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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

GEORGIA

AMENDMENTS TO THE CODE OF ADMINISTRATIVE OFFENCES
(adopted on 6 February 2025)

Law of Georgia

On Amendments to the Administrative Offenses Code of Georgia

Article 1. The following amendment shall be made to the Code of Administrative Offenses of Georgia (Bulletin of the Supreme Council of the Georgian SSR, No. 12, 1984, Art. 421):

1. Article 32:

a) The first part shall be worded as follows:

"1. Administrative detention shall be established and applied only in exceptional cases, for administrative offenses, for a period of up to 60 days. A person shall be sentenced to administrative detention by a court.";

b) Part 3 shall be amended as follows:

"3. Administrative detention shall not be imposed on pregnant women, mothers with children under the age of twelve, persons under the age of eighteen, or persons with severe or significantly pronounced disabilities."

2. Article 35 shall be worded as follows:

Article 35. Aggravating circumstances of liability for administrative offenses

The following are considered aggravating circumstances for liability for an administrative offense:

- a) continuation of unlawful conduct despite requests from authorized persons to cease it;
- b) repeated commission of a similar offense within a year, for which the person has already been subject to an administrative penalty or a verbal warning in accordance with this Code;
- c) committing an offense by a person subject to an administrative penalty ;
- d) involving a minor in an offense;
- e) committing an offense against or in the presence of a minor;
- f) commission of an offense by a group of persons;
- g) by insulting the personal dignity of the victim;
- h) committing an offense in the event of a natural disaster or other extraordinary circumstances;
- i) committing an offense under the influence of alcohol or narcotic, psychotropic or new psychoactive substances;
- j) committing an offense in connection with the victim's official or public activities."

3. Part 2 of Article 38 shall be worded as follows:

"2. Unless otherwise provided by law, the administrative penalty determined for the commission of an administrative offense, the case of which is subject to adjudication by a district (city) court, may be imposed on the perpetrator of an administrative offense (an offender) no later than 6 months from the date of commission of the said administrative offense, and when the administrative offense is a continuing offense - no later than 6 months from the date of its detection."

4. Article 39 shall be worded as follows:

"Article 39. Period after which a person is considered not to have been subjected to an administrative penalty "

1. If the person subject to an administrative penalty has not committed a new administrative offense within one year from the date of serving the penalty, s/he shall be considered as having served the administrative penalty, except in the case of imposing a fine in the form of an administrative penalty.

2. In the event of imposition of a fine as an administrative penalty, a person shall be deemed not to have been subjected to an administrative penalty if he or she does not commit a new administrative offense within one year from the date of imposition of the fine, except for the cases provided for in Part Three of this Article.

3. In the event of imposition of a fine in the form of an administrative penalty for an offense provided for in Articles 150, 150 ², 166, 166 ², 173, 173 ¹⁶ and 174 ¹ of this Code , the person shall be deemed not to have been subjected to an administrative penalty after one year from the date of full payment of the fine."

5. Article 116:**a) Part 3 shall be amended as follows:**

"3. The commission of an administrative offense provided for in this Part or in Parts 1, 2 or 7 of this Article by a person who has been imposed an administrative penalty provided for in this Part or in Parts 1, 2 or 7 of this Article during the period of suspension of the right to drive a vehicle -

shall result in a fine of 2,000 GEL for the driver, administrative detention for a period of 5 to 15 days, and an extension of the suspension of the right to drive a vehicle by 1 year.";

b) Section 8 shall be amended as follows:

"8. Infliction of minor damage on a vehicle, cargo, road, road or another structure, other property or human health, along with commission of any of the administrative offences provided for in Parts 1-6 of this Article, when :

- a) the driver has no driving licence, –
shall result in a fine of GEL 3,000 for the driver and administrative detention for a period of 10 to 15 days;
- b) the driver's driving licence has been suspended for committing an offence provided for by this Code or another legislative act, –
shall result in a fine of GEL 3,000 for the driver, administrative detention for a period of 10 to 15 days and extension of the driving licence suspension period by 3 years.

