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CRIMES AND OFFENSES Controlled Substances: Provide for the Distribution of Forfeited Real Property; Authorize the Acquisition of Forfeited Real Property by Land Bank Authorities

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CRIMES AND OFFENSES

Controlled Substances: Provide for the Distribution of Forfeited Real Property; Authorize the Acquisition of Forfeited Real Property by Land Bank Authorities

CODE SECTIONS: O.C.G.A. §§ 16-13-49 (amended), 48-4-61 (amended)

BILL NUMBER: HB 783

ACT NUMBER: 957

GEORGIA LAWS: 2002 Ga. Laws 1286

SUMMARY: The Act amends the Georgia Code by allowing courts to provide for the distribution of forfeited real property. The Act provides that forfeited real property be turned over to the state and allows courts to sell the property and distribute the proceeds or to hold the property for use by law enforcement agencies. The Act amends the Georgia Code to permit land bank authorities to accept forfeited real property.

EFFECTIVE DATE: May 16, 2002

History

Lawmakers created HB 783 in an attempt to provide a mechanism for vacant lots and abandoned inner city houses to be refurbished and introduced back into the community.¹ Lawmakers worked with the Fulton County District Attorney's (D.A.) office to amend the state's original forfeiture laws to include houses and vacant lots.²

The D.A.'s office realized that once property was repossessed, it was sitting vacant rather than being purchased and redeveloped.³ This resulted in communities with boarded-up houses and vacant lots, which in turn led to more crime and caused a drain on the

1. Telephone Interview with Rep. Kathy Ashe, House District No. 46 (June 25, 2002) [hereinafter Ashe Interview].

2. Telephone Interview with Bettie Anne Hart, Deputy District Attorney, Fulton County (July 8, 2002) [hereinafter Hart Interview].

3. *Id.*

community.⁴ The D.A.'s office worked with the bill's sponsors to create a mechanism to return forfeited property to the state and to allow the state to deed property to the land bank authority.⁵

Supporters of HB 783 hoped that the amendment would help to create new housing and industry in urban communities.⁶ Additionally, creators of HB 783 envisioned the development of temporary housing for police officers on redeveloped properties.⁷ This would allow officers to live in the areas they serve and would increase residents' access to officers, fostering a sense of community spirit.⁸ Moreover, forfeited property redeveloped and introduced back into communities would enhance community morale and would reduce crime.⁹

HB 783

Introduction

Representatives LaNett Stanley-Turner, Pamela Stanley, Bob Holmes, James McKinney, and Kathy Ashe of the 50th, 49th, 53rd, 51st, and 46th Districts, respectively, sponsored HB 783.¹⁰ The bill passed both houses as introduced.¹¹ The House passed the bill on March 3, 2001, by a vote of 149 to 13.¹² The Senate passed the bill unanimously on February 27, 2002.¹³ The General Assembly forwarded the bill to Governor Roy Barnes, who signed HB 783 into law on May 16, 2002.¹⁴

4. *Id.*

5. Ashe Interview, *supra* note 1.

6. Hart Interview, *supra* note 2.

7. *Id.*

8. *Id.*

9. *Id.*

10. HB 783, as introduced, 2002 Ga. General Assem.

11. Compare HB 783, as introduced, 2002 Ga. General Assem., with HB 783, as passed, 2001 Ga. Gen. Assem.

12. Georgia House of Representatives Voting Record, HB 738 (Mar. 3, 2001); State of Georgia Final Composite Status Sheet, Apr. 12, 2002.

13. Georgia Senate Voting Record, HB 738 (Feb. 27, 2002); State of Georgia Final Composite Status Sheet, Apr. 12, 2002.

14. 2002 Ga. Laws 1286, § 3, at 1287.

*The Act**Code Section 16-13-49*

Section 1 of the Act amends Georgia Code section 16-13-49 by adding procedures for the distribution of forfeited real property.¹⁵ This section provides that when real property is forfeited, a court may order that the real property is turned over to the state, “the appropriate political subdivision [to] take charge of the property . . . [,] the real property be deeded to a land bank authority . . . [,] or the real property be disposed of . . .” in a manner to be determined by the court.¹⁶ If the appropriate political subdivision receives the property, it may either sell the property and distribute the proceeds, or reserve the property for a law enforcement agency.¹⁷

Code Section 48-4-61

Section 3 of the Act amends Georgia Code section 48-4-61 to provide for land bank authorities’ acceptance of forfeited real property.¹⁸ This section expands the scope of the authority to acquire any property deeded to it under Code section 16-13-49.¹⁹ Finally, the Act provides for the return of forfeited real property to an effective utilization status “in order to provide housing, new industry, and jobs for the citizens of the county.”²⁰

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15. Compare 1991 Ga. Laws 886, § 1, at 907 (formerly found at O.C.G.A. § 16-13-49 (Supp. 2001)), with O.C.G.A. § 16-13-49 (Supp. 2002).

16. O.C.G.A. § 16-13-49 (2002).

17. *Id.*

18. Compare 1997 Ga. Laws 882, § 1, at 883 (formerly found at O.C.G.A. § 48-4-61 (2001)), with O.C.G.A. § 48-4-61 (Supp. 2002).

19. *Id.*

20. *Id.*