendment, effective May 6, 2024, designated the existing provi-

sions of this Code section as subsection (a) and added subsection (b).

Editor’s notes.

See Editor’s notes at the beginning of this article as to the contingency related to a court finding of unconstitutionality of this Code section.

50-27-88. Establishment of rules and policies; application for license.

Editor’s notes.

See Editor’s notes at the beginning of this article as to the contingency related

to a court finding of unconstitutionality of this Code section.

50-27-89. Bona Fide Coin Operated Amusement Machine Operator Advisory Board; membership; terms; policies and procedures; selection of vendors.

Editor’s notes.

See Editor’s notes at the beginning of this article as to the contingency related

to a court finding of unconstitutionality of this Code section.

PART 2

CLASS B ACCOUNTING TERMINALS

50-27-100. Legislative findings.

Editor’s notes.

See Editor’s notes at the beginning of this article as to the contingency related

to a court finding of unconstitutionality of this Code section.

50-27-101. Class B accounting terminal; communication networks; other procedures and policies.**Editor's notes.**

See Editor's notes at the beginning of this article as to the contingency related

to a court finding of unconstitutionality of this Code section.

50-27-102. Role of corporation; implementation and certification; separation of funds and accounting; disputes.

(a) Upon successful implementation and certification of the Class B accounting terminal under the provisions of Code Section 50-27-101, and for the first fiscal year thereafter, the corporation shall:

(1) Retain 13 percent of the net receipts;

(2) Provide, within five business days of receipt, 43.5 percent of the net receipts to the location owner and location operator for the cost associated with allowing the Class B machines to be placed; and

(3) Provide, within five business days of receipt, 43.5 percent of the net receipts to the operator holding the Class B master license for the cost of securing, operating, and monitoring the machines.

(b) The corporation shall require location owners and location operators to place all bona fide coin operated amusement machine proceeds due the corporation in a segregated account in institutions insured by the Federal Deposit Insurance Corporation not later than the close of the next banking day after the date of their collection by the retailer until the date they are paid over to the corporation. At the time of such deposit, bona fide coin operated amusement machine proceeds shall be deemed to be the property of the corporation. The corporation may require a location owner or location operator to establish a single separate electronic funds transfer account where available for the purpose of receiving proceeds from Class B machines, making payments to the corporation, and receiving payments for the corporation. Unless otherwise authorized in writing by the corporation, each bona fide coin operated amusement machine location owner or location operator shall establish a separate bank account for bona fide coin operated amusement machine proceeds which shall be kept separate and apart from all other funds and assets and shall not be commingled with any other funds or assets. Whenever any person who receives proceeds from bona fide coin operated amusement machines becomes insolvent, the proceeds due the corporation from such person shall have preference over all debts or demands. Whenever any person who receives proceeds from bona fide coin operated amusement machines dies insolvent, the proceeds due the corporation from such person's estate shall have preference over all debts or demands except the provision of year's support for such person's family. If any financial

obligation to the corporation has not been timely received, the officers, directors, members, partners, or shareholders of the location owner or location operator shall be personally liable for the moneys owed to the corporation. The corporation shall issue a federal Internal Revenue Service Form 1099, or its equivalent, to each master licensee and location owner or location operator which receives proceeds pursuant to this Code section.

(c)(1) As a condition of the license issued pursuant to this article, no master licensee or location owner or location operator shall replace or remove a Class A machine or Class B machine from a location until the master licensee and location owner or location operator certify to the corporation that there are no disputes regarding any agreement, distribution of funds, or other claim between the master licensee and location owner or location operator; provided, however, that this certification shall not be required if a master licensee is replacing its own Class A machine or Class B machine at a location. If either the master licensee or location owner or location operator is unable to make the certification required by this Code section, the corporation shall refer the dispute to a hearing officer as set forth in this subsection.

(2) The corporation shall have jurisdiction of all disputes between and among any licensees or former licensees whose licenses were issued pursuant to this article relating in any way to any agreement involving coin operated amusement machines, distribution of funds, tortious interference with contract, other claims against a subsequent master licensee or location owner, or any other claim involving coin operated amusement machines; provided, however, that this paragraph shall not apply to any agreement which expired on or before April 10, 2013. Except as provided in paragraph (1) of this subsection, the corporation shall refer any dispute certified by any master licensee against any other master licensee or any location owner or location operator or by any location owner or location operator against any master licensee to a hearing officer. For the purpose of service on licensees with respect to disputes, each licensee or former licensee shall register and keep current with the corporation the name of an agent and his or her address and an email address which shall be made available to any licensee on request. Service by registered mail, courier delivery, or overnight mail delivered to the agent's registered address and to the email address shall be adequate service on the licensee for a hearing on the dispute. All disputes subject to the provisions of this Code section certified by a master licensee, location owner, or location operator shall be decided by a hearing officer approved or appointed by the corporation. The corporation shall adopt rules and regulations governing the selection of hearing officers after consultation with the Bona Fide Coin

Operated Amusement Machine Operator Advisory Board. Costs of the hearing officer's review, including any hearing set pursuant to this Code section, shall be shared equally between the parties in the dispute unless provided otherwise in the agreement or by the hearing officer; provided, however, that the corporation shall not be responsible for any of the costs associated with the dispute resolution mechanism set forth in this Code section. If any party fails to timely pay the costs of the hearing officer's review within ten days of service of notice of costs by the hearing officer, the hearing officer shall grant a default judgment on liability against the nonpaying party. The hearing officer shall then consider evidence related to damages or any other relief and shall render judgment based upon a preponderance of the evidence.

(3) The corporation shall also adopt rules governing the procedure, evidentiary matters, and any prehearing discovery applicable to disputes resolved pursuant to this Code section. Such rules shall be consistent with the Georgia Arbitration Code, and the corporation shall consult the Bona Fide Coin Operated Amusement Machine Operator Advisory Board regarding the procedures or rules adopted pursuant to this subsection. Notwithstanding Code Section 9-9-9, such procedures and rules shall include at least the right of notice to produce books, writings, and other documents or tangible things; depositions; and interrogatories.

