

House Bill 1361 (AS PASSED HOUSE AND SENATE)

By: Representative Leverett of the 33rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 9 of the Official Code of Georgia Annotated, relating to civil practice, so as
2 to clarify that the Attorney General is to be served and heard in defense of all Acts of the
3 General Assembly when challenged in any court action, not just statutes; to provide for the
4 Attorney General to be a party as a matter of right; to provide for an effective date and
5 applicability; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 9 of the Official Code of Georgia Annotated, relating to civil practice, is amended by
9 revising subsection (c) of Code Section 9-4-7, relating to when Attorney General served and
10 heard, as follows:

11 "(c) If an Act of the General Assembly, a statute of the state, any order or regulation of any
12 administrative body of the state, or any franchise granted by the state is alleged in an action
13 for declaratory judgment or as a part of any other action to be unconstitutional or otherwise
14 invalid, the Attorney General of the state shall be served with a copy of the proceeding and
15 shall be entitled to be heard in defense of said Act, statute, order, regulation, or franchise,
16 which may include appearing as a party as of right as he or she determines is appropriate."

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SECTION 2.

18 This Act shall become effective upon its approval by the Governor or upon its becoming law
19 without such approval and shall apply to all proceedings filed on and after such date.

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SECTION 3.

21 All laws and parts of laws in conflict with this Act are repealed.