

Senate Bill 243

By: Senators Walker III of the 20th, Albers of the 56th, Robertson of the 29th, Ginn of the 47th, Cowsert of the 46th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated,
2 relating to registration and licensing generally, so as to revise the authorized use of money
3 distributed from the Back the Blue Fund; to revise collection procedures; to provide for
4 legislative intent; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to
9 registration and licensing generally, is amended by revising Code Section 40-2-26.1, relating
10 to voluntary contributions to Back the Blue Fund, as follows:

11 "40-2-26.1.

12 (a) This Code section shall be known and may be cited as the 'Back the Blue Act.'

13 (b) The General Assembly finds that:

14 (1) It is in the best interest of this state to provide a mechanism to support a program that
15 encourages the hiring and retaining of law enforcement officers and promotes public
16 safety for the benefit of the citizens of Georgia;

17 (2) Hiring and retaining experienced law enforcement officers increases public safety,
18 builds stronger communities, and restores trust and goodwill between communities and
19 law enforcement officers;

20 (3) Evidence shows that supplementing pay and enhancing benefits attract better job
21 applicants and improve the retention of experienced law enforcement officers; and

22 (4) Retaining experienced law enforcement officers means fewer hiring and training
23 expenses for law enforcement agencies.

24 (c) As used in this Code section, the term:

25 (1) 'Back the Blue Fund' means the fund established by this Code section.

26 (2) 'Sheriff' means the duly elected or appointed sheriff of each county in this state.

27 (d) There is created the Back the Blue Fund for the purpose of ~~providing bonus payments~~
28 to supporting training and retention of certified peace officers employed under a sheriff in
29 this state. The state revenue commissioner shall be the custodian of the Back the Blue
30 Fund and shall administer such fund as further provided in this Code section.

31 (e) No later than January 1, 2025, the state revenue commissioner shall include on the
32 form provided for in Code Section 40-2-26 a place for an applicant to elect to contribute
33 an amount of \$5.00 to the Back the Blue Fund. Any such voluntary contribution shall be
34 made at the discretion of the applicant at the time of application in addition to the payment
35 of any other fees required under this chapter.

36 (f) County tag agents shall hold voluntary contributions to the Back the Blue Fund
37 collected pursuant to this Code section in a fiduciary capacity, and such money received
38 shall be promptly accounted for, separated from other moneys received, and reasonably
39 ascertainable. Such collected voluntary contributions shall be included in the weekly
40 reports and remittances provided for in Code Section 40-2-34; provided, however, that any
41 funds collected pursuant to this Code section shall not be deposited in the general fund of
42 the state treasury.

- 43 (g) No later than January 1, 2026, and annually thereafter, the state revenue commissioner
44 shall distribute ~~moneys~~ money from the Back the Blue Fund to the ~~Georgia Sheriffs'~~
45 ~~Association, which shall distribute such moneys in equal portions to the sheriff of each~~
46 ~~county in this state on a per county basis~~ Georgia Peace Officer Standards and Training
47 Council. The state revenue commissioner shall determine a reasonable amount, not to
48 exceed 1 percent of the fund annually, that may be retained for actual administrative costs.
- 49 (h) Money distributed from the Back the Blue Fund shall only be used ~~for bonus payments~~
50 ~~to certified peace officers employed under a sheriff and shall be distributed equitably and~~
51 ~~fairly. Such fund shall not be used to supplement a sheriff's salary nor to supplant or~~
52 ~~replace funding by the county governing authority for the operation of the office of sheriff~~
53 ~~for training of certified peace officers employed by county sheriffs or any other costs~~
54 incurred by county sheriffs' offices relating to such training.
- 55 (i) It is the intent of the General Assembly that when the sheriff of any county utilizes
56 money from the Back the Blue Fund pursuant to this Code section, any money otherwise
57 allocated to such sheriff by the county governing authority for training purposes be used
58 to increase salaries of certified peace officers employed by such sheriff. Money distributed
59 from the Back the Blue Fund shall not be used to supplement the salary of a sheriff nor
60 supplant or replace funding by a county governing authority for the operation of the office
61 of sheriff. Each sheriff shall have sole discretion in determining the allocation of bonus
62 payments to certified peace officers employed under such sheriff in accordance with this
63 Code section.
- 64 (j) The state revenue commissioner is authorized and directed to establish procedures and
65 promulgate rules and regulations to effectuate the purposes of this Code section.
- 66 (k) This Code section shall stand repealed by operation of law on July 1, 2029."

67 **SECTION 2.**

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