(4) If requested by the master licensee or the location owner or location operator, the hearing officer shall conduct a hearing as to the dispute, but in no case unless extended by the hearing officer for good cause shall the hearing officer conduct a hearing more than 90 days after he or she has been appointed or selected to decide the dispute. No Class B machine that is subject to the dispute resolution mechanism required by this Code section shall be removed from the terminal by a master licensee, location owner, or location operator or otherwise prevented by a master licensee, location owner, or location operator from play by the public until a final decision is entered and all appellate rights have been exhausted, or until the master licensee and location owner or location operator agree to a resolution, whichever occurs first.

(5) The decision of the hearing officer may be appealed to the chief executive officer or his or her designee. The chief executive officer shall not reverse a finding of fact of the hearing officer if any evidence supports the hearing officer's conclusion. The chief executive officer shall not reverse a conclusion of law of the hearing officer unless it was clearly erroneous, arbitrary, and capricious or exceeded the hearing officer's jurisdiction. The decision of the chief executive officer may be appealed to the Superior Court of Fulton County, which

court shall not reverse the chief executive officer's findings of fact unless it is against the weight of the evidence as set forth in Code Section 5-5-21, and the chief executive officer's legal conclusions shall not be set aside unless there is an error of law.

History.

Code 1981, § 50-27-102, enacted by Ga. L. 2013, p. 37, § 1-1/HB 487; Ga. L. 2015, p. 39, § 9/SB 190; Ga. L. 2016, p. 762, § 5/SB 388; Ga. L. 2016, p. 864, § 50/HB 737; Ga. L. 2018, p. 1112, § 50/SB 365; Ga. L. 2020, p. 377, § 2-28/HB 865; Ga. L. 2021, p. 922, § 50/HB 497; Ga. L. 2024, p. 739, § 11/HB 353, effective May 6, 2024.

Amendments.

The 2024 amendment, effective May 6, 2024, substituted "13 percent" for "5 percent" in paragraph (a)(1); substituted "43.5 percent" for "47.5 percent" in paragraphs (a)(2) and (a)(3); deleted subsection (b), which read: "In each fiscal year after the implementation and certification required by subsection (a) of this Code section, the corporation's share shall increase 1 percent, taken evenly from the

location owner or location operator and the operator, to a maximum of 10 percent."; redesignated subsections (c) and (d) as subsections (b) and (c); added the last sentence in subsection (c); substituted "Class A machine or Class B machine" for "Class A machine or Class B bona fide coin operated amusement machine" twice in paragraph (c)(1); substituted "master licensee" for "master license holder" in the first sentence in paragraph (c)(2); and deleted "bona fide coin operated amusement" following "Class B" near the beginning of the second sentence in paragraph (c)(4).

Editor's notes.

See Editor's notes at the beginning of this article as to the contingency related to a court finding of unconstitutionality of this Code section.

JUDICIAL DECISIONS

Jurisdiction. — In an action to recover money allegedly owed under a contract regarding the placement of coin operated amusement machines, the operator's proper remedy with respect to the operator's challenge to the Georgia Lottery Corporation's denial of its motion for review of the arbitrator's award was an appeal and, thus, the superior court correctly concluded that the arbitration award was not properly before the court pursuant to the petition to vacate the award. *Solutions v. Metro Carrollton Corp.*, 360 Ga. App. 44, 860 S.E.2d 599, 2021 Ga. App. LEXIS 306 (2021).

Superior court properly concluded that the company's claims were within its subject-matter jurisdiction because O.C.G.A. § 50-27-102(d) did not confer exclusive jurisdiction over claims between coin-operated amusement machine licensees to the Georgia Lottery

Corporation (GLC); the General Assembly could have vested the GLC with exclusive jurisdiction, but it elected not to do so; and neither the legislature nor a judge could limit the jurisdiction of a superior court. *Alli v. Ultra Group of Cos., Inc.*, 366 Ga. App. 670, 883 S.E.2d 888, 2023 Ga. App. LEXIS 57 (2023).

Intra-agency appeal procedure must be followed. — Order dismissing vendor's petition for certiorari was upheld because to preserve its right to appeal, and notwithstanding any other direction by the hearing officer to the contrary, the vendor was required to file a Request for Reconsideration with the Georgia Lottery Corporation (GLC) Chief Executive Officer no later than ten days after receipt of the September 16, 2021, Order, which it did not do. *Lucky Fortune, LLC v. Ga. Lottery Corp.*, 367 Ga. App. 263, 885 S.E.2d 297, 2023 Ga. App. LEXIS 143 (2023).

50-27-103. Removal of Class B machines; notification; audits.

Editor’s notes.
See Editor’s notes at the beginning of this article as to the contingency related

to a court finding of unconstitutionality of this Code section.

50-27-104. Penalties.

Editor’s notes.
See Editor’s notes at the beginning of this article as to the contingency related

to a court finding of unconstitutionality of this Code section.

CHAPTER 29			
INFORMATION TECHNOLOGY			
Article 2		Sec.	
Social Media Platforms on State Electronic Devices		50-29-22.	dia platforms on state electronic devices; exception. List of prohibited social media platforms; role of director of the Georgia Emergency Management and Homeland Security Agency.
Sec.			
50-29-20.	Definitions.		
50-29-21.	Prohibition on installation, use, or visiting of social me-	50-29-23.	Federal law not preempted.