6. Parts 1 and 2 of Article 166 shall be amended as follows:

"1. Petty hooliganism – swearing in public places, insulting citizens and other similar actions that disrupt public order and peace of citizens, –
shall carry a fine from GEL 500 to GEL 3,000 or administrative arrest of up to 20 days.

2. Commission of an administrative offence defined by this Article by a person on whom an administrative penalty has been imposed for committing an administrative offence provided for by this Article, –
shall carry a fine from GEL 3,000 to GEL 5,000 or administrative detention from 5 to 60 days.

7. Part 2 of Article 166² shall be worded as follows:

"2. The commission of an administrative offense specified in this Article by a person subject to administrative punishment for committing an administrative offense specified in the same Article -
shall result in a fine of 2,000 GEL or administrative imprisonment for a term of up to 60 days."

8. Article 173 shall be worded as follows:

"Article 173. Non-compliance to a lawful order or request of law-enforcement officer, military serviceman, employee of the Special State Protection Service, enforcement police officer, an employee of the Special Penitentiary Service, General Inspectorate of the Ministry of Justice of Georgia or a public law legal entity operating within the jurisdiction of the same Ministry – the National Agency for Crime Prevention, Execution of Non-custodial Sentences and Probation or a person equated to them, or committing other unlawful actions against such person

1. Non-compliance to a lawful order or request of law-enforcement officer, military serviceman, employee of the Special State Protection Service, enforcement police officer, an employee of the Special Penitentiary Service, General Inspectorate of the Ministry of

Justice of Georgia or a public law legal entity operating within the jurisdiction of the same Ministry – the National Agency for Crime Prevention, Execution of Non-custodial Sentences and Probation or a person equated to them, or committing other unlawful actions against such person

Shall result in a fine of 2,000 to 5,000 GEL or administrative detention for up to 60 days.

2. Verbal insult, swearingswearingor/and other insulting actions against a law enforcement officer, military serviceman, employee of the Special State Protection Service, enforcement police officer, Special Penitentiary Service, General Inspectorate of the Ministry of Justice of Georgia or an employee of the National Agency for Crime Prevention, Execution of Non-custodial Sentences and Probation, a legal entity under public law operating within the jurisdiction of the same Ministry, or an equivalent person, during the performance of official duties or in connection with the performance of official duties (except for the cases provided for by the Criminal Code of Georgia), –

Shall result in a fine of 2,000 to 5,000 GEL or administrative detention for up to 60 days.

3. The commission of any administrative offense provided for in this Article by a person subject to administrative penalty for committing an administrative offense provided for in the first or second part of this Article -

Shall result in a fine of 3,500 to 6,000 GEL or administrative imprisonment for a term of 7 to 60 days.

Note:

1. For committing an administrative offense provided for in this Article, a person shall be deprived of the right to carry weapons for a period of up to 3 years.

2. Article 22 of this Code shall not apply to the case of committing an administrative offense provided for in Part 3 of this Article.”

9. Article 173¹⁶ shall be added with the following content:

"173¹⁶. Verbal insult, swearing or/and other offensive actions against a Georgian state-political official, political official, state servant, person equated with a state servant and/or public servant during the performance of official duties or in connection with the performance of official duties or activities

Verbal insult, swearing, insulting or/and other offensive actions against a Georgian state-political official, political official, state servant, person equated with a state servant and/or public servant during the performance of official duties or in connection with the performance of official duties or activities (except for cases provided for by the Criminal Code of Georgia) -

shall result in a fine of 1,500 to 4,000 GEL or administrative detention for up to 45 days.

2. The commission of any administrative offense specified in the first part of this Article by a person subject to administrative punishment for committing an administrative offense specified in the same Article -

Shall result in a fine of 2,500 to 6,000 GEL or administrative imprisonment for a term of 5 to 60 days.

Note:

1. For committing an administrative offense provided for in this Article, a person shall be deprived of the right to carry weapons for a period of up to 3 years.
2. Article 22 of this Code shall not apply to the case of committing an administrative offense provided for in Part One of this Article.”

