

House Bill 1080

By: Representatives Neal of the 79<sup>th</sup>, Crowe of the 118<sup>th</sup>, Hitchens of the 161<sup>st</sup>, and Cheokas of the 151<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 6A of Title 35 of the Official Code of Georgia Annotated, relating to  
2 Criminal Justice Coordinating Council, so as to create the Georgia Public Safety Support  
3 Fund to provide support to certain law enforcement agencies and courts; to provide for  
4 purposes and authority of the fund; to provide for sources of funding; to create a board of  
5 trustees; to provide for board member appointments and terms; to provide for bylaws,  
6 conflict-of-interest policies, and procurement standards; to provide for authorized  
7 expenditures; to provide for restrictions on expenditures; to provide for audits and reports;  
8 to provide for access to records; to provide for construction; to provide for definitions; to  
9 provide for a short title; to provide legislative findings and declarations; to provide for related  
10 matters; to provide for severability; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 This Act shall be known and may be cited as the "Georgia Public Safety Support Fund Act."

14 **SECTION 2.**

15 The General Assembly finds and declares that:

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- 16 (1) Article III, Section VI, Paragraph VI of the Constitution of Georgia prohibits the state  
17 or its political subdivisions from granting any donation or gratuity unless the state receives  
18 substantial benefit in return;
- 19 (2) The Constitution of Georgia permits the expenditure of public funds when such  
20 expenditures serve authorized public purposes and provide direct and substantial public  
21 benefit to the state and its citizens;
- 22 (3) The Supreme Court of Georgia and the Attorney General have recognized that  
23 expenditures made pursuant to valid contracts for services rendered or goods delivered in  
24 the furtherance of governmental functions do not qualify as unconstitutional gratuities;
- 25 (4) Enhancing public safety, supporting local law enforcement agencies and courts,  
26 increasing judicial efficiency, and improving training, technology, and interoperability, are  
27 essential governmental purposes; and
- 28 (5) It is therefore necessary and proper to establish a public fund, governed by this article  
29 and administered as a government instrumentality, to accept and expend private and public  
30 funds solely for authorized public purposes in a manner consistent with the Constitution  
31 of Georgia.

32 **SECTION 3.**

33 Chapter 6A of Title 35 of the Official Code of Georgia Annotated, relating to Criminal  
34 Justice Coordinating Council, is amended by adding a new Code section to read as follows:

35 "35-6A-18.

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

37 (1) 'Board' means the board of trustees.

38 (2) 'Court' means all trial courts within the state including, but not limited to, superior,  
39 juvenile, state, magistrate, probate, municipal, and special courts, whether called mayor's  
40 courts, recorder's courts, police courts, civil courts, traffic courts, or miscellaneous courts  
41 or any other trial court created in the state under any other name.

- 42 (3) 'Fund' means the Georgia Public Safety Support Fund.
- 43 (4) 'Local law enforcement agency' means county and city police departments and  
44 sheriff's offices.
- 45 (b)(1) There is created the Georgia Public Safety Support Fund, which is assigned to the  
46 council for administrative purposes only as prescribed in Code Section 50-4-3.
- 47 (2) The fund is established as a special public fund and instrumentality of the state and  
48 shall be administered and expended in accordance with this article.
- 49 (3) The fund is created as a separate fund in the state treasury.
- 50 (4) The fund shall not constitute a private foundation, charitable trust, or nonprofit  
51 corporation, but shall operate solely for the public purposes as set forth in this article.
- 52 (c)(1) The purposes of the fund are to support and enhance public safety and the  
53 administration of justice. In accordance with such purposes, the fund may be used for:
- 54 (A) Purchasing, leasing, and maintaining equipment, technology, and infrastructure for  
55 local law enforcement agencies and courts;
- 56 (B) Providing funding for the hiring, training, certification, education, and professional  
57 development of local law enforcement officers, court personnel, and related public  
58 employees;
- 59 (C) Supporting interoperable systems, data-sharing platforms, and operational  
60 coordination among local law enforcement agencies and courts;
- 61 (D) Supporting programs and services that measurably support and enhance public  
62 safety, judicial efficiency, and the effective administration of justice; and
- 63 (E) Carrying out any other activity expressly authorized by the laws of this state that  
64 provides a direct and substantial public benefit.
- 65 (2) Nothing in this article shall be construed to replace any other source of funding for  
66 local law enforcement agencies and courts.

