

The House Committee on Judiciary offers the following substitute to HB 1028:

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 1 of Chapter 18 of Title 15 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding prosecuting attorneys, so as to modify provisions
3 regarding the compensation received by district attorneys; to provide procedures for district
4 attorneys to opt to receive compensation pursuant to such revised provisions; to provide for
5 grandfathering of certain district attorneys so as to not reduce the compensation paid to such
6 district attorneys; to authorize locality pay by counties to district attorneys in lieu of county
7 salary supplements; to abolish most county salary supplements provided to district attorneys;
8 to authorize continuation of fringe benefits provided by counties to district attorneys; to
9 preserve existing rights and obligations related to retirement benefits provided by counties
10 to district attorneys; to provide for retirement benefits relative to optional locality pay; to
11 amend Code Section 45-7-4 of the Official Code of Georgia Annotated, relating to annual
12 salaries of certain state officials and cost-of-living adjustments, so as to revise provisions
13 relating to calculating and setting the salaries of district attorneys; to revise superseded
14 provisions related to the salary of the judge of the state-wide tax court; to amend Chapter 3
15 of Title 1 of the Official Code of Georgia Annotated, relating to laws and statutes, so as to
16 suspend the operation of local laws or local ordinances or resolutions that use a district
17 attorney's salary for the calculation of the salary or compensation of other officers, officials,
18 or employees; to provide for an automatic lifting of such suspension relative to judges; to

H. B. 1028 (SUB)

- 1 -

19 preserve the authority of the General Assembly to amend or repeal such suspended local
20 laws; to preserve the authority of local governments to use other mechanisms to change
21 salary calculation during such suspension; to provide for legislative findings and intent; to
22 provide for legislative construction; to provide a short title; to provide for an effective date;
23 to provide for related matters; to repeal conflicting laws; and for other purposes.

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

25 **SECTION 1.**

26 This Act shall be known and may be cited as the "District Attorney Compensation Reform
27 Act."

28 **SECTION 2.**

29 Article 1 of Chapter 18 of Title 15 of the Official Code of Georgia Annotated, relating to
30 general provisions regarding prosecuting attorneys, is amended by revising Code Section
31 15-18-10, relating to compensation of district attorneys and private practice of law
32 prohibited, as follows:

33 "15-18-10.

34 (a) Except as provided for in subsection (b) of this Code section, each ~~Each~~ district
35 attorney shall receive an annual salary from state funds as prescribed by law. Such salary
36 shall be paid as provided in Code Sections 15-18-10.1, 15-18-10.2, and 15-18-19,
37 and 45-7-4.

38 (b)(1) Each district attorney in office on July 1, 2026, shall have the option to receive the
39 annual salary provided by Code Section 45-7-4 and any locality pay provided by this
40 Code section and Code Section 15-18-19 in lieu of his or her compensation which is
41 otherwise provided by laws in effect on June 30, 2026. The option provided by this
42 paragraph shall be exercised by such district attorney's filing a written notification thereof

43 with the Prosecuting Attorneys' Council of Georgia and the governing authority of each
44 county comprising such district attorney's judicial circuit. A district attorney in office on
45 July 1, 2026, shall not be required or obligated to exercise the option provided by this
46 paragraph, but if and when any such district attorney voluntarily and expressly exercises
47 such option, such district attorney's exercise of such option shall be final and irrevocable.
48 The failure to exercise the option shall be an election to continue to receive compensation
49 as previously calculated by law in effect on June 30, 2026, and as outlined in
50 paragraph (2) of this subsection, and until such option is exercised; provided, however,
51 that such option must be exercised no later than January 1, 2034. The option exercised
52 pursuant to this paragraph shall go into effect the next pay period beginning five business
53 days following the exercise of such option.

54 (2) To ensure that no district attorney in office on July 1, 2026, has his or her salary,
55 allowance, or county supplements decreased during his or her term of office, any district
56 attorney in office on July 1, 2026, who does not exercise the irrevocable option provided
57 by paragraph (1) of this subsection shall continue to be compensated in precisely the
58 same manner as he or she was compensated as of June 30, 2026, including, but not
59 limited to, county supplements, in accordance with Article VI, Section VIII,
60 Paragraph I (c) of the Constitution.

