

Senate Bill 22

By: Senators Jones II of the 22nd, James of the 35th, Rhett of the 33rd, Orrock of the 36th,
Davenport of the 44th and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 1 of Title 45 of the Official Code of Georgia Annotated, relating to public
2 officers and employees, so as to allow public employees to disclose a violation of or
3 noncompliance with a law, rule, or regulation to the press and other persons under certain
4 conditions; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 1 of Title 45 of the Official Code of Georgia Annotated, relating to public officers
8 and employees, is amended by revising subsection (d) of Code Section 45-1-4, relating to
9 complaints or information from public employees as to fraud, waste, and abuse in state
10 programs and operations, as follows:

11 "(d)(1)(A) No public employer shall make, adopt, or enforce any policy or practice
12 preventing a public employee from disclosing a violation of or noncompliance with a
13 law, rule, or regulation to either a supervisor or a government agency.

14 (B) No public employer shall make, adopt, or enforce any policy or practice preventing
15 a public employee from disclosing a violation of or noncompliance with a law, rule, or
16 regulation to the press or any other person, if:

17 (i) Such public employee has made a disclosure pursuant to subparagraph (A) of this
18 paragraph;

19 (ii) Such public employee has reasonable cause to believe that such supervisor or
20 governmental agency has not taken action to remedy such violation;

21 (iii) Such public employee has reasonable cause to believe that such violation
22 remains ongoing or has not been remedied; and

23 (iv) Sixty days have elapsed since such public employee made such disclosure to
24 such supervisor or governmental agency.

25 (2) No public employer shall retaliate against a public employee for disclosing a
26 violation of or noncompliance with a law, rule, or regulation to ~~either a supervisor, or a~~
27 government agency, or the press or any other person, unless the disclosure was made with
28 knowledge that the disclosure was false or with reckless disregard for its truth or falsity.

29 (3) No public employer shall retaliate against a public employee for objecting to, or
30 refusing to participate in, any activity, policy, or practice of the public employer that the
31 public employee has reasonable cause to believe is in violation of or noncompliance with
32 a law, rule, or regulation.

33 (4) Paragraphs (1), (2), and (3) of this subsection shall not apply to policies or practices
34 which implement, or to actions by public employers against public employees who
35 violate, privilege or confidentiality obligations recognized by constitutional, statutory, or
36 common law."

37 **SECTION 2.**

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