

## APPENDIX 2

### MISDEMEANOR

### Code Citation

#### AGRICULTURE

Sale of Pulpwood and Timber 2-14-80.1

#### ALCOHOLIC BEVERAGES

Possession of Alcoholic Beverages on Which Taxes Have Not Been Paid in This State 3-3-8  
Sale of Alcoholic Beverages on Sundays and Election Days 3-3-20  
Sale of Alcoholic Beverages Near Church or School 3-3-21  
Possession of Alcoholic Beverages on Public School Grounds 3-3-21.1  
Furnishing, Purchasing, and Possession of Alcoholic Beverages by Persons Below Legal Age 3-3-23  
Distilling, Manufacture, Transportation, Receipt, Possession, Sale or Distribution  
of Alcoholic Beverages 3-3-27

#### ANIMAL PROTECTION ACT

Regulation of Animal Shelters, Kennels, Stables, and Pet Dealers 4-11-10  
Sale, Auction, Transfer of Infected or Diseased Poultry 4-4-81  
Operating a Poultry Market Without License 4-4-82  
Damage or Destroy an Animal Facility 4-11-32(c)  
Cruelty to Animals 16-12-4(b)

#### ARCHEOLOGICAL / HISTORICAL SITES

Destroying, Defacing, Marring or Harming Archeological, Aboriginal, Prehistoric or Historic Sites 12-3-621(a)  
Failure to Notify State Archeologist by Person Disturbing Archeological, Aboriginal, Prehistoric or  
Historic Site 12-3-621(b)

#### ASSAULT - BATTERY

Simple Assault 16-5-20  
Simple Battery 16-5-23  
Battery 16-5-23.1  
Battery - Family Violence – 1<sup>st</sup> Offense 16-5-23.1(f)(1)

#### AVIATION

Flying An Aircraft Under the Influence of Alcohol or Drugs 6-2-5.1

#### DEPOSIT ACCOUNT FRAUD -(BAD CHECKS)

Deposit Account Fraud - (Bad Checks) 16-9-20(b)(1)(2)

#### BAIL RECOVERY AGENT / BAIL BONDSMAN

Bail Recovery Agent – Failure to Register – 1<sup>st</sup> Offense 17-6-58(a)  
Bondsman / Bonding Company – Use of Unqualified Recovery Agent – 1<sup>st</sup> Offense 17-6-58(b)

#### BOATING SAFETY ACT

Operation of Watercraft Under the Influence of Alcohol or Drugs 52-7-12  
Homicide by Vessel in 2nd Degree 52-7-12.2(b)

BOATING SAFETY ACT (cont.)

Feticide by Vessel in 2nd Degree	52-7-12.3(b)
Endangering Child While Boating Under the Influence of Alcohol or Drugs	52-7-12(k)
Operating a Vessel or Watercraft When Privilege is Suspended	52-7-12.6(c)

BRIBERY AND ABUSE OF GOVERNMENT OFFICE

Receiving Funds for Enforcement of Penal Laws and Regulations	16-10-3
False Acknowledgment of Appearance or Oath	16-10-7
Enforcement of Separation of Power Provision of Constitution	16-10-9

CAVES PROTECTION

Entering Posted and Protected Caves Without Permission	12-4-143
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CEMETERIES AND FUNERAL SERVICES

Violation of Ga. Cemetery and Funeral Services Act of 2000 (Formerly O.C.G.A. 44-3-144)	10-14-20(a)
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CHILDREN & YOUTH SERVICES/JUVENILES

Cruelty to Children - 2nd Degree – 1 <sup>st</sup> or 2 <sup>nd</sup> Offense	16-5-70(c)
Tattoos - Minimum Age	16-5-71
Unlawful Body Piercing of Persons Under 18	16-5-71.1
Contributing to Delinquency of Minor (1st and 2nd Offense)	16-12-1

COMPUTER RELATED CRIMES

Unlawful Transmission of Individual Name, Trade Name, Registered Trademark, Logo, Legal or Official Seal or Copyrighted Symbol	16-9-93.1
Computer Child Exploitation	16-12-100(c)(1)
Computer Child Exploitation - On Line Service	16-12-100(d)(1)