61 (3) For the purpose of this Code section and Code Section 15-18-10.2, an interim district
62 attorney serving on July 1, 2026, shall be treated in the same manner as an elected district
63 attorney related to any options such district attorneys have as to their compensation.

64 ~~The county or counties comprising the judicial circuit may supplement the salary of the~~
65 ~~district attorney in such amount as is or may be authorized by local Act or in such amount~~
66 ~~as may be determined by the governing authority of such county or counties, whichever is~~
67 ~~greater.~~

68 (c) The clerk of court shall collect any such fees, fines, forfeitures, costs, and emoluments
69 and remit the same to the county treasury by the fifteenth day of each month.

70 (d) No district attorney receiving an annual salary under this Code section shall engage in
71 the private practice of law."

72 **SECTION 3.**

73 Said article is further amended in Code Section 15-18-10.1, relating to annual accountability
74 supplement and exception, by repealing subsection (d).

75 **SECTION 4.**

76 Said article is further amended by adding a new Code section to read as follows:

77 "15-18-10.2.

78 (a) Except as provided for in subsection (b) of this Code section, on or after July 1, 2026,
79 the county or counties comprising a judicial circuit may provide the district attorney of
80 such circuit, who either was not in office as a district attorney as of July 1, 2026, or made
81 an irrevocable election authorized by paragraph (1) of subsection (b) of Code
82 Section 15-18-10, with locality pay as authorized by this Code section, and such district
83 attorneys shall not be eligible for county salary supplements provided by local Act. In no
84 event shall locality pay exceed 10 percent of the state annual salary provided by Code
85 Section 45-7-4 to such district attorney. All such locality pay shall be in lieu of and not in
86 addition to any county supplements previously provided by the county or counties.

87 (b) In no event shall the annual locality pay provided to a district attorney or circuit public
88 defender by the county or counties comprising a judicial circuit in aggregate exceed the
89 lesser of:

90 (1) Ten percent of the state annual salary paid to a district attorney pursuant to Code
91 Section 45-7-4; or

92 (2) The total of \$20,608.05;
93 provided, however, that, if the state annual salary paid to district attorneys exceeds
94 \$206,805.00, then the maximum allowable amount of annual locality pay provided to a

95 district attorney by the county or counties comprising a judicial circuit shall instead be
96 equal to the difference between \$20,608.05 and half the amount by which such state annual
97 salary exceeds \$206,805.00. The intent of this subsection is to provide for a gradual
98 decrease in the maximum amount of allowable locality pay as the state annual salary
99 provided by Code Section 45-7-4 to district attorneys exceeds \$206,805.00 and continues
100 to increase.

101 (c) Except as provided for in subsection (b) of Code Section 15-18-10 and subsection (d)
102 of this Code section and notwithstanding any other provision of law to the contrary, on and
103 after July 1, 2026, no county or counties comprising a judicial circuit shall provide county
104 salary supplements to a district attorney.

105 (d)(1) Nothing in subsection (c) of this Code section shall operate to prevent a county or
106 counties comprising a judicial circuit from providing a local salary supplement when the
107 district attorney of that judicial circuit enters into a contract with said county or counties
108 to act as the solicitor of a county's probate or magistrate court, or for supplements of
109 compensation for services under Code Sections 15-18-11 and 19-11-23.

110 (2) For all district attorneys who elect to exercise the option provided by paragraph (1)
111 of subsection (b) of Code Section 15-18-10, to the extent the aggregate salary provided
112 for by subsection (a) of Code Section 15-18-10 and locality pay provided for by
113 subsection (a) of this Code section to a particular district attorney do not equal or exceed
114 such district attorney's aggregate salary and local supplement in effect at the time of such
115 district attorney's exercise of such option, then the county or counties of the circuit shall
116 pay an additional supplement in the amount equal to the difference between the aggregate
117 salary and supplement in effect at the time of such district attorney's exercise of such
118 option and the aggregate salary provided for by subsection (a) of Code Section 15-18-10
119 and locality pay provided for by subsection (a) of this Code section. When an additional
120 supplement is required by this paragraph in a circuit consisting of more than one county,
121 then each county shall pay such additional supplement in proportion to each county's

122 contribution to the local supplement in effect at the time of such district attorney's
123 exercise of the option to participate. In no event shall the additional supplement required
124 by this paragraph result in a district attorney's aggregate salary that exceeds the aggregate
125 salary existing at the time of a district attorney's exercise of such option.

