

House Bill 286 (AS PASSED HOUSE AND SENATE)

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 amend Chapter 1 of  
7 Title 45 of the Official Code of Georgia Annotated, relating to general provisions for public  
8 officers and employees, so as to require the state and certain local governments to provide  
9 certain public safety employees with the ability to have legal insurance premiums deducted  
10 from the employee's payroll; to provide for definitions; to provide for related matters; to  
11 repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Chapter 8 of Title 36 of the Official Code of Georgia Annotated, relating to county police,  
15 is amended by adding a new Code section to read as follows:

16 "36-8-8.

17 (a)(1) Except as provided for in paragraph (2) of this subsection, the governing authority  
18 of a county that has elected to establish a county police force pursuant to this chapter  
19 shall not decrease the annual budgetary appropriation for such police force by more than  
20 5 percent of the previous fiscal year's appropriation for such police force.

21 (2)(A) Paragraph (1) of this subsection shall not apply if actual or anticipated revenues  
22 of the county for the applicable fiscal year decrease by more than 5 percent. In such  
23 event, the governing authority shall be authorized to decrease the budgetary  
24 appropriation for such police force, but in no event shall the budget of the police force  
25 be decreased by a greater percentage than the overall percentage decrease in actual or  
26 anticipated revenues of the county.

27 (B) Paragraph (1) of this subsection shall not apply if during the previous fiscal year  
28 the county made a one-time capital public safety facility, equipment, or software  
29 purchase or incurred a one-time legal obligation that increased the annual budgetary  
30 appropriation of such police force by more than 4 percent above the annual budgetary  
31 appropriation for such police force for the fiscal year immediately preceding the  
32 previous fiscal year and the current fiscal year.

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

38 (2) Paragraph (1) of this subsection shall not apply if actual or anticipated revenues of  
39 the county for the applicable time period decrease by more than 5 percent. In such event,  
40 the governing authority shall be authorized to decrease the budgetary appropriation for  
41 such police force, but in no event shall the budget of the police force be decreased by a

42 greater percentage than the overall percentage decrease in actual or anticipated revenues  
43 of the county.

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

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

48 (2) During the applicable time period, the county is ordered by a court of competent  
49 jurisdiction to begin providing a public service at a level such county was not providing  
50 prior to the issuance of such court order necessitating county-wide budgetary  
51 adjustments; or

52 (3) Whenever a governing authority shall propose to adopt a police department budget  
53 which would exceed any limits in subsections (a) and (b) of this Code section, it shall  
54 adopt that budget rate at an advertised public meeting and at a time and place which is  
55 convenient to the taxpayers of the taxing jurisdiction. The governing authority shall also  
56 place an advertisement in a newspaper of general circulation serving the residents of the  
57 unit of local government and post such advertisement on the website of the governing  
58 authority, which describes the proposed percentage reduction in police services from the  
59 previous year's appropriation for police services. At least one week prior to the meeting  
60 of the governing authority at which adoption of the budget rate will be considered, the  
61 governing authority shall conduct a public hearing, at which time any persons wishing  
62 to be heard on the budget reduction may appear.

63 (d) This Code section shall not apply to any county police force employing less than 25  
64 full-time or part-time certified law enforcement officers."

**SECTION 2.**

65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91

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

"36-60-28.

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

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

(B) Paragraph (1) of this subsection shall not apply if during the previous fiscal year the municipality made a one-time capital public safety facility, equipment, or software purchase or incurred a one-time legal obligation that increased the annual budgetary appropriation of such police force by more than 4 percent above the annual budgetary appropriation for such police force for the fiscal year immediately preceding the previous fiscal year and the current fiscal year.

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

(2) Paragraph (1) of this subsection shall not apply if actual or anticipated revenues of the municipality for the applicable time period decrease by more than 5 percent. In such

92 event, the governing authority shall be authorized to decrease the budgetary appropriation  
93 for such police force, but in no event shall the budget of the police force be decreased by  
94 a greater percentage than the overall percentage decrease in actual or anticipated revenues  
95 of the municipality.

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

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

100 (2) During the applicable time period, the municipality is ordered by a court of  
101 competent jurisdiction to begin providing a public service at a level such municipality  
102 was not providing prior to the issuance of such court order necessitating city-wide  
103 budgetary adjustments; or

104 (3) Whenever a governing authority shall propose to adopt a police department budget  
105 which would exceed any limits provided for in subsections (a) and (b) of this Code  
106 section, it shall adopt that budget rate at an advertised public meeting and at a time and  
107 place convenient to the taxpayers of the taxing jurisdiction. The governing authority shall  
108 also place an advertisement in a newspaper of general circulation serving the residents  
109 of the unit of local government and post such advertisement on the website of the  
110 governing authority, which describes the proposed percentage reduction in police services  
111 from the previous year's appropriation for police services. At least one week prior to the  
112 meeting of the governing authority at which adoption of the budget rate will be  
113 considered, the governing authority shall conduct a public hearing, at which time any  
114 persons wishing to be heard on the budget reduction may appear.

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

118 (e) This Code section shall not apply to any municipal police force employing less than  
119 25 full-time or part-time certified law enforcement officers."

120 **SECTION 3.**

121 Chapter 1 of Title 45 of the Official Code of Georgia Annotated, relating to general  
122 provisions for public officers and employees, is amended by adding a new Code section to  
123 read as follows:

124 "45-1-8.

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

126 (1) 'Correctional officer' means any person who is authorized to exercise the power of  
127 arrest and who is employed or appointed by the Department of Corrections or the State  
128 Board of Pardons and Paroles.

129 (2) 'Emergency health worker' means hospital emergency department personnel and  
130 emergency medical services personnel.

131 (3) 'ERISA' means the federal Employee Retirement Income Security Act  
132 of 1974, 29 U.S.C. Section 1001, et seq.

133 (4) 'Firefighter' shall have the same meaning as set forth in Code Section 25-4-2.

134 (5) 'Highway emergency response operator' means a person employed by the Department  
135 of Transportation who operates a towing or recovery vehicle or highway maintenance  
136 vehicle.

137 (6) 'Jail officer' means any person who is employed or appointed by a county or  
138 municipality and who has the responsibility of supervising inmates confined in a  
139 municipal or county detention facility.

140 (7) 'Juvenile correctional officer' means any person employed or appointed by the  
141 Department of Juvenile Justice whose primary responsibility is the supervision and  
142 control of youth confined in its programs and facilities.

143 (8) 'Probation officer' means a community supervision officer, county or Department of  
144 Juvenile Justice juvenile probation officer, or probation officer serving pursuant to  
145 Article 6 of Chapter 8 of Title 42.

146 (9) 'Public safety employee' means a peace officer, correctional officer, emergency  
147 health worker, firefighter, highway emergency response operator, jail officer, juvenile  
148 correctional officer, or probation officer.

149 (b) The State of Georgia and the governing authority of each county and municipality that  
150 currently provides electronic payroll deposits to employees shall also provide payroll  
151 deductions to any full-time or part-time public safety employee who requests such a  
152 deduction for the purpose of purchasing insurance that provides such public safety  
153 employee with legal representation during all civil, administrative, or criminal actions  
154 caused as a result of his or her role or responsibilities as a public safety employee. Such  
155 deduction shall only be used to pay the premiums on insurance plans that are compliant  
156 within current ERISA standards and any dues or fees required by any professional  
157 organization that owns and provides such ERISA compliant product as a benefit of  
158 membership."

159 **SECTION 4.**

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