

The House Committee on Public Safety and Homeland Security offers the following substitute to SB 37:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 16 of Title 15 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding sheriffs, so as to revise qualification requirements
3 for the office of sheriff; to require certification as a peace officer at the time of qualifying as
4 a candidate for sheriff; to require such candidate to be in good standing with the Georgia
5 Peace Officer Standards and Training Council; to provide for a definition; to provide for a
6 confirming affidavit; to provide for completion of basic training and certification
7 requirements by certain candidates for the office of sheriff; to provide for reimbursement of
8 certain expenses; to remove additional salary for service in certain courts from consideration
9 of minimum annual salary; to allow sheriffs to receive certain additional salaries; to provide
10 for statutory construction; to amend Title 40 of the Official Code of Georgia Annotated,
11 relating to motor vehicles and traffic, so as to revise penalties for failure to pay civil
12 monetary penalties relative to illegal passing of a school bus and speeding in a school zone;
13 to provide for related matters; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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Article 1 of Chapter 16 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions regarding sheriffs, is amended in Code Section 15-16-1, relating to qualification requirements for sheriff and exemptions, by revising subparagraph (c)(1)(J) and paragraphs (2) and (4) of subsection (c) as follows:

"(J) At the time of qualifying as a candidate for the office of sheriff, Is a registered peace officer as provided in Code Section 35-8-10 or is a certified peace officer as defined in Chapter 8 of Title 35 and is in good standing with the Georgia Peace Officer Standards and Training Council. Any person who at the time of qualifying as a candidate for the office of sheriff is not a registered or certified peace officer at the time such person assumes the office of sheriff shall be required to complete satisfactorily but is receiving retirement benefits as a former federal law enforcement officer shall satisfactorily complete the requirements for certification as a peace officer as provided in Chapter 8 of Title 35 within six months after such person takes office; provided, however, that an extension of the time to complete such requirements may be granted by the Georgia Peace Officer Standards and Training Council upon the presentation of evidence by a sheriff that he or she was unable to complete the basic training course and certification requirements due to illness, injury, military service, or other reasons deemed sufficient by such council. The Georgia Peace Officer Standards and Training Council shall make every effort to ensure that space is available for newly elected sheriffs who are not certified or registered peace officers to attend the course as soon as possible after such persons take office. Such council shall notify the appropriate judge of the probate court whenever a newly elected sheriff who is not certified fails to become certified as a peace officer pursuant to the requirements of this subparagraph. As used in this subparagraph, the term 'in good standing with the Georgia Peace Officer Standards and Training Council' means that a peace officer has not had his or her peace officer certification revoked or suspended within the previous five years by the Georgia

42 Peace Officer Standards and Training Council and is not under any sanction imposed
43 by the Georgia Peace Officer Standards and Training Council on the opening date of
44 the qualifying period for office.

45 (2) Each person offering his or her candidacy for the office of sheriff shall, at the time
46 such person qualifies, swear or affirm before the ~~officer before whom such person has~~
47 ~~qualified to seek the office of sheriff~~ election superintendent of the county that he or she
48 meets all of the qualifications required by this subsection, except as otherwise provided
49 in subparagraph (J) of paragraph (1) of this subsection, and that he or she has complied
50 or will comply with the requirements of subparagraph (G) of paragraph (1) of this
51 subsection no later than the close of business on the third business day following the
52 close of such qualification period. Upon request of the person seeking to qualify as a
53 candidate for the office of sheriff, the executive director of the Georgia Peace Officer
54 Standards and Training Council shall create and provide an affidavit attesting to such
55 person's compliance with the requirements of subparagraph (J) of paragraph (1) of this
56 subsection. Such affidavit shall be signed by the executive director of the Georgia Peace
57 Officer Standards and Training Council, or his or her designee, and the person seeking
58 to qualify as a candidate for the office of sheriff and shall be presented to election
59 superintendent of the county prior to the end of the qualifying period for such office."

60 "(4) Each person offering to run for the office of sheriff and who is otherwise qualified
61 shall be allowed, six months prior to qualifying and at his or her own expense, to attend
62 the basic mandate course for peace officers. The Georgia Peace Officer Standards and
63 Training Council shall work to ensure that space is available for such individuals to
64 attend the course. Each such person attending the basic mandate course for peace officers
65 in accordance with this paragraph shall be entitled to reimbursement of his or her
66 expenses if he or she is subsequently elected to the office of sheriff. Such reimbursement
67 for expenses shall be limited to the cost of tuition, course uniforms, and course equipment
68 and shall be paid by the office of sheriff to which he or she is elected."

SECTION 2.

