

The Senate Special Committee on Investigations offered the following substitute to SB 606:

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 revise the minimum compensation of assistant district attorneys; to amend Code Section
12 45-7-4 of the Official Code of Georgia Annotated, relating to annual salaries of certain state
13 officials and cost-of-living adjustments, so as to revise provisions relating to calculating and
14 setting the salaries of district attorneys; to revise superseded provisions related to the salary
15 of the judge of the state-wide tax court; to amend Chapter 3 of Title 1 of the Official Code
16 of Georgia Annotated, relating to laws and statutes, so as to suspend the operation of local
17 laws or local ordinances or resolutions that use a district attorney's salary for the calculation
18 of the salary or compensation of other officers, officials, or employees; to provide for an

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

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

26 SECTION 1.

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

29 SECTION 2.

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

34 "15-18-10.

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

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

43 paragraph shall be exercised by such district attorney's filing a written notification thereof
44 with the Prosecuting Attorneys' Council of Georgia and the governing authority of each
45 county comprising such district attorney's judicial circuit. A district attorney in office on
46 July 1, 2026, shall not be required or obligated to exercise the option provided by this
47 paragraph, but if and when any such district attorney voluntarily and expressly exercises
48 such option, such district attorney's exercise of such option shall be final and irrevocable.
49 The failure to exercise the option shall be an election to continue to receive compensation
50 as previously calculated by law in effect on June 30, 2026, and as outlined in
51 paragraph (2) of this subsection, and until such option is exercised; provided, however,
52 that such option must be exercised no later than January 1, 2028. The option exercised
53 pursuant to this paragraph shall go into effect the next pay period beginning five business
54 days following the exercise of such option.

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

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

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

- 69 (c) The clerk of court shall collect any such fees, fines, forfeitures, costs, and emoluments
 70 and remit the same to the county treasury by the fifteenth day of each month.
 71 (d) No district attorney receiving an annual salary under this Code section shall engage in
 72 the private practice of law."

73 **SECTION 3.**

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

76 **SECTION 4.**

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

78 "15-18-10.2.

79 (a) Except as provided for in subsection (b) of this Code section, on or after July 1, 2026,
 80 the county or counties comprising a judicial circuit may provide the district attorney of
 81 such circuit, who either was not in office as a district attorney as of July 1, 2026, or made
 82 an irrevocable election authorized by paragraph (1) of subsection (b) of Code
 83 Section 15-18-10, with locality pay as authorized by this Code section, and such district
 84 attorneys shall not be eligible for county salary supplements provided by local Act. All
 85 such locality pay shall be in lieu of and not in addition to any county supplements
 86 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 following percent of the state annual salary paid to a district attorney pursuant to Code
 90 Section 45-7-4:

91 (1) Ten percent if the judicial circuit has four or fewer superior court judges;

92 (2) Fifteen percent if the judicial circuit has between five and nine superior court judges;

93 or

94 (3) Twenty percent if the judicial circuit has ten or more superior court judges.

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

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

104 (2) For all district attorneys who elect to exercise the option provided by paragraph (1)
105 of subsection (b) of Code Section 15-18-10, to the extent the aggregate salary provided
106 for by subsection (a) of Code Section 15-18-10 and locality pay provided for by
107 subsection (a) of this Code section to a particular district attorney do not equal or exceed
108 such district attorney's aggregate salary and local supplement in effect at the time of such
109 district attorney's exercise of such option, then the county or counties of the circuit shall
110 pay an additional supplement in the amount equal to the difference between the aggregate
111 salary and supplement in effect at the time of such district attorney's exercise of such
112 option and the aggregate salary provided for by subsection (a) of Code Section 15-18-10
113 and locality pay provided for by subsection (a) of this Code section. When an additional
114 supplement is required by this paragraph in a circuit consisting of more than one county,
115 then each county shall pay such additional supplement in proportion to each county's
116 contribution to the local supplement in effect at the time of such district attorney's
117 exercise of the option to participate. In no event shall the additional supplement required
118 by this paragraph result in a district attorney's aggregate salary that exceeds the aggregate
119 salary existing at the time of a district attorney's exercise of such option.

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

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

132 **SECTION 5.**

133 Said article is further amended in Code Section 15-18-14, relating to appointment of assistant
 134 district attorneys, qualifications, and compensation, by revising subsection (c) and adding a
 135 new subsection to read as follows:

136 "(c) Each attorney appointed pursuant to this Code section shall be compensated based on
 137 a salary schedule established in accordance with subsection (e) of Code Section 15-18-19.
 138 The salary range for each class established in accordance with subsection (b) of this Code
 139 section shall be as follows for fiscal year 2027:

- 140 (1) Assistant district attorney I. Not less than ~~\$38,124.00~~ \$78,000.00 nor more than 65
 141 percent of the compensation of the district attorney;
- 142 (2) Assistant district attorney II. Not less than ~~\$40,884.00~~ \$110,000.00 nor more than
 143 70 percent of the compensation of the district attorney;
- 144 (3) Assistant district attorney III. Not less than ~~\$45,108.00~~ \$130,000.00 nor more than
 145 80 percent of the compensation of the district attorney; and

146 (4) Assistant district attorney IV. Not less than ~~\$52,176.00~~ \$160,000.00.