CONSERVATION AND NATURAL RESOURCES (Solid Waste - Hazardous Waste)

Violation of Water Pollution & Surface Water Use Act	12-5-53
Dumping Wastes into Public Storm or Sanitary Sewers	12-8-2
Illegal Dumping of Biomedical Waste, Hazardous Substances or Hazardous Waste	16-7-53(a)

CONTROLLED SUBSTANCES

Possession of Less Than 1oz. of Marijuana	16-13-30(j)
Abandonment of Certain Dangerous Drugs, Poisons and Controlled Substances	16-13-3
Imitation Controlled Substances	16-13-30.2
Transactions in Drug Related Objects Prohibited	16-13-32 &.1
Use of Communications Facilities in Drug Transaction	16-13-32.3
Attempt and Conspiracy To Violate Georgia Controlled Substance Act	16-13-33

COURTS

Contempt of Court Superior	15-6-8(5)
Contempt of Court State	15-7-4

## CRIMINAL ATTEMPT, CONSPIRACY, AND SOLICITATION

Criminal Attempt	16-4-1
Criminal Conspiracy	16-4-8

## CRIMINAL PROCEDURE

Failure to Appear (For Fingerprintable Offenses Only)	17-6-12
Delivering a Person Without Extradition Hearing	17-13-30

## CRIMINAL TRESPASS AND DAMAGE TO PROPERTY

Criminal Trespass	16-7-21
Criminal Interference with Government Property	16-7-24
Damaging, Injuring or Interfering with Property of Public Utility Companies, Municipalities or Political Subdivisions	16-7-25
Injuring, Tearing Down or Destruction of Mailboxes; Injuring, Defacing or Destruction of Mail	16-7-27
Activities Related to Use of Fires and Ignited Objects	16-7-28

## DANGEROUS DRUGS

Violation of Georgia Controlled Substance Act-Anabolic Steroids	16-13-27
Illegal to Sell, Give Away, Barter, Exchange, Distribute or Possess Dangerous Drugs Except Under Certain Conditions	16-13-72
Failure of Pharmacist Dispensing Dangerous Drugs to Place Label Required	16-13-73
Failure to Sign Prescriptions for Dangerous Drugs	16-13-74
Obtaining or Attempting to Obtain Regulated Drugs by Fraud, Forgery, Concealment of Material Fact, or Use of False Name or Address	16-13-78
Unlawful Prescribing or Ordering Dangerous Drugs	16-13-78.1
Possession, Manufacture, Delivery, Distribution or Sale of Counterfeit Substances	16-13-78.2
Intentional Inhalation of Model Glue,	16-13-91
Possession, Sale, or Transfer of Model Glue Where Prohibited	16-13-92
Unlawful Sale or Transfer of Model Glue to Persons Under 18 Years of Age	16-13-93
Consent/Records of Sale or Transfer of Model Glue to Persons Under 18 Years of Age	16-13-94

## DOMESTIC RELATIONS

Failure to Report Suspected Child Abuse	19-7-5
Abandonment of Child	19-10-1
Abandonment of Wife While Pregnant	19-10-2
Violations of Domestic Violence Orders	19-13-6
Unlawful Publishing, Disseminating or Disclosing Location of Family Violence Shelter	19-13-23(a)

## DRUGS AND COSMETICS STANDARDS

Violation of Georgia Code 26-3-1, Relating to Drugs and Cosmetics	26-3-3
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## EDUCATION

Upbraiding, Insulting, or Abusing Public School Teachers, Administrators, or School Bus Drivers	20-2-1182
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## ELECTIONS

Violation of Restrictions on Campaign Activities and Public Opinion Polling Near Polling Place	21-2-414(g)
Threat or Use of Force or Violence to Intimidate Voters	21-2-567
Permitting Unregistered Person, Refusing to Permit or Unlawfully Assisting a Person to Vote	21-2-590