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70 Said article is further amended in Code Section 15-16-20, relating to minimum annual salary,
71 increase, and operating expenses, by revising subparagraph (a)(2)(A) and subsections (b) and
72 (d) as follows:

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"(2)(A) Whenever the state employees subject to compensation plans authorized and approved in accordance with Code Section 45-20-4 receive a cost-of-living increase or general performance based increase of a certain percentage or a certain amount, the amounts fixed in the minimum salary schedule in paragraph (1) of this subsection ~~and in Code Section 15-16-20.1~~, or the amounts derived by increasing each of said amounts through the application of longevity increases pursuant to subsection (b) of this Code section, where applicable, shall be increased by the same percentage or same amount applicable to such state employees. If the cost-of-living increase or general performance based increase received by state employees is in different percentages or different amounts as to certain categories of employees, the amounts fixed in the minimum salary schedule in paragraph (1) of this subsection, ~~and in Code Section 15-16-20.1~~, or the amounts derived through the application of longevity increases, shall be increased by a percentage or an amount not to exceed the average percentage or average amount of the general increase in salary granted to the state employees. The Office of Planning and Budget shall calculate the average percentage increase or average amount increase when necessary. The periodic changes in the minimum salary schedule in paragraph (1) of this subsection, ~~and in Code Section 15-16-20.1~~, or the amounts derived through the application of longevity increases, as authorized by this paragraph shall become effective on the first day of January following the date that the cost-of-living increases received by state employees become effective; provided, however, that, if the cost-of-living increases or general performance based increases received by state employees become effective on January 1, such periodic changes in the amounts fixed in the minimum salary schedule in paragraph (1) of this subsection,

96 ~~and in Code Section 15-16-20.1~~, or the amounts derived through the application of
97 longevity increases, as authorized by this paragraph shall become effective on the same
98 date that the cost-of-living increases or general performance based increases received
99 by state employees become effective."

100 "(b) The amounts provided in paragraph (1) of subsection (a) of this Code section ~~and~~
101 ~~Code Section 15-16-20.1~~, as increased by paragraph (2) of subsection (a) of this Code
102 section, shall be increased by multiplying said amounts by the percentage which equals
103 5 percent times the number of completed four-year terms of office served by any sheriff
104 after December 31, 1976, effective the first day of January following the completion of
105 each such period of service."

106 "(d) This Code section shall not be construed to reduce the salary of any sheriff in office
107 on ~~July 1, 1991~~ January 1, 2023; provided, however, that successors to such sheriffs in
108 office on ~~July 1, 1991~~ January 1, 2023, shall be governed by the provisions of this Code
109 section. All local legislation in effect on July 1, 1971, or enacted thereafter affecting
110 compensation for sheriffs of the various counties shall be of full force and effect except
111 where the same provides for a salary lower than provided in this Code section, in which
112 event this Code section shall prevail."

113 **SECTION 3.**

114 Said article is further amended by revising Code Section 15-16-20.1, relating to additional
115 salary, as follows:

116 "15-16-20.1.

117 (a) In addition to the minimum salary provided in Code Section 15-16-20, the sheriff of
118 any county who performs the duties of a sheriff for a state court, probate court, magistrate
119 court, juvenile court, or county recorder's court under any applicable general or local law
120 of this state shall receive for his or her services in such court or courts a salary of not less
121 than \$385.90 per month, to be paid from the funds of the county. A sheriff who serves in

122 more than one such court shall receive ~~only one~~ such salary for each such court but in no
 123 event shall such sheriff who serves in more than one such court receive more than two such
 124 additional salaries.

125 (b) This Code section shall not be construed to reduce the amount of any additional salary
 126 or salaries any sheriff is receiving as of January 1, 2023."

127 **SECTION 4.**

128 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
 129 amended in Code Section 40-6-163, relating to duty of driver of vehicle meeting or
 130 overtaking school bus, reporting of violations, and civil monetary penalty for violations
 131 captured by school bus camera, by revising paragraphs (7) through (10) of subsection (d) as
 132 follows:

133 "(7) If a violation has not been contested and the assessed penalty has not been paid, the
 134 agent or governing body shall send to the person who is the registered owner of the motor
 135 vehicle a final notice of any unpaid civil monetary penalty authorized by this Code
 136 section, except in cases where there is an adjudication that no violation occurred or there
 137 is otherwise a lawful determination that no civil monetary penalty shall be imposed. The
 138 notice shall inform the registered owner that the agent or governing body shall send a
 139 referral to the Department of Revenue if the assessed penalty and any late fee is not paid
 140 within 30 days after the final notice was mailed and ~~that such referral shall result in the~~
 141 ~~nonrenewal of the registration of such motor vehicle and shall prohibit the title transfer~~
 142 ~~of such motor vehicle within this state~~ of the consequences for failure to pay such penalty
 143 and any late fee.

