House Bill 997 (AS PASSED HOUSE AND SENATE)

By: Representatives Pak of the 102nd, Atwood of the 179th, Tankersley of the 158th, Hightower of the 68th, Cooke of the 18th, and others

A BILL TO BE ENTITLED

AN ACT

To amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, so as to provide for the new crime of false lien statements against public officers or public employees; to provide for definitions; to provide for penalties; to provide a cross-reference; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by adding a new Code section to read as follows:

"16-10-20.1.

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

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

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

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

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

SECTION 2.

Said title is further amended by revising division (9)(A)(xv) of Code Section 16-14-3, relating to definitions for the "Georgia RICO (Racketeer Influenced and Corrupt Organizations) Act," as follows:

"(xv) Article 4 of Chapter 10 of this title and Code Sections 16-10-20, 16-10-20.1, 16-10-23, and 16-10-91, relating to perjury and other falsifications;"

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.