## ESCAPE

Bail Jumping	16-10-51
Escape	16-10-52
Aiding Escape	16-10-53

## FIREWORKS

Sale, Use, Possession, Manufacture or Transportation Prohibited	25-10-2
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## FOOD ACT

Unlawful Manufacture, Sale or Delivery, Receipt of Food That is Adulterated or Misbranded and Other Prohibited Acts	26-2-22
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## FORGERY / FRAUDULENT PRACTICES

Unlawful Disclosure of Information by Consumer Reporting Agency	10-1-393(29)
Unlawful or Deceptive Telemarketing Practices	10-1-393.6
Forging or Counterfeiting Trademark, Service Mark, Copyrighted or Registered Design	10-1-454(b)(3)
Selling or Reselling of Goods or Services With Forged or Counterfeit Trademark, Copyrighted or Registered Design	10-1-454(c)(2)
Manufacture, Sale, Distribution, or Possession of a Counterfeit or False proof of Insurance Document	16-9-5
Deceptive Business Practice	16-9-50
Endangering Security Interest	16-9-51
Improper Solicitation of Money by Use of Invoice for Goods, etc. Not Ordered	16-9-52
Fraudulent Telephone Solicitation	16-9-54
Fraudulently Obtaining or Attempting to Obtain Public Housing	16-9-55
Fraudulent Attempts to Obtain Refunds	16-9-56
Credit Repair Services	16-9-59
Misrepresenting Origin of Timber or Agricultural Commodities	16-9-61
Unlawful Sale of Motor Vehicles Which Do Not Comply With Federal Emission and Safety Standards	16-9-110
Wrongful Purchase, Sale, Creation or Alteration of Documents Signifying Merit or Achievement Conferred by an Institution of Education	20-1-7
Defrauding Hotels and Boarding Houses	43-21-13

## GAMBLING AND RELATED OFFENSES

Gambling	16-12-21
Keeping a Gambling Place	16-12-23
Possession of Gambling Device or Equipment	16-12-24
Advertising Commercial Gambling	16-12-26
Unlawful Advertisements For Lotteries	16-12-27
Unlawful Use of Coin Operated Games	16-12-35
Chain Letters, Pyramid Clubs	16-12-38

## GAME AND FISH

Unlawful Ownership or Custody of Wildlife	27-1-3
Criminal Trespass on Public Hunting and Fishing Areas	27-1-33
Hunting When Hunting License Suspended For Negligent Hunting	27-2-25.1(e)
Hunting with Unlawful Weapon	27-3-4
Hunting While Intoxicated	27-3-7
Hunting Upon or Discharging Weapons Across a Public Road	27-3-10
Unlawful Hunting of Alligators; Unlawful Possession of Alligator Products	27-3-19

GAME AND FISH, (cont.)

Violation of Bear Hunting Laws and Associated Offenses	27-3-26
Unlawful Possession of Untagged Deer	27-3-45
Possession of Wild Animal Without a Permit	27-5-5
Misuse of Firearms or Archery Tackle While Hunting NOT Resulting in Serious Bodily Harm to Another	16-11-108(a)

DISABLED or ELDERLY PERSONS

Unlawful Injuring or Interfering With Guide or Leader Dog, Hearing Dog or Service Dog	30-1.6
Abuse, Neglect or Exploitation of Disabled or Elderly Person	30-5-8(a)(1)
Failure to Report Abuse, Neglect or Exploitation of Disabled or Elderly Person	30-5-8-(b)(1)

HOMICIDE

Involuntary Manslaughter	16-5-3
Homicide by Vehicle - 2nd Degree	40-6-393(b)
Feticide by Vehicle - 2nd Degree	40-6-393.1
Removal of Human Body Parts from Scene of Death or Dismemberment	16-12-161