144 (8) The agent or governing body shall send a referral to the Department of Revenue not
 145 sooner than 30 days after the final notice required under paragraph (7) of this subsection
 146 was mailed if a violation ~~of an ordinance or resolution adopted under this article~~ has not
 147 been contested and the assessed penalty has not been paid, except in cases where there

148 is an adjudication that no violation occurred or there is otherwise a lawful determination
 149 that no civil monetary penalty shall be imposed. The referral to the Department of
 150 Revenue shall include the following:

151 (A) Any information known or available to the agent or governing body concerning the
 152 license plate number, year of registration, and the name of the owner of the motor
 153 vehicle;

154 (B) The date on which the violation occurred;

155 (C) The citation number issued for the violation; and

156 ~~(C)(D)~~ The date when the notice required under this Code section was mailed; and

157 ~~(D) The seal, logo, emblem, or electronic seal of the governing body.~~

158 (9) If the Department of Revenue receives a referral under paragraph (8) of this
 159 subsection, such referral shall be entered into the motor vehicle data base within five days
 160 of receipt and the Department of Revenue shall refuse to renew the registration of such
 161 motor vehicle and shall prohibit the title transfer of such vehicle within this state unless
 162 and until the civil monetary penalty plus any late fee is paid to the agent or governing
 163 body. ~~The Department of Revenue shall mail a notice to the registered owner of such~~
 164 ~~motor vehicle that informs such owner:~~

165 ~~(A) That the registration of the vehicle involved in the violation will not be permitted~~
 166 ~~to be renewed;~~

167 ~~(B) That the title of the vehicle involved in the violation will not be permitted to be~~
 168 ~~transferred in this state;~~

169 ~~(C) That the aforementioned penalties are being imposed due to the failure to pay the~~
 170 ~~civil monetary penalty plus any late fee for an ordinance violation adopted under the~~
 171 ~~authority of this Code section; and~~

172 ~~(D) Of the procedure that the person may follow to remove the penalties.~~

173 (10) The Department of Revenue shall remove the penalties penalty on a vehicle
 174 registration if any person presents the Department of Revenue with adequate proof from

175 the agent or governing body that the penalty and any late fee, if applicable, has been
 176 paid."

177 **SECTION 5.**

178 Said title is further amended in Code Section 40-14-18, relating to enforcement of speed limit
 179 in school zones with recorded images, civil monetary penalty, and vehicle registration and
 180 transfer of title restrictions for failure to pay penalty, by revising subsections (g) through (j)
 181 as follows:

182 "(g) If a violation has not been contested and the assessed penalty has not been paid, the
 183 agent or governing body shall send to the person who is the registered owner of the motor
 184 vehicle a final notice of any unpaid civil monetary penalty authorized by this Code section,
 185 except in cases where there is an adjudication that no violation occurred or there is
 186 otherwise a lawful determination that no civil monetary penalty shall be imposed. The
 187 notice shall inform the registered owner that the agent or governing body shall send a
 188 referral to the Department of Revenue if the assessed penalty is not paid within 30 days
 189 after the final notice was mailed and ~~such that such referral shall result in the nonrenewal~~
 190 ~~of the registration of such motor vehicle and shall prohibit the title transfer of such motor~~
 191 ~~vehicle within this state~~ of the consequences for failure to pay such penalty and any late
 192 fee.

193 (h) The agent or governing body shall send a referral to the Department of Revenue not
 194 sooner than 30 days after the final notice required under subsection (g) was mailed if a
 195 ~~violation of an ordinance or resolution adopted under this article~~ has not been contested and
 196 the assessed penalty has not been paid, except in cases where there is an adjudication that
 197 no violation occurred or there is otherwise a lawful determination that no civil monetary
 198 penalty shall be imposed. The referral to the Department of Revenue shall include the
 199 following:

- 200 (1) Any information known or available to the agent or governing body concerning the
 201 license plate number, year of registration, and the name of the owner of the motor
 202 vehicle;
- 203 (2) The date on which the violation occurred;
- 204 (3) The citation number issued for the violation; and
- 205 ~~(3)(4) The date when the notice required under this Code section was mailed; and~~
 206 ~~(4) The seal, logo, emblem, or electronic seal of the governing body.~~
- 207 (i) If the Department of Revenue receives a referral under subsection (h) of this Code
 208 section, such referral shall be entered into the motor vehicle ~~database~~ data base within five
 209 days of receipt and the Department of Revenue shall refuse to renew the registration of the
 210 motor vehicle ~~and shall prohibit the title transfer of such vehicle within this state~~ unless and
 211 until the civil monetary penalty plus any late fee is paid to the agent or governing body.
 212 ~~The Department of Revenue shall mail a notice to the registered owner:~~
- 213 ~~(1) That the registration of the vehicle involved in the violation will not be permitted to~~
 214 ~~be renewed;~~
- 215 ~~(2) That the title of the vehicle involved in the violation will not be permitted to be~~
 216 ~~transferred in this state;~~
- 217 ~~(3) That the aforementioned penalties are being imposed due to the failure to pay the~~
 218 ~~civil monetary penalty and any late fee for an ordinance violation adopted under the~~
 219 ~~authority of this Code section; and~~
- 220 ~~(4) Of the procedure that the person may follow to remove the penalties.~~
- 221 (j) The Department of Revenue shall remove the penalties penalty on a vehicle registration
 222 if any person presents the Department of Revenue with adequate proof from the agent or
 223 governing body that the penalty and any late fee, if applicable, has been paid."

224 **SECTION 6.**

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