ARTICLE 1

GEORGIA TECHNOLOGY AUTHORITY

Editor’s notes.
Ga. L. 2023, p. 405, § 2/SB 93, effective May 2, 2023, designated the existing provisions of this Chapter (Code Sections 50-29-1 through 50-29-12) as Article 1 and added Article 2.
Ga. L. 2023, p. 405, § 1/SB 93, not codified by the General Assembly, provides: “The General Assembly finds that:
“(1) This state has a fundamental interest in ensuring the safety, security, and general welfare of the government and the public, including maintaining a strong and robust cybersecurity infrastructure and protecting the security and integrity of the state government’s data;
“(2) This state has a duty to take action to preserve the safety and security of this state and the people and businesses of this state against cyberthreats from foreign adversaries;
“(3) Companies that own or operate social media platforms have the capability to track and store users’ detailed public and nonpublic personal data;
“(4) Certain social media platforms are owned by companies that are located in countries that are considered foreign adversaries to the United States, and such social media platforms pose a security risk to the people of this state due to such foreign government’s access to the data of users in this state;
“(5) Certain foreign adversaries, such as the People’s Republic of China, legally require companies to share data with their respective foreign governments; and
“(6) Executive and legislative branches of the federal government and state governments, including this state, have taken actions to prohibit the use of certain social media platforms on all government issued equipment, citing security concerns.”

Amendments. to the Metaverse?” see 72 Emory L.J. 1105 (2023).
For article “Militant Democracy Comes

ARTICLE 2

SOCIAL MEDIA PLATFORMS ON STATE ELECTRONIC DEVICES

Effective date.

This article became effective May 2, 2023.

Cross references.

Free speech, U.S. Const., amend. 1.
Freedom of speech and of the press guaranteed, Ga. Const. 1983, Art. I, Sec. I, Para. V.

Editor’s notes.

Ga. L. 2023, p. 405, § 1/SB 93, not codified by the General Assembly, provides: “The General Assembly finds that:

“(1) This state has a fundamental interest in ensuring the safety, security, and general welfare of the government and the public, including maintaining a strong and robust cybersecurity infrastructure and protecting the security and integrity of the state government’s data;

“(2) This state has a duty to take action to preserve the safety and security of this state and the people and businesses of this state against cyberthreats from foreign adversaries;

“(3) Companies that own or operate so-

cial media platforms have the capability to track and store users’ detailed public and nonpublic personal data;

“(4) Certain social media platforms are owned by companies that are located in countries that are considered foreign adversaries to the United States, and such social media platforms pose a security risk to the people of this state due to such foreign government’s access to the data of users in this state;

“(5) Certain foreign adversaries, such as the People’s Republic of China, legally require companies to share data with their respective foreign governments; and

“(6) Executive and legislative branches of the federal government and state governments, including this state, have taken actions to prohibit the use of certain social media platforms on all government issued equipment, citing security concerns.”

Law reviews.

For article “Militant Democracy Comes to the Metaverse?” see 72 Emory L.J. 1105 (2023).

50-29-20. Definitions.

As used in this article, the term:

(1) “Company” means any 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.

(2) “Foreign adversary” means a foreign government or foreign nongovernmental entity as listed in 15 C.F.R. 7.4(a) in effect on January 1, 2023.

(3) “Social media platform” means an internet website or application that is open to the public, allows users to create accounts, enables users to communicate or interact with other users, permits users to create or post content, messages, information, or images that

are viewable by other users, and permits users to comment on or message other users regarding such content, messages, information, or images.

(4) “State agency” means any agency, authority, department, institution, board, bureau, commission, committee, office, or instrumentality of the executive, legislative, or judicial branch of government of this state.

(5) “State employee” means an officer, official, employee, or independent contractor of a state agency.

(6) “State equipment” means any electronic device, including any system, computer, mobile electronic device, or other technological equipment capable of internet connectivity, that is owned, leased, or otherwise controlled by a state agency and used for state business.

(7) “Student” means a person who is included in a full-time equivalent program count under Code Section 20-2-160.

History.

Code 1981, § 50-29-20, enacted by Ga. L. 2023, p. 405, § 2/SB 93, effective May 2, 2023.

Law reviews.

For article “Militant Democracy Comes to the Metaverse?” see 72 Emory L.J. 1105 (2023).

50-29-21. Prohibition on installation, use, or visiting of social media platforms on state electronic devices; exception.

(a) Except as provided for in subsection (b) of this Code section, a state employee or student shall not install, use, or visit any social media platform on state equipment when:

(1) The company that directly or indirectly owns or operates such social media platform is:

(A) Directly or indirectly owned or operated by a foreign adversary or is domiciled in, has its principal place of business in, has headquarters in, or is organized under the laws of a foreign adversary;

(B) Domiciled or has its principal place of business or headquarters in a foreign adversary; or

(C) Organized under the laws of a foreign adversary.

(2) A foreign adversary has substantial direct or indirect control or influence over the content moderation practices of a company which directly or indirectly owns or operates the social media platform; or

(3) The social media platform uses software or an algorithm that is directly or indirectly controlled or monitored by a foreign adversary.

(b) Notwithstanding the provisions in subsection (a) of this Code section, a state employee shall be authorized to install, use, or visit a social media platform that is otherwise prohibited pursuant to this Code section on state equipment for law enforcement purposes, cybersecurity research and development, or judicial or legislative proceedings.

(c) The provisions of this Code section shall be broadly construed and are applicable to the executive, legislative, and judicial branches of this state.

History.

Code 1981, § 50-29-21, enacted by Ga. L. 2023, p. 405, § 2/SB 93, effective May 2, 2023.

Law reviews.

For article “Militant Democracy Comes to the Metaverse?” see 72 Emory L.J. 1105 (2023).

50-29-22. List of prohibited social media platforms; role of director of the Georgia Emergency Management and Homeland Security Agency.

(a) The director of the Georgia Emergency Management and Homeland Security Agency shall prepare and maintain a list of social media platforms that violate the provisions of Code Section 50-29-21, as determined by the director. Such list shall be made available to the public on such agency’s website.

(b) The director shall update the list of social media platforms provided for in subsection (a) of this Code section as necessary.

(c) The requirements of Chapter 13 of this title, the “Georgia Administrative Procedure Act,” shall not apply to this Code section.

History.

