

The House Committee on Public Safety & Homeland Security offers the following substitute to HB 738:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to  
2 general provisions pertaining to law enforcement officers and agencies, so as to prohibit  
3 quotas or policies demanding arrests or the issuance of citations for the purpose of raising  
4 revenue; to prohibit withholding or threatening to withhold funding from law enforcement  
5 agencies under certain circumstances; to provide for investigation and enforcement by the  
6 Attorney General; to provide for related matters; to provide an effective date; to repeal  
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general  
11 provisions pertaining to law enforcement officers and agencies, is amended by adding a new  
12 Code section to read as follows:

13 "35-1-16.

14 (a) As used in this Code section, the term:

15 (1) 'Influence or demand' means any type of regulation, rule, policy, or practice carried  
16 out by a local governing authority which requires a level of performance whether  
17 required orally, in writing, or implied by actions and without regard to whether such  
18 policy or practice is officially adopted.

19 (2) 'Law enforcement unit' shall have the same meaning as provided in Code Section  
20 35-8-2, relating to definitions for employment and training of peace officers.

21 (3) 'Local governing authority' means any political subdivision of this state, including  
22 any county, consolidated government, municipality, commission, board, council, or any  
23 other local public body corporate, governmental unit, or political subdivision of this state.

24 (b) No local governing authority, law enforcement unit, or peace officer shall by influence  
25 or demand require that peace officers employed by a law enforcement unit meet quotas for

26 arrests or the issuance of citations or otherwise increase or maintain the number of arrests  
 27 or citations for the purpose of providing or increasing revenue.

28 (c) No local governing authority shall withhold or decrease or threaten, suggest, or imply  
 29 that such local governing authority will withhold or decrease any funding, revenues, or the  
 30 operation budget for a law enforcement unit that fails to meet quotas for arrests or the  
 31 issuance of citations or otherwise fails to increase or maintain the number of arrests or  
 32 citations for the purpose of maintaining or increasing revenue.

33 (d) Any local governing authority or local law enforcement unit that fails to abide by any  
 34 requirement of this Code section shall have any and all state funding or state administered  
 35 federal funding withheld by the funding state agency, as directed by the Governor.

36 (e) The Attorney General shall be authorized to investigate suspected, alleged, and  
 37 reported violations of this Code section. If the Attorney General finds that a person has  
 38 violated or is violating this Code section, then the Attorney General may bring a civil  
 39 action against such person under this Code section for injunctive and equitable relief, and  
 40 such other relief as may be available by law. For purposes of enforcing the provisions of  
 41 this Code section, jurisdiction shall be in the superior court of the county wherein the  
 42 violation has occurred; provided, however, that no judge presiding over such action shall  
 43 be paid in whole or part by any entity who is a party against whom such action is taken.  
 44 The Attorney General shall be entitled to all costs and reasonable attorney's fees incurred  
 45 as a result of investigating a violation of this Code section if the violation is substantiated  
 46 and for enforcing the provisions of this Code section in any civil proceeding wherein a  
 47 violation is substantiated or injunctive relief is granted."

48 **SECTION 2.**

49 This Act shall become effective upon its approval by the Governor or upon its becoming law  
 50 without such approval.

51 **SECTION 3.**

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