126 (e) Nothing in subsection (c) of this Code section shall operate to prevent a county or
127 counties comprising a judicial circuit from continuing to provide fringe benefits to the
128 district attorney of such circuit in the same manner that such benefits were provided on
129 June 30, 2026.

130 (f) Nothing in this Code section or subsection (b) of Code Section 15-18-10 shall operate
131 to alter, amend, contract, expand, extend, limit, modify, or terminate retirement benefits
132 or rights thereto in existence prior to July 1, 2026. All district attorneys who exercise the
133 option provided by paragraph (1) of subsection (b) of Code Section 15-18-10 shall have no
134 right to any benefit existing at the time such option is exercised reduced. To the extent
135 otherwise permitted by law, each county within a judicial circuit is authorized, but not
136 required, to provide retirement benefits based upon the locality pay it provides pursuant to
137 subsection (a) of this Code section."

138 **SECTION 5.**

139 Code Section 45-7-4 of the Official Code of Georgia Annotated, relating to annual salaries
140 of certain state officials, cost-of-living adjustments, and base-salary of certain judges, as
141 effective on July 1, 2026, is amended by repealing and reserving paragraphs (19.2) and (21)
142 of subsection (a) and by adding a new paragraph to subsection (d) to read as follows:

143 "(3) Except as provided for in subsection (b) of Code Section 15-18-10, the annual salary
144 of each district attorney shall be set by the General Assembly in the General
145 Appropriations Act, provided that such salary shall not exceed 88 percent of the base
146 salary provided for in paragraph (1) of this subsection."

SECTION 6.

147
148 Chapter 3 of Title 1 of the Official Code of Georgia Annotated, relating to laws and statutes,
149 is amended by adding a new Code section to read as follows:

150 "1-3-13.

151 (a)(1) Notwithstanding any provision of law to the contrary, except for Code Section
152 17-12-25, as of July 1, 2026, all local laws and local ordinances or resolutions in effect
153 as of such date that provide for a salary, supplement, or other compensation to be paid to
154 a state, county, or local officer, official, or employee based on a percentage of, total
155 compensation for, or similar mathematical relationship to any district attorney's salary,
156 supplement, or other compensation shall be suspended as a matter of law with respect to
157 any increase in the salary, supplement, or other compensation paid to a district attorney
158 during the term of such suspension; provided, however, that such suspension shall not be
159 applicable to any local law or local ordinance or resolution adopted after July 1, 2026.

160 (2) During the period of the suspension provided for in paragraph (1) of this subsection:

161 (A) No change in the salary of a district attorney shall result in a change in the
162 calculation of any compensation to be paid to a state, county, or local officer, official,
163 or employee by any county, municipality, consolidated government, or other political
164 subdivision; and

165 (B) The compensation paid to any state, county, or local officer, official, or employee
166 whose compensation is expressly based on a percentage of, total compensation for, or
167 similar mathematical relationship to a district attorney's salary, supplement, or other
168 compensation shall remain at the same amount as provided at the beginning of such
169 period of suspension, unless and until such suspension terminates with respect to such
170 individual pursuant to paragraph (1) of subsection (b) of this Code section or the
171 compensation paid to any such state, county, or local officer, official, or employee is
172 modified pursuant to subsection (c) of this Code section.

173 (3) The provisions of this subsection shall not repeal or amend any local law or local
174 ordinance or resolution, but the provisions of local laws or local ordinances or resolutions
175 related to calculating compensation based on a district attorney's salary, supplement, or
176 other compensation shall be merely suspended and shall remain suspended with respect
177 to any change in such compensation until such suspension is lifted or such compensation
178 is modified pursuant to subsection (b) or (c) of this Code section with respect to a given
179 public officer, official, or employee.