Code 1981, § 50-29-22, enacted by Ga. L. 2023, p. 405, § 2/SB 93, effective May 2, 2023.

Law reviews.

For article “Militant Democracy Comes to the Metaverse?” see 72 Emory L.J. 1105 (2023).

50-29-23. Federal law not preempted.

Nothing in this article shall be construed to preempt any federal law or authority.

History.

Code 1981, § 50-29-23, enacted by Ga. L. 2023, p. 405, § 2/SB 93, effective May 2, 2023.

Law reviews.

For article “Militant Democracy Comes to the Metaverse?” see 72 Emory L.J. 1105 (2023).

CHAPTER 34

ONEGEORGIA AUTHORITY

Sec. 50-34-20.	Grant program to establish primary care medical facilities in health professional shortage areas; application; amount of award; approval; regulations.	Sec. 50-34-21.	[Repealed] Georgia CHIPS and Advanced Technology Consortium (GCATC).
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50-34-20. Grant program to establish primary care medical facilities in health professional shortage areas; application; amount of award; approval; regulations.

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

(1) “Mental health care provider” means:

(A) A clinical nurse specialist in psychiatric/mental health authorized under the laws of this state to practice as a registered professional nurse and who is recognized by the Georgia Board of Nursing to be engaged in advanced nursing practice as a clinical nurse specialist in psychiatric/mental health;

(B) A clinical social worker authorized to practice under the laws of this state;

(C) A marriage and family therapist authorized to practice under the laws of this state;

(D) A professional counselor authorized to practice under the laws of this state;

(E) A psychologist authorized to practice under the laws of this state; and

(F) A psychiatrist authorized to practice under the laws of this state.

(2) “Primary care medical facility” means any facility where the majority of the services provided are primary care, dental, or mental health services.

(3) “Primary care medical provider” means any person authorized under the laws of this state to practice as a dentist, physician, or mental health care provider.

(b) Subject to available funding, the authority shall establish and administer a grant program which shall serve the purpose of awarding grants to eligible applicants to establish primary care medical facilities

in health professional shortage areas as designated by the Department of Community Health.

(c) Any development authority established pursuant to Chapter 62 of Title 36 shall be eligible to apply for such a grant provided that, prior to application, the local governing bodies that created such authority have endorsed the proposed project in writing and have pledged to contribute to the project as prescribed by the rules and regulations of the authority.

(d) To the extent permitted by Chapter 62 of Title 36, a development authority may:

(1) Enter into a lease-purchase agreement with one or more primary care medical providers to lease and operate the primary care medical facility established with funds provided pursuant to this Code section; and

(2) Convey any remaining ownership interest in such facility to such primary care medical providers who have provided services at the facility under such lease-purchase agreement for at least ten years.

(e) The amount of any grant awarded pursuant to this Code section shall not exceed \$200,000.00 and shall be determined by the authority on a case-by-case review of applications consistent with criteria to be prescribed by the authority which shall include, but shall not be limited to, the:

(1) Primary care shortage in the community;

(2) Degree of local commitment;

(3) Consistency with local and regional healthcare goals and objectives;

(4) Project readiness and feasibility;

(5) Geographic distribution of existing primary care facilities; and

(6) Reasonableness of cost estimates.

(f) All applications for grants under this Code section shall include a recommendation from the Department of Community Health that the proposed project will significantly develop and promote a primary care medical facility and promote the general welfare of this state.

(g) After reviewing an application, the authority shall submit any pending grant award to the Governor and the Board of Community Health for approval before such grant shall be awarded.

(h) The authority shall adopt such rules and regulations as are reasonable and necessary to implement and administer the grant program established under this Code section.

History.

Code 1981, § 50-34-20, enacted by Ga. L. 2022, p. 550, § 1/HB 1042.

Effective date.

This Code section became effective July 1, 2022.

50-34-21. [Repealed] Georgia CHIPS and Advanced Technology Consortium (GCATC).

History.

Code 1981, § 50-34-21, enacted by Ga. L. 2024, p. 765, § 2-2/HB 1026, effective May 6, 2024; repealed by Ga. L. 2025, p. 520, § 3/HB 216, effective May 13, 2025.

codified by the General Assembly, provides: “This part shall be known and may be cited as the ‘Richard H. Smith Georgia CHIPS Advancement in Research and Economic Development Act.’”

Editor’s notes.

Ga. L. 2024, p. 765, § 2-1/HB 1026, not

For present comparable provisions, see § 50-7-130 et seq.

CHAPTER 36

VERIFICATION OF LAWFUL PRESENCE WITHIN UNITED STATES

Sec.

50-36-1.

Verification requirements, procedures, and conditions; exceptions; regulations; criminal and other penalties for violations.

Sec.

50-36-4.

Submission of annual immigration compliance report; creation of reporting system; contents of reports; annual review.

50-36-1. Verification requirements, procedures, and conditions; exceptions; regulations; criminal and other penalties for violations.

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

(1) “Agency head” means a director, commissioner, chairperson, mayor, councilmember, board member, sheriff, or other executive official, whether appointed or elected, responsible for establishing policy for a public employer.

(2) “Agency or political subdivision” means any department, agency, authority, commission, or government entity of this state or any subdivision of this state.

(3) “Applicant” means any natural person, 18 years of age or older, who has made application for access to public benefits on behalf of an individual, business, corporation, partnership, or other private entity.

(4) “Public benefit” means a federal, a state, or local benefit which shall include the following:

(A) Adult education;

- (A.1) Apprenticeships;
- (B) Authorization to conduct a commercial enterprise or business;
- (C) Business certificate, license, or registration;
- (D) Business loan;
- (E) Cash allowance;
- (F) Disability assistance or insurance;
- (G) Down payment assistance;
- (H) Energy assistance;
- (I) Food stamps;
- (J) Gaming license;
- (K) Grants;
- (L) Health benefits;
- (M) Housing allowance, grant, guarantee, or loan;
- (N) Loan guarantee;
- (O) Medicaid;
- (P) Occupational license;
- (Q) Professional license;
- (R) Public and assisted housing;
- (S) Registration of a regulated business;
- (T) Rent assistance or subsidy;
- (U) Retirement benefits;
- (V) State grant or loan;
- (W) State issued driver's license and identification card;
- (X) Tax certificate required to conduct a commercial business;
- (Y) Temporary assistance for needy families (TANF);
- (Z) Unemployment insurance; and
- (AA) Welfare to work.

