

## House Bill 286

By: Representatives Gaines of the 117<sup>th</sup>, Kelley of the 16<sup>th</sup>, Dempsey of the 13<sup>th</sup>, Wiedower of the 119<sup>th</sup>, Collins of the 68<sup>th</sup>, 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) Paragraph (1) of this subsection shall not apply if actual or anticipated revenues of  
18 the county for the applicable fiscal year decrease by more than 5 percent. In such event,  
19 the governing authority shall be authorized to decrease the budgetary appropriation for  
20 such police force, but in no event shall the budget of the police force be decreased by a  
21 greater percentage than the overall percentage decrease in actual or anticipated revenues  
22 of the county.

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

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

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

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

37 (2) During the applicable time period, the county transitions from a volunteer to a paid  
38 fire department necessitating countywide budgetary adjustments; or

39 (3) During the applicable time period, the county is ordered by a court of competent  
40 jurisdiction to begin providing a public service at a level such county was not providing  
41 prior to the issuance of such court order necessitating countywide budgetary  
42 adjustments."

43

**SECTION 2.**

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

47 "36-60-28.

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

52 (2) Paragraph (1) of this subsection shall not apply if actual or anticipated revenues of  
53 the municipality for the applicable fiscal year decrease by more than 5 percent. In such  
54 event, the governing authority shall be authorized to decrease the budgetary appropriation  
55 for such police force, but in no event shall the budget of the police force be decreased by  
56 a greater percentage than the overall percentage decrease in actual or anticipated revenues  
57 of the municipality.

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

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

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

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

72 (2) During the applicable time period, the municipality transitions from a volunteer to  
73 a paid fire department necessitating citywide budgetary adjustments; or

74 (3) During the applicable time period, the municipality is ordered by a court of  
75 competent jurisdiction to begin providing a public service at a level such municipality  
76 was not providing prior to the issuance of such court order necessitating citywide  
77 budgetary adjustments.

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

81

### **SECTION 3.**

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