IDENTITY FRAUD

* <b>Unlawful to Manufacture, Alter, Sell, Distribute, Deliver, Possess with Intent to Sell, Deliver or Distribute or Offer for Sale a False, Fraudulent or Fictious Identification Document (1<sup>ST</sup> Offense)</b>	<b>16-9-4(b)(2)</b>
* <b>Unlawful to Manufacture, Alter, Sell, Distribute, Deliver, Possess with Intent to Sell, Sell, Deliver, or Distribute or Offer for Sale any Identification Document Containing a Trademark, or Trade Name of Another Without Consent of Owner (1<sup>ST</sup> Offense)</b>	<b>16-9-4(b)(3)</b>
* <b>Unlawful to Possess, Display or Use Identification Issued to or on Behalf of Another Person Without Permission or Consent (1<sup>ST</sup> Offense)</b>	<b>16-9-4-(b)(6)</b>

INFORMATION TECHNOLOGY

Unlawful Purchase of any Article, Material, Merchandise, Ware, Commodity or Other Thing of Value for Personal Use Through the Georgia Technology Authority	50-25-7.9(b)
Unlawful Sale or Delivery of any Article, Material, Merchandise, Ware, Commodity or Other Thing of Value for Personal Ownership Through the Georgia Technology Authority	50-25-7.9(c)

INSURANCE

Fraudulent Insurance Claims	33-1-9
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INVASION OF PRIVACY

Intercept of Cellular Telephone Communications	16-11-66.1
Disclosure of Information Obtained in Preparing Income Tax Returns	16-11-81

JAILS

Unlawful Possession, Inside Guard Line, Give or Deliver To Inmate Any Alcoholic Beverage	42-4-13(d)(1)(B)
Unlawful Entering Jail Guard Line To Obtain, Procure or Give Inmate Item With Out Consent	42-4-13(e)
Unlawful Loitering Where Inmates are Assigned After Order To Desist	42-4-13(g)
Unlawful Attempt, Conspire or Solicit Another to Violate This Code Section	42-4-13(h)

JUDICIAL RELATED OFFENSES

Compounding a Crime	16-10-90
Tampering With Evidence	16-10-94
Destruction, Alteration, or Falsification of Patients' Health Records	16-10-94.1

KIDNAPPING - FALSE IMPRISONMENT

Interference with Custody	16-5-45
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LABOR

Willful Violations of Unemployment Compensation Law	34-8-256
Making False or Misleading Statements Concerning Workers Compensation	34-9-19

LIVESTOCK DEALERS

Special Sales; Permits	4-6-52
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LOCAL GOVERNMENT

Disclosure by Officials of Interests in Property to be Rezoned;	36-67A-2
Disclosure of Contributions of Gifts	36-67A-3

MOTOR VEHICLE SALES FINANCE ACT

Subleases of Motor Vehicles	10-1-40
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MOTOR VEHICLE - TRAFFIC

Unlawful Manufacture of License Tags	40-2-4
Acquiring License Plate for Purpose of Concealing ID of Vehicle	40-2-5
Failure of Habitual Violator to Obtain New License Plate	40-2-136(b)
Permits Another to Use or Have Possession of a Certificate of Title for Fraudulent Intent	40-3-91
False Report of Theft or Conversion	40-3-92
Sale, Ship, or Manufacture of Certain Motor Vehicle Part Without VIN or Keep Records	40-4-7
Removed, Falsified or Unauthorized ID Number of Vehicle or Engine	40-4-21
Violation of Restrictions on Probationary Drivers Licenses	40-5-58(e)(6)(i)
Violation of Conditions on Limited Driving Permit	40-5-64
Driving While License Suspended or Revoked	40-5-121
Driving Away Without Paying for Gasoline	40-6-255
Duty to Stop at the Scene of an Accident	40-6-270
Drivers With Ability Impaired by Alcohol, Drugs, or Glue, Aerosol, or Other Toxic Vapor	40-6-391(a)*
*(Specify: (1) Alcohol; (2) Drugs; (3) Glue, Aerosol or Other Toxic Vapor; or (4) Two or More Subst)	
Endangering A Child by Driving Under the Influence of Alcohol or Drugs	40-6-391(l)
Homicide by Vehicle - 2nd Degree	40-6-393(b)
Fleeing or Attempting to Elude a Police Officer	40-6-395(a)
Impersonation of Officer	40-6-395(c)
Aggressive Driving	40-6-397
Acts Relating to Motor Vehicle Odometer Readings	40-8-5
Truck Alteration of Suspension Systems	40-8-6.1
Certain Materials to Windshields and Front Door Windows Prohibited	40-8-73.1
Law Enforcement; Marking; Flashing or Revolving Lights; Disposal;	40-8-91
Violation of Ignition Interlock Device Act	42-8-118