10. Article 174¹ shall be worded as follows:

"Article 174¹. Violation of the rules for organizing and holding an assembly or demonstration"

1. Violation of the rules for organizing and holding an assembly or demonstration, as provided for in Articles 5 and 8 of the Law of Georgia “On Assemblies and Manifestations”,

–

Shall result in a fine of 2,000 GEL.

2. The same action committed by the organizer of an assembly or demonstration, –
Shall result in a fine of 5,000 GEL.

3. Repeated commission of an act provided for in the first or second part of this Article by a person subject to an administrative penalty provided for in this Article, –
Shall result in a fine of 6,000 GEL or administrative detention for up to 60 days.

4. Blocking the entrance to the court, holding an assembly or demonstration at the judge's residence or at a common court of Georgia –
Shall result in a fine of 5,000 GEL or administrative detention for up to 60 days.

5. Violation of the provisions of Article 9, Article 11 (except for subparagraphs “a1”, “a2” and “g” of paragraph 2 of Article 11) and Article 11-1 of the Law of Georgia “On Assemblies and Demonstrations ”, –

Shall result in the offender being fined 5,000 GEL or administrative detention for up to 15 days, with confiscation of the object of the offense, and if the offender is an organizer - 15,000 GEL or administrative detention for up to 20 days, with confiscation of the object of the offense.

6. Repeated commission of an act provided for in Part 5 of this Article by a person subject to an administrative penalty for any act provided for in this Article, –
Shall result in a fine of GEL 5,000 to GEL 10,000 or administrative detention for a term of up to 25 days, with confiscation of the object of the offense, and if the offender is an organizer - a fine of GEL 15,000 to GEL 20,000 or administrative imprisonment for up to 60 days, with confiscation of the object of the offense.

7. Violation of the norms provided for in subparagraphs “a1” and “a2” of paragraph 2 of Article 11 of the Law of Georgia “On Assemblies and Manifestations” –

Shall result in the offender being fined 2,000 GEL or administrative detention for up to 7 days, with confiscation of the object of the offense.

8. Repeated commission of the act provided for in Part 7 of this Article –
Shall result in a fine of GEL 2,000 to GEL 5,000 for the offender or administrative detention for up to 20 days, with confiscation of the object of the offense.

9. Violation of the norms provided for in Article 11, Paragraph 2, Subparagraph “g” of the Law of Georgia “On Assemblies and Demonstrations”, –
Shall result in a fine of 5,000 GEL or administrative imprisonment for up to 60 days.

Note:

1. For committing the offenses provided for in this Article, a person shall be deprived of the right to bear arms for a period of up to 3 years.
2. Article 22 of this Code shall not apply to the case of the commission of an action specified in this Article by a person subject to administrative punishment for committing an administrative offense provided for in this Article.

11. Article 208 shall be worded as follows:

" Article 208. Cases of administrative offenses adjudicated by a district (city) court"