(5) "SAVE program" means the federal Systematic Alien Verification for Entitlements program operated by the United States Department of Homeland Security or a successor program designated by the

United States Department of Homeland Security for the same purpose.

(b) Except as provided in subsection (d) of this Code section or where exempted by federal law, every agency or political subdivision shall verify the lawful presence in the United States under federal immigration law of any applicant for public benefits.

(c) This Code section shall be enforced without regard to race, religion, gender, ethnicity, or national origin.

(d) Verification of lawful presence in the United States under federal immigration law under this Code section shall not be required:

(1) For any purpose for which lawful presence in the United States under federal immigration law is not required by law, ordinance, or regulation;

(2) For assistance for health care items and services that are necessary for the treatment of an emergency medical condition, as defined in 42 U.S.C. Section 1396b(v) (3), of the alien involved and are not related to an organ transplant procedure;

(3) For short-term, noncash, in-kind emergency disaster relief;

(4) For public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of symptoms of communicable diseases whether or not such symptoms are caused by a communicable disease;

(5) For programs, services, or assistance such as soup kitchens, crisis counseling and intervention, and short-term shelter specified by the United States Attorney General, in the United States Attorney General's sole and unreviewable discretion after consultation with appropriate federal agencies and departments, which:

(A) Deliver in-kind services at the community level, including through public or private nonprofit agencies;

(B) Do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and

(C) Are necessary for the protection of life or safety;

(6) For prenatal care; or

(7) For postsecondary education, whereby the Board of Regents of the University System of Georgia, the State Board of the Technical College System of Georgia, the board of commissioners of the Georgia Student Finance Commission, and the board of directors of the Georgia Student Finance Authority shall set forth, or cause to be set

forth, policies or regulations, or both, regarding postsecondary benefits that comply with all federal law including but not limited to public benefits as described in 8 U.S.C. Section 1611, 1621, or 1623.

(e) All policies of agencies or political subdivisions regarding public benefits for postsecondary education shall comply with federal law as provided in 8 U.S.C. Section 1623.

(f)(1) Except as provided in subsection (g) of this Code section, an agency or political subdivision providing or administering a public benefit shall require every applicant for such benefit to:

(A) Provide at least one secure and verifiable document, as defined in Code Section 50-36-2, or a copy or facsimile of such document. Any document required by this subparagraph may be submitted by or on behalf of the applicant at any time within nine months prior to the date of application so long as the document remains valid through the licensing or approval period or such other period for which the applicant is applying to receive a public benefit; and

(B) Execute a signed and sworn affidavit verifying the applicant's lawful presence in the United States under federal immigration law; provided, however, that if the applicant is younger than 18 years of age at the time of the application, he or she shall execute the affidavit required by this subparagraph within 30 days after his or her eighteenth birthday. Such affidavit shall affirm that:

(i) The applicant is a United States citizen or legal permanent resident 18 years of age or older; or

(ii) The applicant is a qualified alien or nonimmigrant under the federal Immigration and Nationality Act, Title 8 U.S.C., 18 years of age or older lawfully present in the United States and provide the applicant's alien number issued by the Department of Homeland Security or other federal immigration agency.

(2) The state auditor shall create affidavits for use under this subsection and shall keep a current version of such affidavits on the Department of Audits and Accounts' official website.

(3) Documents and copies of documents required by this subsection may be submitted in person, by mail, or electronically, provided the submission complies with Chapter 12 of Title 10. Copies of documents submitted in person, by mail, or electronically shall satisfy the requirements of this Code section. For purposes of this paragraph, electronic submission shall include a submission via facsimile, Internet, electronic texting, or any other electronically assisted transmitted method approved by the agency or political subdivision.

(4) The requirements of this subsection shall not apply to any applicant applying for or renewing an application for a public benefit within the same agency or political subdivision if the applicant has previously complied with the requirements of this subsection by submission of a secure and verifiable document, as defined in Code Section 50-36-2, and a signed and sworn affidavit affirming that such applicant is a United States citizen.

(g)(1) The Department of Driver Services shall require every applicant for a state issued driver's license or state identification card to submit, in person, an original secure and verifiable document, as defined in Code Section 50-36-2, and execute a signed and sworn affidavit verifying the applicant's lawful presence in the United States under federal immigration law.

(2) The requirements of this subsection shall not apply to any applicant renewing a state issued driver's license or state identification card when such applicant has previously complied with the requirements of this subsection by submission of a secure and verifiable document, as defined in Code Section 50-36-2, and a signed and sworn affidavit affirming that such applicant is a United States citizen.

(h) For any applicant who has executed an affidavit that he or she is an alien lawfully present in the United States, eligibility for public benefits shall be made through the SAVE program. Until such eligibility verification is made, the affidavit may be presumed to be proof of lawful presence in the United States under federal immigration law for the purposes of this Code section.

(i) Any person who knowingly and willfully makes a false, fictitious, or fraudulent statement of representation in an affidavit executed pursuant to this Code section shall be guilty of a violation of Code Section 16-10-20.

(j) Verification of citizenship through means required by federal law shall satisfy the requirements of this Code section.

(k) It shall be unlawful for any agency or political subdivision to provide or administer any public benefit in violation of this Code section. Agencies and political subdivisions subject to the requirements of this subsection shall provide an annual report to the Department of Audits and Accounts pursuant to Code Section 50-36-4 as proof of compliance with this subsection. Any agency or political subdivision failing to provide a report as required by this subsection shall not be entitled to any financial assistance, funds, or grants from the Department of Community Affairs.