147 (c.1) Each attorney appointed pursuant to this Code section shall be compensated based
 148 on a salary schedule established in accordance with subsection (e) of Code Section
 149 15-18-19. The salary range for each class established in accordance with subsection (b)
 150 of this Code section shall be as follows for fiscal year 2028:

151 (1) Assistant district attorney I. Not less than \$85,000.00 nor more than 65 percent of
 152 the compensation of the district attorney;

153 (2) Assistant district attorney II. Not less than \$125,000.00 nor more than 70 percent of
 154 the compensation of the district attorney;

155 (3) Assistant district attorney III. Not less than \$150,000.00 nor more than 80 percent
 156 of the compensation of the district attorney; and

157 (4) Assistant district attorney IV. Not less than \$185,000.00."

158 **SECTION 6.**

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

163 "(3) Except as provided for in subsection (b) of Code Section 15-18-10, the annual salary
 164 of each district attorney shall be set by the General Assembly in the General
 165 Appropriations Act, provided that such salary shall not exceed 98 percent of the salary
 166 provided for in paragraph (2) of this subsection."

167 **SECTION 7.**

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

170 "1-3-13.

171 (a)(1) Notwithstanding any provision of law to the contrary, except for Code Section
172 17-12-25, as of July 1, 2026, all local laws and local ordinances or resolutions in effect
173 as of such date that provide for a salary, supplement, or other compensation to be paid to
174 a state, county, or local officer, official, or employee based on a percentage of, total
175 compensation for, or similar mathematical relationship to any district attorney's salary,
176 supplement, or other compensation shall be suspended as a matter of law with respect to
177 any increase in the salary, supplement, or other compensation paid to a district attorney
178 during the term of such suspension; provided, however, that such suspension shall not be
179 applicable to any local law or local ordinance or resolution adopted after July 1, 2026.

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

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

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

193 (3) The provisions of this subsection shall not repeal or amend any local law or local
194 ordinance or resolution, but the provisions of local laws or local ordinances or resolutions
195 related to calculating compensation based on a district attorney's salary, supplement, or
196 other compensation shall be merely suspended and shall remain suspended with respect

197 to any change in such compensation until such suspension is lifted or such compensation
198 is modified pursuant to subsection (b) or (c) of this Code section with respect to a given
199 public officer, official, or employee.

200 (b)(1) As of July 1, 2027, the suspension provided for in subsection (a) of this Code
201 section shall be terminated with respect to all judges. Any salary or compensation change
202 for a judge that otherwise would have gone into effect between July 1, 2026, and
203 June 30, 2027, by operation of a local law or local ordinance or resolution if such
204 suspension had not been in effect shall become effective for calculations of such judge's
205 prospective salary or other compensation that may be earned on or after July 1, 2027,
206 unless the local law or local ordinance or resolution that provides for a salary,
207 supplement, or other compensation to be paid to such judge is repealed prior to
208 July 1, 2027, or is amended, prior to July 1, 2027, to expressly modify the terms of such
209 judge's compensation.

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

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

218 (c)(1) Nothing in this Code section shall operate to prevent the General Assembly from
219 at any time repealing or amending, in whole or in part, any local law that is suspended
220 pursuant to subsection (a) of this Code section, and any such repeal or amendment shall
221 become effective in the time and manner stated in the law implementing such repeal or
222 amendment, without regard to the suspension provided for in this Code section.

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

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

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

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

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

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

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

245 (2) Such state, county, or local officer, official, or employee shall continue to receive
246 such salary, supplement, or other compensation during the period of such suspension at
247 the same rate or amount as at the beginning of such period; and

248 (3) The amount of such salary, supplement, or other compensation shall remain
249 unchanged until the occurrence of an event described in subsections (a) through (c) of this
250 Code section, which includes:

251 (A) Such suspension being terminated pursuant to this Code section;
252 (B) With respect to a salary, supplement, or other compensation set by local law, the
253 General Assembly takes some affirmative action to set the salary, supplement, or other
254 compensation by repealing or amending, in whole or in part, any local law that is
255 suspended pursuant to subsection (a) of this Code section and such repeal or
256 amendment becomes effective; or

257 (C) With respect to a salary, supplement, or other compensation set by local ordinance
258 or resolution, the county, municipality, consolidated, or other local government takes
259 some affirmative action to set the salary, supplement, or other compensation and such
260 action becomes effective.

261 (e) This Code section shall not affect the compensation paid to any circuit public defender
262 pursuant to Code Section 17-12-25."

263 **SECTION 8.**

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

265 **SECTION 9.**

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