The district (city) court shall consider cases of administrative offenses provided for in Part 2 of Article 43 of this Code, 43¹-44³, 44⁵, 44⁷-44¹¹, 45-46⁴, 48, 49, 50¹, 51-55¹, 55³, 55⁴, 56, 57-59, 59²-60³·60³-61¹, 63-65, 66-69·69⁴·69⁶·71, 71¹·72¹-77·78 and Articles 79¹-79³, Article 79⁴ (except for Parts 2-5 of Article 79⁴ of this Code), 79⁵-80, 82¹-82⁵·84-86, 87¹-89³, 91², 91³, 94, 95, 99, 100¹, 100², 103¹, 104 and 105¹, Articles 116, Parts 3, 5, 6, 8 and 9, Article 116⁴, Part 2, Article 116⁵ Part 2, Article 116⁶ Part 2, Article 116⁷ Part 2, Part 5 of Article 127¹·128¹-128⁶, Articles 143, 144, 144¹⁰, 145 and 150, Parts 1 and 2 of Article 151, Articles 153 and 153¹, Parts 2 and 5 of Article 153³, Article 153⁵, Parts 2 and 5 of Article 153⁶, Articles 154-154², 155¹ and 155², Parts 11-20 of Article 155³, Parts 3-5 of Article 155⁶, Articles 155⁷-156 and 157¹-158¹, Articles 158⁵, parts 3 and 4, Articles 159⁴-159¹⁰, 163, 164, 164⁴, 165¹-165³, 166, 166¹ and 170¹, Article 171, part 3, Articles 171²-171⁴, Articles 171⁵, parts 1, 2, 4-6, 8 and 9-18, Articles 172, 172⁴-172⁶, 173, 173⁴-173⁷, 173⁹, 173¹⁴, 173¹⁵, 173¹⁶ and 174¹, part 3, Parts 4, 6, 8 and 9, Part 4 of Article 174¹⁵·Articles 175¹ and 175², Parts 4, 5, 8, 12 and 13 of Article 177, Articles 177⁸, 177⁹, 177¹¹ and 177¹², Article 177¹³ (only in the case provided for in Part 4 1 of Article 245 of this Code), 178, 179¹-179³, 181⁶, 183, 187, 187¹, 189, 192, 195, 196³, 196⁶ and Articles 197¹, 197³, Part 2, and 199¹.

12. Article 209:

a) The first part shall be worded as follows:

" 1. The internal affairs bodies of Georgia shall consider cases of administrative offenses provided for in Articles 42¹⁰, 58³, 86¹, 107¹-107³, 107⁵, 108, 114¹, 114² and 115^{1 of}

this Code, Article 116 (except for Parts 3, 5, 6, 8 and 9 of Article 116 of this Code), Articles 116¹–116³, Part 1 of Article 116⁴, Part 1 of Article 116⁵, Part 1 of Article 116⁶, Part 1 of Article 116⁷, 116⁸, 118–118⁴, Articles 119 and 120–123, Article 125 (except for Article 125, Part 16 of this Code), Article 127, Parts 1–2 and 6–7 of Article 127¹, Parts 1 and 2 of Article 128, Article 129¹, Article 131 (for administrative offenses committed in motor transport), Articles 134, 135²–135⁴, 139⁵, 152⁷ and 1528, Parts 1, 3 and 4 of Article 153³, Parts 1, 3 and 4 of Article 153⁶, Parts 1, 3 and 4 of Article 155, 156²–Articles 156⁴, 166², 167 and 170, Parts 1 and 2 of Article 171, Article 171¹ (against all institutions (except the Georgian Defense Forces and penitentiary institutions), drivers of vehicles (except railway, sea and air transport), owners/possessors of railway, sea and air transport, as well as individuals (except for administrative offenses committed by individuals in railway transport)), Parts 1, 2, 5 and 7 of Article 174¹, Article 174¹⁵ (except for Part 4 of Article 174¹⁵ of this Code), Articles 174¹⁶–174¹⁸, 176¹ and 176³, Article 177 (except for Parts 4, 5, 8, 12 and 13 of Article 177 of this Code) and Articles 177¹⁵, 180–181¹, 181³–181⁵, 182–182², 190, 190²–191¹ and 198³.

b) Section 2¹ shall be amended as follows:

"2¹. Articles 42¹⁰, 86¹, 114², 152⁷ and 152⁸ of this Code, Parts 1, 3 and 4 of Article 153³, Parts 1, 3 and 4 of Article 153⁶, Parts 1, 3 and 4 of Article 171¹ (against all institutions (except for the Georgian Defense Forces and penitentiary institutions), drivers of vehicles (except for railway, sea and air transport), owners/possessors of railway, sea and air transport, as well as individuals (except for administrative offenses committed by individuals in railway transport)), Parts 1, 2, 5 and 7 of Article 174¹, Articles 174¹⁷ and 174¹⁸, Article 177, In the event of committing an administrative offense provided for in Parts 2-3, 6-7, 9-11 and 14 and Articles 177-15, 190 and 190-2, if the relevant administrative offense does not require an administrative investigation, an authorized person of the Ministry of Internal Affairs of Georgia shall consider the case of this administrative offense on the spot and impose an administrative penalty on the offender on the spot.