(l) Any and all errors and significant delays by the SAVE program

shall be reported to the United States Department of Homeland Security.

(m) Notwithstanding subsection (i) of this Code section, any applicant for public benefits shall not be guilty of any crime for executing an affidavit attesting to his or her lawful presence in the United States under federal immigration law that contains a false statement if such affidavit is not required by this Code section.

(n) In the event a legal action is filed against any agency or political subdivision alleging improper denial of a public benefit arising out of an effort to comply with this Code section, the Attorney General shall be served with a copy of the proceeding and shall be entitled to be heard.

(o) Compliance with this Code section by an agency or political subdivision shall include taking all reasonable, necessary steps required by a federal agency to receive authorization to utilize the SAVE program or any successor program designated by the United States Department of Homeland Security or other federal agency, including providing copies of statutory authorization for the agency or political subdivision to provide public benefits and other affidavits, letters of memorandum of understanding, or other required documents or information needed to receive authority to utilize the SAVE program or any successor program for each public benefit provided by such agency or political subdivision. An agency or political subdivision that takes all reasonable, necessary steps and submits all requested documents and information as required in this subsection but either has not been given access to use such programs by such federal agencies or has not completed the process of obtaining access to use such programs shall not be liable for failing to use the SAVE program or any such successor program to verify eligibility for public benefits.

(p) In the case of noncompliance with the provisions of this Code section by an agency or political subdivision, the appropriations committee of each house of the General Assembly may consider such noncompliance in setting the budget and appropriations.

(q) No employer, agency, or political subdivision shall be subject to lawsuit or liability arising from any act to comply with the requirements of this chapter; provided, however, that the intentional and knowing failure of any agency head to abide by the provisions of this chapter shall:

(1) Be a violation of the code of ethics for government service established in Code Section 45-10-1 and subject such agency head to the penalties provided for in Code Section 45-10-28, including removal from office and a fine not to exceed \$10,000.00; and

(2) Be a high and aggravated misdemeanor offense where such agency head acts to willfully violate the provisions of this Code

section or acts so as to intentionally and deliberately interfere with the implementation of the requirements of this Code section.

The Attorney General shall have the authority to conduct a criminal and civil investigation of an alleged violation of this chapter by an agency or agency head and to bring a prosecution or civil action against an agency or agency head for all cases of violations under this chapter. In the event that an order is entered against an employer, the state shall be awarded attorney's fees and expenses of litigation incurred in bringing such an action and investigating such violation.

History.

Code 1981, § 50-36-1, enacted by Ga. L. 2006, p. 105, § 9/SB 529; Ga. L. 2009, p. 8, § 50/SB 46; Ga. L. 2009, p. 970, § 3/HB 2; Ga. L. 2011, p. 632, § 3/HB 49; Ga. L. 2011, p. 794, §§ 16, 17, 18/HB 87; Ga. L. 2012, p. 775, § 50/HB 942; Ga. L. 2013, p.

111, § 6/SB 160; Ga. L. 2013, p. 125, § 1/HB 324; Ga. L. 2024, p. 616, § 4-1/SB 497, effective July 1, 2024.

Amendments.

The 2024 amendment, effective July 1, 2024, added subparagraph (a)(4)(A.1).

50-36-4. Submission of annual immigration compliance report; creation of reporting system; contents of reports; annual review.

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

(1) "Agency or political subdivision" means any department, agency, authority, commission, or governmental entity of this state or any subdivision of this state.

(2) "Annual reporting period" means from December 1 of the preceding year through November 30 of the year in which the report is due.

(3) "Contractor" shall have the same meaning as set forth in Code Section 13-10-90.

(4) "Department" means the Department of Audits and Accounts.

(5) "Physical performance of services" shall have the same meaning as set forth in Code Section 13-10-90.

(6) "Public employer" shall have the same meaning as set forth in Code Section 13-10-90.

(b) Each agency, sheriff's office, law enforcement agency, or political subdivision subject to any of the requirements provided in Code Sections 13-10-91, 35-1-17, 36-60-6, 36-80-23, 42-1-11.4, 42-1-11.5, 42-4-14, 42-4-16, and 50-36-1 shall submit an annual immigration compliance report to the department by December 31 that includes the information required under subsection (d) of this Code section for the annual reporting period. If an agency or political subdivision is exempt

from any, but not all, of the provisions of subsection (d) of this Code section, it shall still be required to submit the annual report but shall indicate in the report which requirements from which it is exempt.

(c) The department shall create an immigration compliance reporting system and shall provide technical support for the submission of such reports. The department shall further provide annual notification of such reports with submission instructions to all agencies and political subdivisions subject to such requirements. The department shall be authorized to implement policy as is needed to carry out the requirements of this subsection.

(d) The immigration compliance report provided for in subsection (b) of this Code section shall contain the following:

(1) The agency or political subdivision's federal work authorization program verification user number and date of authorization;

(2) The legal name, address, and federal work authorization program user number of every contractor that has entered into a contract for the physical performance of services with a public employer as required under Code Section 13-10-91 during the annual reporting period;

(3) The date of the contract for the physical performance of services between the contractor and public employer as required under Code Section 13-10-91;

(4) A listing of each license or certificate issued by a county or municipal corporation to private employers that are required to utilize the federal work authorization program under the provisions of Code Section 36-60-6 during the annual reporting period, including the name of the person and business issued a license and his or her federally assigned employment eligibility verification system user number as provided in the private employer affidavit submitted at the time of application;

(5)(A) A listing of each public benefit administered by the agency or political subdivision and a listing of each public benefit for which SAVE program authorization for verification has not been received.

(B) As used in this paragraph, the terms "public benefit" and "SAVE program" shall have the same meanings as set forth in Code Section 50-36-1;

(6) The agency or political subdivision's certificate of compliance with Code Section 36-80-23; and

(7) Where applicable, the agency, sheriff's office, law enforcement agency, or political subdivision's certificate of compliance with Code Sections 35-1-17, 42-1-11.4, 42-1-11.5, 42-4-14, and 42-4-16.

