

House Bill 985 (AS PASSED HOUSE AND SENATE)

By: Representatives Kirby of the 114th, Lindsey of the 54th, Oliver of the 82nd, Williamson of the 115th, Teasley of the 37th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated,
2 relating to obstruction of public administration and related offenses, so as to change
3 provisions relating to filing false liens or encumbrances against public employees; to provide
4 for a definition; to expand the protection against the filing of false liens or documents to all
5 citizens; to provide for exceptions; to provide for related matters; to repeal conflicting laws;
6 and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to
10 obstruction of public administration and related offenses, is amended by revising Code
11 Section 16-10-20.1, relating to filing false liens or encumbrances against public employees,
12 as follows:

13 "16-10-20.1.

14 (a) As used in this Code section, the term: 'document' means information that is inscribed
15 on a tangible medium or that is stored in an electronic or other medium and is retrievable
16 in perceivable form and shall include, but shall not be limited to, liens, encumbrances,
17 documents of title, instruments relating to a security interest in or title to real or personal
18 property, or other records, statements, or representations of fact, law, right, or opinion.

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

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

24 (b) Notwithstanding Code Sections 16-10-20 and 16-10-71, it shall be unlawful for any
25 person to knowingly file a false lien or encumbrance in a public record or private record
26 that is generally available to the public against the real or personal property of a public

27 ~~officer or public employee on account of the performance of such public officer or public~~
28 ~~employee's official duties;~~

29 (1) Knowingly file, enter, or record any document in a public record or court of this state
30 or of the United States knowing or having reason to know that such ~~lien or encumbrance~~
31 document is false or contains a materially false, fictitious, or fraudulent statement or
32 representation; or

33 (2) Knowingly alter, conceal, cover up, or create a document and file, enter, or record
34 it in a public record or court of this state or of the United States knowing or having reason
35 to know that such document has been altered or contains a materially false, fictitious, or
36 fraudulent statement or representation.

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

40 (d) This Code section shall not apply to a court clerk, registrar of deeds, or any other
41 government employee who is acting in the course of his or her official duties."

42 **SECTION 2.**

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