13. The first part of Article 209³ shall be worded as follows:

"1. Articles 46⁵, 46⁶, 55², 55⁵, 55⁶, 77¹ and 77² of this Code, Article 82⁵ (in the section on the sale of plastic and biodegradable bags), Articles 103 and 107²–107⁴, Part 6 of Article 114², Parts 8 and 12–16 of Article 125, Articles 125²–125⁴, Subparagraph "a" of Part 4 of Article 130, Articles 134¹, 135–135⁵, 146¹, 148 and 150–150³, Part 3 of Article 151, 151¹, 151², 152 and 152²–152⁹. Cases of administrative offences provided for in Articles 153, 153³, Parts 1, 3 and 4, Article 153⁴, Parts 1, 3 and 4 of Article 153⁶, Articles 153⁹, 156¹, 158³ and 158⁴, Parts 1 and 2 of Article 158⁵, Articles 159 and 159¹, Part 1 of Article 166², Articles 172⁸ and 172⁹ and Parts 1 and 2 of Article 172¹⁰ shall be considered by a structural unit of the municipality city hall determined by the representative body of the municipality or a natural person or legal entity authorized by the representative body of the municipality, taking into account Article 290⁶ of this Code.

14. Article 231 shall be worded as follows:**"Article 231. Procedure for conducting administrative offense cases**

1. The procedure for conducting administrative offense cases in those bodies (by officials) that are authorized to consider administrative offense cases is determined by this Code and other normative acts of Georgia.
2. The procedure for conducting administrative offense cases in courts shall be determined by this Code, the Administrative Procedure Code of Georgia and other legislative acts of Georgia.

15. Article 233¹ shall be added with the following content :**“Article 233¹. Adversarial nature and examination of the circumstances of the case by the court**

1. Administrative proceedings in court shall be conducted on the basis of equality and adversarial proceedings between the parties. A party shall have the right to file a petition, obtain, request through the court, present and examine all relevant evidence.
2. The court is authorized to make a decision on its own initiative to submit additional information or evidence.

16. The title of Articles 236 shall be worded as follows:**a) “ Evidence and Burden of Proof in Administrative Offense Proceedings“**

b) Add para 3 after para. 2 as follows:

„3. The burden of proving an administrative offense lies with the administrative body conducting the administrative offense case.“.

17. Article 237 shall be worded as follows:**„Article 237. Evaluation of evidence**

1. No evidence has a predetermined force. The body (official) considering the case, guided by the law and common sense, will evaluate the evidence according to its own inner conviction, which is based on a comprehensive, complete and objective examination of all the circumstances of the case in their entirety.
2. Any doubt arising during the assessment of evidence, which is not confirmed in accordance with the procedure established by the legislation of Georgia, shall be resolved in favor of the person held liable.”.

18. Part 13 of Article 239 shall be amended as follows:

"13. In the event of an administrative offense under Articles 42¹⁰, 45, 45¹, 58³, 86¹, 100², 107, 107⁵, 114¹, 114², 115¹, 116–116⁸, 118–118⁴ and 119–123 of this Code, Article 125 (except for Part 16 of Article 125 of this Code), Article 127, Parts 1–2² and 6–7² of Article 127¹, and Articles 134, 135²–135⁴, 139⁵, 150, 152⁷, 152⁸, 153³, 153⁶, 166, 166², 167, 173¹⁴, 173¹⁵, 173¹⁶, 174¹, 174¹⁵–174¹⁸, 175², 176¹, 176³, 177, 177¹, 177¹⁵, 180–181⁵, 182–183, 190, 190², 191 and 199¹, the relevant administrative offense protocol shall be drawn up by the Internal Affairs Body of Georgia .