OBSCENITY

Distributing Obscene Materials	16-12-80
Displaying to Theater Audiences Scenes from Restricted Films to be Shown at Future Time	16-12-85
Obscene Telephone Contact With A Child	16-12-100.3

OBSTRUCTION OF PUBLIC ADMINISTRATION

Obstruction of Officers	16-10-24(a)
Obstructing or Hindering a Firefighter	16-10-24.1
Obstruction or Hindrance of Emergency Medical Technician	16-10-24.2
Interfering With Call For Emergency Help	16-10-24.3
Giving False Name	16-10-25
False Report of A Crime	16-10-26
False Fire Alarm	16-10-27
Requesting Ambulance Service With Knowledge That No Need for Service Exists	16-10-29
Refusal to Disperse at Request of Officer or Fireman	16-10-30

PHARMACIST

Selling or Dispensing Drugs in Vending Machine	26-4-89
Distribute, Deliver or Receive Drugs from Unlicensed Person or Firm	26-4-113(b)
Failure to Register as Third Party Prescription Administrator	26-4-14(a)
Unlawful Sale of Poison	26-4-160
Failure to Record the Sale of Poison as Required	26-4-161

PROBATION

Unlawful Specification of DUI Alcohol or Drug Risk Reduction Program By Probation Supervisor	42-8-26(3)
Violation of Probation (ONLY if Adverse Action is Taken to Alter Terms of Probation)	42-8-38
Unlawful Specification of DUI Alcohol or Drug Risk Reduction Program By Private Probation Agency	42-8-104(2)

PUBLIC HEALTH AND MORALS

Sale of Tobacco Products to Minors	16-12-171
Operation of Certain Bathhouses	31-12-11
Practicing Dentistry Without License – 1 <sup>st</sup> or 2 <sup>nd</sup> Offense ( <b>Felony After May 3, 2002</b> )	43-11-50

PUBLIC OFFICERS AND EMPLOYEES - UNLAWFUL ACTIVITIES

Assault Under Color of Office	45-11-3
Malpractice, Misfeasance or Malfeasance in Office by Public Officer	45-11-(b)
Extortion Under Color of Office	45-11-5
Officers of the Court, Law Enforcement Officers, and Attorneys Prohibited from Engaging in Bail Bond Business	45-11-8
Unlawful for Officer or Employee of State to Coerce or Command Any Other State Officer or Employee to Pay, Lend, or Contribute Money or Anything Else of Value for Political Purpose	45-11-10

PUBLIC ORDER

Riot	16-11-30
Inciting to Riot	16-11-31
Affray	16-11-32
Unlawful Assembly	16-11-33
Public Disturbance	16-11-34
Failure to Leave Campus or Facility of Unit of University System When Directed	16-11-35
Terrorist Threat via Computer	16-11-37.1

PUBLIC ORDER cont.

Wearing Masks, Hoods, etc.	16-11-38
Disorderly Conduct	16-11-39
Harassing Phone Calls	16-11-39.1
Refusal to Relinquish Telephone Party Line in Case of Emergency; False Statement as to Emergency in Order to Obtain Line	16-11-42
Obstructing Highways	16-11-43
Disorderly House	16-11-44

PUBLIC TRANSPORTATION

Unlawful Altering, Selling or Exchange of Coins, Tokens, Transfers or Transaction Cards	16-12-120.1
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RECKLESS CONDUCT

Reckless Conduct	16-5-60(b)
Hazing Students	16-5-61

REMOVAL OR ALTERATION OF ID MARKS

Removal of Collars or Identifying Items or Marks on Animals	16-9-71
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REVENUE AND TAXATION

