

House Bill 396 (COMMITTEE SUBSTITUTE)

By: Representatives Washburn of the 141st and Fleming of the 121st

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated,
2 relating to fraud and related practices, so as to provide that it shall be unlawful for a person
3 with intent to hinder, delay, impair, or defraud a creditor's rights to deed or otherwise transfer
4 title to real property to another person without the knowledge or consent of such other
5 person; to provide for sanctions; to provide for related matters; to repeal conflicting laws; and
6 for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 4 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to fraud
10 and related practices, is amended by revising Code Section 16-9-51, relating to destruction,
11 removal, concealment, encumbrance, or transfer of property subject to security interest, as
12 follows:

13 "16-9-51.

14 (a) Except as provided in subsection (b) of this Code section, a person who destroys,
15 removes, conceals, encumbers, transfers, or otherwise deals with property subject to a
16 security interest with intent to hinder enforcement of ~~that~~ such interest shall be guilty of a
17 misdemeanor.

18 (b) A person who destroys, removes, conceals, encumbers, transfers, or otherwise deals
19 with property subject to a security interest with intent to hinder enforcement of ~~that~~ such
20 security interest and in so doing does damage to such property in an amount greater than
21 \$500.00 shall be guilty of a misdemeanor of a high and aggravated nature.

22 (c) A person with intent to hinder, delay, impair, or defraud a creditor's rights who deeds
23 or otherwise transfers title to real property to another person without the knowledge or
24 consent of such other person shall be guilty of a misdemeanor; provided, however, that
25 nothing in this subsection shall prohibit a person from transferring title to real property to
26 a related minor.

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27 ~~(c)~~(d) In a prosecution under this Code section the crime shall be considered as having
28 been committed in any county where any act in furtherance of the criminal scheme was
29 done or was caused to be done."

30

SECTION 2.

31 All laws and parts of laws in conflict with this Act are repealed.