19. Article 240, Part 2¹ shall be worded as follows:

"2¹. The protocol of an administrative offense drawn up by an authorized person of the Ministry of Internal Affairs of Georgia shall indicate: the date and place of its drawing up; the position, name and surname of the drafter; data on the offender, including personal number or identification number; the place, time and essence of the administrative offense; the normative act that provides for liability for this offense; the name, surname and address of the witness and/or victim, if any; other information necessary for resolving the case. The form of the protocol of an administrative offense provided for in this Part shall be approved by order of the Minister of Internal Affairs of Georgia."

20. The following Part 6 shall be added to Article 242:

"6. An electronic fine receipt issued by an authorized person of the Ministry of Internal Affairs of Georgia shall be signed by the authorized person who issued it. An electronic fine receipt shall be deemed to have been delivered to the offender if the authorized person prints it out."

21. The following Part 3 shall be added to Article 244:

"3. In order to identify an offender, identification measures provided for in Article 20 of the Law of Georgia "On Police" may be implemented, including verification of the person's data in the information databases of the Ministry of Internal Affairs of Georgia and a special electronic program."

22. Part 2 of Article 248 shall be worded as follows:

"2. A personal examination may be conducted by a person authorized to do so who is of the same sex as the person being examined. A personal examination may be conducted in the presence of a witness."

23. Parts 1¹ and 2 of Article 262 shall be worded as follows:

"1¹. Cases of administrative offenses provided for in Articles 45, 45-1, 166, 173 and 173-16 of this Code shall be considered within 3 days. The district (city) court considering the

administrative offense case shall begin the oral hearing immediately upon receipt of the administrative offense protocol and other materials of the administrative offense case, if an administrative arrest has been applied to a person and the term of administrative arrest has not expired."

"2. Cases of administrative offenses provided for in Articles 171 and 175² of this Code shall be considered within 24 hours, cases of administrative offenses provided for in Parts 3, 5, 6, 8 and 9 of Article 116 of this Code and Parts 3, 4, 6, 8 and 9 of Article 142, 154, 174¹ and Article 174² shall be considered within 3 days, and cases of administrative offenses provided for in Articles 50¹, 51¹, 51³, 53³, 55, 55², 55³, 55⁵, 55⁶, 58², 59² of this Code, Articles 61 and 80, Parts 9 and 10 of Article 86, 88, 91², 92¹, 94, 95, 96¹, 96², 96⁴, 99, 100¹, 100², 103, 104, 105¹, 107¹, 141, 143-144¹, 144³-144⁵, 144¹⁰, 145, 146¹, 148-150¹, 151¹, 152, 152²-152⁹, Articles 153, 154¹, 154², 156-158¹, 159, 159⁵-159⁹, 163, 164, 166¹, 167, 170, 174 and 175, Parts 4, 5, 8, 12 and 13 of Article 177, Article 177¹, Article 177¹³ (only in the case provided for in Part 4¹ of Article 245 of this Code) and Articles 179¹, 180-183¹, 185-185², 187, 187¹, Cases of administrative offenses provided for in Articles 189, 192, 195, 196³, 196⁶ and 197¹ within 7 days."

24. The following part 1¹ shall be added to Article 266 :

"1¹. The decision made in an administrative offense case must be lawful, reasoned and fair."

25. The following section 8 shall be added to Article 272:

"8. In an administrative offense case, the burden of proving the illegality and/or unfoundedness of the resolution/fine receipt lies with the appellant. "

26. Subparagraph "a" of Part 1 of Article 295 shall be worded as follows:

"a) Bailiff – upon committing an administrative offense provided for in Article 208 of this Code; authorized person of the Internal Affairs Body of Georgia – upon committing an administrative offense provided for in Article 167, Parts 5 and 7 of Article 174¹, Article 180, Part 5 of Article 180¹, Part 3 of Article 181, Articles 181¹ and 181³-181⁵, Part 5 of Article 182, and Articles 182¹ and 183¹ of this Code;".

Article 2. This law shall enter into force upon its publication.

President of Georgia Mikheil Kavelashvili

**Tbilisi,
6 February 2025
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