

Senate Bill 400

By: Senator McKoon of the 29th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 45-9-1 of the Official Code of Georgia Annotated, relating to  
2 general provisions pertaining to state officers and employees relative to insurance and  
3 indemnification, so as to provide for the adjustment and approval of legal fees and other  
4 expenses by the General Assembly; to provide for related matters; to repeal conflicting laws;  
5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 45-9-1 of the Official Code of Georgia Annotated, relating to general  
9 provisions pertaining to state officers and employees relative to insurance and  
10 indemnification, is amended by revising subsection (a) as follows:

11 "(a) In addition to any other compensation which may be paid to an officer, official, or  
12 employee of any agency, board, bureau, commission, department, or authority of the  
13 executive, judicial, or legislative branch of government of this state, each such agency,  
14 board, bureau, commission, department, or authority is authorized, in its discretion, to  
15 purchase policies of liability insurance or contracts of indemnity or to formulate sound  
16 programs of self-insurance utilizing funds available to such agency, board, bureau,  
17 commission, department, or authority, insuring or indemnifying such officers, officials, or  
18 employees to the extent that they are not immune from liability against personal liability  
19 for damages arising out of the performance of their duties or in any way connected  
20 therewith. Such policies of liability insurance, contracts of indemnity, or programs of  
21 self-insurance may also provide for reimbursement to an officer, official, or employee of  
22 any agency, board, bureau, commission, department, or authority of this state for  
23 reasonable legal fees and other expenses incurred in the successful defense of any criminal  
24 proceeding, including, but not limited to, any criminal cause of action, suit, investigation,  
25 subpoena, warrant, request for documentation or property, or threat of such action whether  
26 formal or informal where such action arises out of the performance of his or her official

27 duties. In addition, in the case of an officer, official, or employee who is required to  
28 maintain a professional license, such reimbursement may also be provided for legal fees  
29 and other expenses so incurred in the successful defense of a charge arising out of the  
30 performance of his or her official duties in proceedings before a professional licensing  
31 board, disciplinary board or commission, or other similar body. Legal fees and other  
32 expenses shall be subject to adjustment by and the approval of the ~~Attorney General~~  
33 General Assembly."

34 **SECTION 2.**

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