180 (b)(1) As of July 1, 2027, the suspension provided for in subsection (a) of this Code
181 section shall be terminated with respect to all judges. Any salary or compensation change
182 for a judge that otherwise would have gone into effect between July 1, 2026, and
183 June 30, 2027, by operation of a local law or local ordinance or resolution if such
184 suspension had not been in effect shall become effective for calculations of such judge's
185 prospective salary or other compensation that may be earned on or after July 1, 2027,
186 unless the local law or local ordinance or resolution that provides for a salary,
187 supplement, or other compensation to be paid to such judge is repealed prior to
188 July 1, 2027, or is amended, prior to July 1, 2027, to expressly modify the terms of such
189 judge's compensation.

190 (2) The suspension provided for in subsection (a) of this Code section shall remain in
191 place for all officers, officials, and employees described in paragraph (1) of subsection (a)
192 of this Code section other than judges, unless and until the compensation payable to any
193 such other officer, official, or employee is modified pursuant to subsection (c) of this
194 Code section.

195 (3) The termination of a suspension provided for in subsection (a) of this Code section
196 shall not entitle any person to retroactive compensation that he or she otherwise may have
197 earned except for such suspension, and no such retroactive payments shall be made.

198 (c)(1) Nothing in this Code section shall operate to prevent the General Assembly from
199 at any time repealing or amending, in whole or in part, any local law that is suspended

200 pursuant to subsection (a) of this Code section, and any such repeal or amendment shall
201 become effective in the time and manner stated in the law implementing such repeal or
202 amendment, without regard to the suspension provided for in this Code section.

203 (2) Nothing in this Code section shall operate to prevent a county, municipality,
204 consolidated government, or other political subdivision from, at any time, enacting any
205 salary, supplement, or other compensation changes for any state, county, or local officer,
206 official, or employee if otherwise authorized by general or local law, and any such change
207 shall become effective in the time and manner stated in such lawful enactment, without
208 regard to the suspension provided for in this Code section.

209 (3) In no event shall any action described in paragraph (1) or (2) of this subsection:

210 (A) Authorize the payment of or entitle any district attorney to any salary supplement
211 or any locality pay in excess of the limits set forth in Code Section 15-8-10.2; or

212 (B) Authorize the payment of or entitle any person to retroactive compensation that he
213 or she otherwise may have earned except for any period of suspension.

214 (d) The General Assembly finds that increases to district attorney's compensation that
215 become effective on or after July 1, 2026, may automatically trigger increases to other
216 public officers, officials, and employees for whom existing legislation automatically ties
217 their compensation to that of district attorneys, and that these automatic increases in
218 compensation would generally result in sudden financial hardship for local governments.

219 Accordingly, it is the intent of this Code section that:

220 (1) The salary of any state, county, or local officer, official, or employee whose salary,
221 supplement, or other compensation is based on a percentage of, total compensation for,
222 or similar mathematical relationship to a district attorney's salary or supplement shall,
223 during the period of any such suspension imposed by this Code section, remain the same
224 as such salary, supplement, or other compensation was at the beginning of such period;

225 (2) Such state, county, or local officer, official, or employee shall continue to receive
226 such salary, supplement, or other compensation during the period of such suspension at
227 the same rate or amount as at the beginning of such period; and
228 (3) The amount of such salary, supplement, or other compensation shall remain
229 unchanged until the occurrence of an event described in subsections (a) through (c) of this
230 Code section, which includes:
231 (A) Such suspension being terminated pursuant to this Code section;
232 (B) With respect to a salary, supplement, or other compensation set by local law, the
233 General Assembly takes some affirmative action to set the salary, supplement, or other
234 compensation by repealing or amending, in whole or in part, any local law that is
235 suspended pursuant to subsection (a) of this Code section and such repeal or
236 amendment becomes effective; or
237 (C) With respect to a salary, supplement, or other compensation set by local ordinance
238 or resolution, the county, municipality, consolidated, or other local government takes
239 some affirmative action to set the salary, supplement, or other compensation and such
240 action becomes effective.
241 (e) This Code section shall not affect the compensation paid to any circuit public defender
242 pursuant to Code Section 17-12-25."

243 **SECTION 7.**

244 This Act shall become effective on July 1, 2026.

245 **SECTION 8.**

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