- (e) The department shall annually conduct random reviews of no less than 5 percent of the immigration compliance reports submitted pursuant to this Code section and shall make the determination of compliance pursuant to this Code section. In the event that the immigration compliance report submitted by an agency or political subdivision is found to be deficient by the department, so long as a new immigration compliance report is submitted with the prior deficiencies corrected and fully complies with this Code section, such agency or political subdivision shall be deemed to have satisfied the requirements of this Code section.
- (f) Any action taken by an agency or a political subdivision for the purpose of complying with the requirements of this Code section shall not subject such agency or political subdivision to any civil liability arising from such action.

History.

Code 1981, § 50-36-4, enacted by Ga. L. 2013, p. 111, § 8/SB 160; Ga. L. 2016, p. 244, § 2/SB 269; Ga. L. 2024, p. 491, § 12/HB 1105, effective May 1, 2024; Ga. L. 2025, p. 1029, § 50(3)/SB 153, effective July 1, 2025.

Amendments.

The 2024 amendment, effective May 1, 2024, in the first sentence in subsection (b), inserted “, sheriff’s office, law enforcement agency,” “35-1-17,” and “42-1-11.4, 42-1-11.5, 42-4-14, 42-4-16,”; deleted “and” from the end of subparagraph (d)(5)(B); substituted “; and” for a period at the end of paragraph (d)(6); added para-

graph (d)(7); added the first sentence in subsection (e); and deleted subsection (g), which read: “The department shall not find an agency or a political subdivision to be in violation of this Code.”

The 2025 amendment, effective July 1, 2025, part of an Act to revise, modernize, and correct the Code, substituted “42-1-11.4, 42-1-11.5” for “42-4-11.4, 42-4-11.5” in paragraph (d)(7).

Editor’s notes.

Ga. L. 2024, p. 491, § 1/HB 1105, not codified by the General Assembly, provides: “This Act shall be known and may be cited as the ‘Georgia Criminal Alien Track and Report Act of 2024.’”

CHAPTER 40

PROMOTION AND DEPLOYMENT OF BROADBAND SERVICES

Article 1		Article 2	
General Provisions		Area Identification	
Sec.		Sec.	
50-40-3.	Confidential and proprietary nature of information provided by broadband service providers.	50-40-20.	Determination of served and unserved areas.
		50-40-21.	Development, publication and utilization of map identifying underserved areas.

Article 5

Georgia Broadband Deployment Initiative

Sec.
50-40-81. Development of Georgia

Broadband Deployment Initiative; funding awards; considerations; priorities; compliance with federal provisions.

ARTICLE 1

GENERAL PROVISIONS

50-40-3. Confidential and proprietary nature of information provided by broadband service providers.

(a) All information provided by a broadband services provider pursuant to this chapter shall be presumed to be confidential, proprietary, a trade secret as such term is defined in Code Section 10-1-761, and subject to exemption from disclosure under state and federal law and shall not be subject to disclosure under Article 4 of Chapter 18 of this title, except in the form of a map where information that could be used to determine provider-specific information about the network of the broadband services provider is not disclosed.

(b) Except as otherwise provided in this chapter, such provider-specific information shall be used solely for the purposes stated under this chapter and shall not, without express permission of the submitting broadband services provider, be released to any person other than to:

- (1) The submitting broadband services provider;
- (2) The Department of Community Affairs or the Georgia Technology Authority;
- (3) Agents designated to assist in developing the map provided for in Article 2 of this chapter;
- (4) Agents designated to assist in developing a state-wide broadband services deployment plan or supporting the coordination of funding programs associated with broadband services pursuant to this chapter;
- (5) Employees of the Department of Community Affairs or the Georgia Technology Authority; or
- (6) Attorneys employed by or under contract with the Department of Community Affairs or the Georgia Technology Authority.

(c) All persons and entities to which any provider-specific information is released pursuant to subsection (b) of this Code section shall protect such information from public disclosure. Nothing in this Code section shall prohibit such persons and entities to publish the maps

provided for in this chapter, provided that no data is publicly distributed that could be used to determine provider-specific information about the network of the broadband services provider.

History.

Code 1981, § 50-40-3, enacted by Ga. L. 2018, p. 629, § 6-1/SB 402; Ga. L. 2023, p. 388, § 1/SB 193, effective May 2, 2023.

Amendments.

The 2023 amendment, effective May 2, 2023, rewrote this Code section.

ARTICLE 2

AREA IDENTIFICATION

50-40-20. Determination of served and unserved areas.

(a) The Department of Community Affairs shall determine those areas in this state that are served areas and unserved areas and shall publish such findings.

(b) In addition to the determinations required under subsection (a) of this Code section, the Department of Community Affairs shall separately determine which locations are eligible for state or federal funding programs administered by the state for improved broadband services and shall publish such findings. Location eligibility for federal funding programs administered by the state for improved broadband services shall be determined based on the rules, regulations, and guidance set forth by each funding program.

History.

Code 1981, § 50-40-20, enacted by Ga. L. 2018, p. 629, § 6-1/SB 402; Ga. L. 2023, p. 388, § 2/SB 193, effective May 2, 2023.

sions of this Code section as subsection (a), substituted “this state” for “the state” in subsection (a), and added subsection (b).

Amendments.

The 2023 amendment, effective May 2, 2023, designated the existing provi-

50-40-21. Development, publication and utilization of map identifying underserved areas.

(a) The Department of Community Affairs shall publish on its website a map showing the unserved areas in this state and locations eligible for state or federal funding programs administered by the state for improved broadband service.

