

House Bill 286 (COMMITTEE SUBSTITUTE)

By: Representatives Gaines of the 117th, Kelley of the 16th, Dempsey of the 13th, Wiedower of the 119th, Collins of the 68th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 8 of Title 36 of the Official Code of Georgia Annotated, relating to county
2 police, so as to restrict the ability of county governing authorities to reduce funding for
3 county police departments; to amend Chapter 60 of Title 36 of the Official Code of Georgia
4 Annotated, relating to general provisions applicable to municipal corporations, so as to
5 restrict the ability of municipal or consolidated government governing authorities to reduce
6 funding for municipal police departments; to provide for exceptions; to provide for related
7 matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 8 of Title 36 of the Official Code of Georgia Annotated, relating to county police,
11 is amended by adding a new Code section to read as follows:

12 "36-8-8.

13 (a)(1) Except as provided for in paragraph (2) of this subsection, the governing authority
14 of a county that has elected to establish a county police force pursuant to this chapter
15 shall not decrease the annual budgetary appropriation for such police force by more than
16 5 percent of the previous fiscal year's appropriation for such police force.

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17 (2)(A) Paragraph (1) of this subsection shall not apply if actual or anticipated revenues
18 of the county for the applicable fiscal year decrease by more than 5 percent. In such
19 event, the governing authority shall be authorized to decrease the budgetary
20 appropriation for such police force, but in no event shall the budget of the police force
21 be decreased by a greater percentage than the overall percentage decrease in actual or
22 anticipated revenues of the county.

23 (B) Paragraph (1) of this subsection shall not apply if during the previous fiscal year
24 the county made a one-time capital, equipment, or software purchase or incurred a
25 one-time legal obligation that increased the annual budgetary appropriation of such
26 police force by more than 4 percent above the annual budgetary appropriation for such
27 police force for the fiscal year immediately preceding the previous fiscal year and the
28 current fiscal year.

29 (b)(1) Except as provided for in paragraph (2) of this subsection, the governing authority
30 of a county that has elected to establish a county police force pursuant to this chapter
31 shall ensure that the annual budgetary appropriations for such police force during a
32 rolling ten-year period shall not decrease by more than 5 percent during such time period.

33 (2) Paragraph (1) of this subsection shall not apply if actual or anticipated revenues of
34 the county for the applicable time period decrease by more than 5 percent. In such event,
35 the governing authority shall be authorized to decrease the budgetary appropriation for
36 such police force, but in no event shall the budget of the police force be decreased by a
37 greater percentage than the overall percentage decrease in actual or anticipated revenues
38 of the county.

39 (c) Subsections (a) and (b) of this Code section shall not apply if:

40 (1) The governing authority ensures that an equal or greater level of law enforcement
41 services will be provided to the county by either the sheriff or another local government
42 pursuant to an intergovernmental agreement;

43 (2) During the applicable time period, the county transitions from a volunteer to a paid
44 fire department necessitating county-wide budgetary adjustments; or

45 (3) During the applicable time period, the county is ordered by a court of competent
46 jurisdiction to begin providing a public service at a level such county was not providing
47 prior to the issuance of such court order necessitating county-wide budgetary
48 adjustments.

49 (d) This Code section shall not apply to any county police force employing less than ten
50 full-time or part-time certified law enforcement officers."

51 **SECTION 2.**

52 Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general
53 provisions applicable to municipal corporations, is amended by adding a new Code section
54 to read as follows:

55 "36-60-28.

56 (a)(1) Except as provided in paragraph (2) of this subsection, the governing authority of
57 a municipality that has established a municipal police force shall not decrease the annual
58 budgetary appropriation for such police force by more than 5 percent of the previous
59 fiscal year's appropriation for such police force.

60 (2)(A) Paragraph (1) of this subsection shall not apply if actual or anticipated revenues
61 of the municipality for the applicable fiscal year decrease by more than 5 percent. In
62 such event, the governing authority shall be authorized to decrease the budgetary
63 appropriation for such police force, but in no event shall the budget of the police force
64 be decreased by a greater percentage than the overall percentage decrease in actual or
65 anticipated revenues of the municipality.

66 (B) Paragraph (1) of this subsection shall not apply if during the previous fiscal year
67 the municipality made a one-time capital, equipment, or software purchase or incurred
68 a one-time legal obligation that increased the annual budgetary appropriation of such

69 police force by more than 4 percent above the annual budgetary appropriation for such
70 police force for the fiscal year immediately preceding the previous fiscal year and the
71 current fiscal year.

72 (b)(1) Except as provided for in paragraph (2) of this subsection, the governing authority
73 of a municipality that has established a municipal police force shall ensure that the annual
74 budgetary appropriations for such police force during a rolling ten-year period shall not
75 decrease by more than 5 percent during such time period.

76 (2) Paragraph (1) of this subsection shall not apply if actual or anticipated revenues of
77 the municipality for the applicable time period decrease by more than 5 percent. In such
78 event, the governing authority shall be authorized to decrease the budgetary appropriation
79 for such police force, but in no event shall the budget of the police force be decreased by
80 a greater percentage than the overall percentage decrease in actual or anticipated revenues
81 of the municipality.

82 (c) Subsections (a) and (b) of this Code section shall not apply if:

83 (1) The governing authority ensures that an equal or greater level of law enforcement
84 services will be provided to the municipality by another local government pursuant to an
85 intergovernmental agreement;

86 (2) During the applicable time period, the municipality transitions from a volunteer to
87 a paid fire department necessitating city-wide budgetary adjustments; or

88 (3) During the applicable time period, the municipality is ordered by a court of
89 competent jurisdiction to begin providing a public service at a level such municipality
90 was not providing prior to the issuance of such court order necessitating city-wide
91 budgetary adjustments.

92 (d) This Code section shall also apply to any consolidated government that operates a
93 police force, and such police force shall be considered a municipal police force for the
94 purposes of this Code section.

95 (e) This Code section shall not apply to any municipal police force employing less than
96 ten full-time or part-time certified law enforcement officers."

97 **SECTION 3.**

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