

House Bill 899 (AS PASSED HOUSE AND SENATE)

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

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 31-7-12.1 of the Official Code of Georgia Annotated, relating to  
2 unlicensed personal care homes, so as to revise provisions relating to penalties for owning  
3 or operating an unlicensed personal care home; to provide for related matters; to repeal  
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 31-7-12.1 of the Official Code of Georgia Annotated, relating to unlicensed  
8 personal care homes, is amended by revising subsection (f) and adding a new subsection to  
9 read as follows:

10 "(f) It is declared that the owning or operating of an unlicensed personal care home in this  
11 state constitutes a nuisance dangerous to the public health, safety, and welfare. The  
12 commissioner or the district attorney of the judicial circuit in which such unlicensed  
13 personal care home is located may file a petition to abate such nuisance as provided in  
14 Chapter 2 of Title 41.

15 (g) Any person who owns or operates a personal care home in violation of subsection (b)  
16 of Code Section 31-7-12 shall be guilty of a misdemeanor for a first violation, unless such  
17 violation is in conjunction with abuse, neglect, or exploitation as defined in Code Section  
18 30-5-3, in which case such person shall be guilty of a felony and, upon conviction, shall  
19 be punished by imprisonment for not less than one nor more than five years. Upon  
20 conviction for a second or subsequent such violation, such person shall be guilty of a  
21 felony and, upon conviction, shall be punished by imprisonment for not less than one nor  
22 more than ten years."

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

24 All laws and parts of laws in conflict with this Act are repealed.