Falsely Holding Self Out as Representative of Commissioner or Department	48-1-4
Unlawful Conversion of Funds	48-1-5
Defrauding State - Tax Evasion	48-1-6
Fraudulent Claim of Exemption	48-1-7
Making False or Fraudulent Excise Tax Return by Innkeeper	48-13-60

SALE, DISTRIBUTION, ETC. OF HARMFUL MATERIALS TO MINORS

Furnishing Electronically-Obscene Materials to Minors	16-12-100.1
Distribution of Obscene Materials to Minors	16-12-103(a)
Unlawful Admission of Minors	16-12-103(b)

SEXUAL OFFENSES

Statutory Rape	16-6-3(b)
Public Indecency	16-6-8
Prostitution	16-6-9
Keeping a Place of Prostitution	16-6-10
Pimping	16-6-11
Pandering	16-6-12
Sodomy	16-6-15
Masturbation for Hire	16-6-16
Unlawful for Masseur or Masseur to Massage any Person in Certain Buildings, Structures or Places	16-6-17
Fornication	16-6-18
Adultery	16-6-19
Sexual Battery	16-6-22.1
Publication of Name or Identity of Female Raped or Assaulted	16-6-23
Sexual Exploitation of Children	16-12-100
Failure to Comply With Sexual Offender Registration or Providing False Information (Felony After May 16, 2002)	42-1-12(h)
Failure to Register as a Paroled Sex Offender	42-9-44.1



## STALKING

Stalking (1st offense) 16-5-90

## STATE AND OTHER FLAGS

Abuse or Misuse of National or State Flag 50-3-11

## STREET GANG TERRORISM ACT

Violation of Georgia Street Gang Terrorism Prevention Act 16-15-1 et seq

## STATE OR SURPLUS PROPERTY

Unlawful Purchase or Sale of Property Through DOAS for Personal Ownership 50-5-80  
Disposal of State Property 50-5-146

## TELEPHONE, TELEGRAPH SERVICE

Intercept of Cellular Telephone Communications 16-11-66.1  
Avoid or Attempt to Avoid Lawful Telecommunication Charges - 1st Offense 46-5-2  
Obscene, Lewd, or Indecent Telephone Communications 46-5-22  
Unlawful Use of 976 Telephone Numbers 46-5-24  
Forging of Customer Authorization for Local or Long Distance Carrier Service 46-5-188

## THEFT

Theft by Taking 16-8-2  
Theft by Deception 16-8-3  
Theft by Conversion of Leased or Rented Personal Property 16-8-4  
Theft of Services 16-8-5  
Theft of Lost or Mislaid Property 16-8-6  
Theft by Receiving Stolen Property 16-8-7  
Theft by Receiving Property Stolen in Another State 16-8-8  
Theft by Bringing Stolen Property into This State 16-8-9  
Theft of A Trade Secret 16-8-13  
Theft by Shoplifting 16-8-14  
Livestock Theft 16-8-20  
Removal, Larceny, or Abandonment of Shopping Carts 16-8-21

## WEAPONS AND DANGEROUS INSTRUMENTS

Abandoned, Unattended, or Discarded Containers & Motor Vehicles 16-11-100  
Furnishing Weapons to Persons Under 21 16-11-101  
Pointing Gun or Pistol at Another 16-11-102  
Discharge of Firearms On or Near Public Highway 16-11-103  
Discharge of Firearms On Property of Another 16-11-104  
Discharging Firearm on Sunday 16-11-105  
Carrying a Concealed Weapon - 1st Offense 16-11-126  
Deadly Weapons at Public Gatherings 16-11-127  
Carrying Pistol Without License 16-11-128  
Underage (18) Possession of Pistol or Revolver (1st offense) 16-11-132  
Discharging Firearm While Under Influence of Alcohol or Drugs 16-11-134  
Willful/Intentionally Making False Statement or Using False ID to Purchase or Transfer Handgun 16-11-182(b)  
Willful/Intentional Sale or Delivery by Licensed Dealer to Prohibited Person 16-11-182(c)