67 (d)(1) The fund may accept gifts, grants, donations, devises, or contributions of money  
68 or property from private individuals, corporations, nonprofit organizations, or  
69 foundations, provided that:

70 (A) Such contributions are voluntary; and

71 (B) No contributor to the fund receives any special privilege, consideration, or benefit  
72 not available to the public generally.

73 (2) The fund may receive appropriations from the state or its political subdivisions;  
74 provided, however, that the fund may only receive such appropriations when expressly  
75 authorized by law and only for the purposes authorized in this article.

76 (3) No public funds shall be appropriated or expended in a manner that constitutes a  
77 donation or gratuity in violation of Article III, Section VI, Paragraph VI of the  
78 Constitution of Georgia.

79 (4)(A) The state treasurer shall credit to the fund all amounts appropriated or otherwise  
80 donated to such fund. All funds appropriated, donated, or otherwise received for the  
81 specific purposes as set forth in subsection (c) of this Code section shall be used  
82 exclusively for such purposes.

83 (B) The state treasurer shall invest fund money in the same manner in which state  
84 funds are invested as authorized by the State Depository Board pursuant to Article 3 of  
85 Chapter 17 of Title 50.

86 (5) All funds received under this Code section shall be transmitted to the state treasurer  
87 for deposit in the fund to be disbursed as other moneys in the fund.

88 (e)(1) The fund shall be governed by a board of trustees consisting of nine members to  
89 be appointed by the Governor, subject to confirmation by the Senate.

90 (2) Members of the board shall serve staggered terms of two years, except that with  
91 respect to the initial members appointed, three shall be appointed for a term of three  
92 years, three for a term of two years, and three for a term of one year.

93 (3) Members of the board shall act solely in the public interest.

- 94 (4) The board shall adopt bylaws, conflict-of-interest policies, and procurement  
95 standards consistent with state law.
- 96 (f)(1) All expenditures from the fund shall be made only pursuant to a written contract,  
97 grant agreement, or intergovernmental agreement that:
- 98 (A) Specifies the public purpose served;  
99 (B) Identifies measurable deliverables or performance standards;  
100 (C) Provides for reporting, monitoring, and verification of performance; and  
101 (D) Ensures that the state receives a direct and substantial public benefit.
- 102 (2) The fund shall not make direct cash payments to individuals.
- 103 (3) No funds shall be expended for any purpose that constitutes a donation, gratuity, or  
104 extra compensation prohibited by the Constitution of Georgia.
- 105 (4) The state treasurer shall be authorized to draw a warrant or warrants upon the fund  
106 upon receipt of an order for payment from the board.
- 107 (5) Funds may be disbursed from the fund to pay expenses of the board, to pay operating  
108 expenses, and to pay for professional, technical, and clerical services provided to the  
109 board by the council or by other outside sources.
- 110 (g) The fund shall not be used to:
- 111 (1) Engage in or fund lobbying or political activities;  
112 (2) Influence legislation or elections;  
113 (3) Provide benefits to any private party without adequate consideration and public  
114 benefit; or  
115 (4) Forgive obligations or provide retroactive compensation.
- 116 (h)(1) The fund shall be subject to an annual independent audit.
- 117 (2) The fund shall submit an annual report to the Governor, Lieutenant Governor, and  
118 Speaker of the House of Representatives that includes:
- 119 (A) All contributions received;  
120 (B) All expenditures made; and

121 (C) Public benefits achieved.  
122 (3) The fund shall be subject to record requests from members of the public under  
123 Article 4 of Chapter 18 of Title 50, relating to inspection of public records.  
124 (i) The provisions of this article shall be construed to effectuate its public purposes while  
125 maintaining strict compliance with the Constitution of Georgia. This Act shall be severable  
126 in accordance with Code Section 1-1-3."

127 **SECTION 4.**

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