(b) For the purposes of facilitating grants, the Department of Community Affairs may distribute data for locations eligible for state or federal funding programs administered by the state for improved broadband services. The Department of Community Affairs shall not publicly distribute data for any location that has broadband services available at a rate of at least 25 megabits per second in the downstream

direction and at least 3 megabits per second in the upstream direction to end users except when the rules, regulations, and guidance for funding programs to be administered by the state or federal government requires these locations to be eligible for funding under each program. The Department of Community Affairs shall not publicly distribute any data pursuant to this subsection that could be used to determine provider-specific information about the network of a broadband services provider.

(c) The Department of Community Affairs shall consult with the Federal Communications Commission in determining if a map showing the unserved areas, as determined by the Department of Community Affairs, exists. If on or before July 1, 2018, the Department of Community Affairs determines that such a map does not exist, then such a map shall be created by the Department of Community Affairs or an agent designated by the Department of Community Affairs. Such agent may include the Georgia Technology Authority or other entities and individuals that are determined by the Department of Community Affairs to possess the necessary prerequisites to assist the department in creating such a map. Any such map created by the Department of Community Affairs shall take into consideration any information received pursuant to subsections (d) and (e) of this Code section and Code Section 50-40-22. If the Department of Community Affairs determines that such a map does exist that was not created by the Department of Community Affairs or an agent designated by the Department of Community Affairs, then its website may link to such existing map in lieu of republishing such map.

(d) All local governments shall cooperate with the Department of Community Affairs and any agent designated by the Department of Community Affairs by providing requested information as to addresses and locations of broadband services and other emerging communications technologies within their jurisdictions.

(e) The Department of Community Affairs and any agent designated by the Department of Community Affairs may request information from all broadband services providers in this state in developing a map or making the determination as to the percentage of locations within a census block to which broadband services are not available.

History.

Code 1981, § 50-40-21, enacted by Ga. L. 2018, p. 629, § 6-1/SB 402; Ga. L. 2019, p. 1056, § 50/SB 52; Ga. L. 2023, p. 388, § 3/SB 193, effective May 2, 2023.

Amendments.

The 2023 amendment, effective May 2, 2023, rewrote subsection (a); added

subsection (b); redesignated former subsections (b) through (d) as present subsections (c) through (e), respectively; substituted “subsections (d) and (e) of this Code section” for “subsections (c) and (d) of this Code section” in the fourth sentence of subsection (c); and substituted “this state” for “the state” in subsection (e).

ARTICLE 5

GEORGIA BROADBAND DEPLOYMENT INITIATIVE

50-40-81. Development of Georgia Broadband Deployment Initiative; funding awards; considerations; priorities; compliance with federal provisions.

(a) On or before July 1, 2019, the Department of Community Affairs shall develop the “Georgia Broadband Deployment Initiative” program to provide funding awards to expand broadband services to unserved areas of the state. The goal of such program shall be to provide broadband services coverage throughout the entire state. The funding awards of the program shall represent the state’s investment in the deployment of broadband services to unserved areas and shall be used only for capital expenses and expenses directly related to the purchase or lease of property or communications services or facilities, including, without limitation, backhaul and transport, to facilitate the provision of broadband services.

(b)(1) Funding awards, in the form of grants or loans, shall be competitively awarded to eligible applicants based on criteria consistent with this article and other factors established by the department; provided, however, that the department shall not discriminate between different types of broadband services technology as long as the technology is capable of transmitting data at the rates specified for each unserved area.

(2) The department shall designate political subdivisions as eligible applicants that shall be qualified to apply for funding awards under this article. All such eligible applicants are hereby granted all powers necessary for any and all purposes of the program, and in the case of any development authority included as an eligible applicant, the exercise of such powers is hereby found and determined to promote the development of trade, commerce, industry, and employment opportunities.

(c) Funding awards shall be based on appropriations of funds or receipt of other funds to support the program.

(d) The department shall consider each of the following in the funding awards process:

(1) The effectiveness of the partnership between an eligible applicant and a qualified broadband services provider;

(2) The benefit to the unserved area in terms of the population served and the capacity and scalability of the technology to be deployed; and

(3) The total project cost and the ability to leverage other available federal, local, and private funds.

(e) In addition to the criteria provided in subsection (d) of this Code section, the department may establish any other criteria for determining any funding awards that are reasonable and necessary to ensure that the funds are utilized to provide broadband services to the unserved areas. Such criteria may include, but shall not be limited to:

(1) Whether the qualified broadband services provider in the partnership is willing to agree to:

(A) Not charge more for broadband services to customers in any unserved area for which a funding award is received than it does for the same or similar broadband services to customers in other areas of the state;

(B) Serve 90 percent of any locations requesting broadband services in any unserved area for which a funding award is received; and

(C) Meet or exceed in any unserved area for which it receives a grant a minimum level of dependable service as established by the department;

(2) The benefit to businesses; industrial parks; education centers; hospitals and other health care facilities, such as telehealth facilities and emergency care facilities; government buildings; public safety departments; or other providers of public services located within the unserved area;

(3) Data cap limits, signal latency, and reliability of the technology to be utilized;

(4) Historic service issues in other areas served by the qualified broadband provider in the partnership; and

(5) The length of time it will take to deploy the broadband services in the unserved area.

(f) The department shall give competitive priority to any unserved area certified as a broadband ready community as provided in Article 3 of this chapter. Partnerships that include qualified broadband providers that cooperate in providing information requested pursuant to subsection (e) of Code Section 50-40-21, as applicable, shall also factor favorably into the competitive funding awards process.

(g) The department shall ensure that the program complies with all applicable federal laws, rules, and regulations.

History.

Code 1981, § 50-40-81, enacted by Ga. L. 2018, p. 629, § 6-1/SB 402; Ga. L. 2019, p. 1056, § 50/SB 52; Ga. L. 2023, p. 388, § 4/SB 193, effective May 2, 2023.

Code section” for “subsection (d) of this Code section” in the second sentence of subsection (f).

Amendments.

The 2023 amendment, effective May 2, 2023, substituted “subsection (e) of this

