

Senate Bill 134

By: Senators Stone of the 23rd, Beach of the 21st, Jones II of the 22nd, Thompson of the 5th, Miller of the 49th and others

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 1 of Chapter 81 of Title 36 of the Official Code of Georgia Annotated,
 2 relating to local government budgets and audits, so as to require reports of local government
 3 revenues submitted to the Department of Community Affairs identify the total amount of
 4 speeding fine revenue collected by the local government; to amend Article 2 of Chapter 14
 5 of Title 40 of the Official Code of Georgia Annotated, relating to speed detection devices,
 6 so as to provide for a rebuttable presumption for law enforcement agencies' use of speed
 7 detection devices when fines are less than a certain percent of the agencies' operating
 8 budgets; to provide for the calculation of such budgets; to provide for related matters; to
 9 repeal conflicting laws; and for other purposes.

10 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

11 **SECTION 1.**

12 Article 1 of Chapter 81 of Title 36 of the Official Code of Georgia Annotated, relating to
 13 local government budgets and audits, is amended in Code Section 36-81-8, relating to annual
 14 local government finances and indebtedness reports to the Department of Community
 15 Affairs, by revising subparagraph (b)(1)(A) as follows:

16 "(b)(1)(A) Each unit of local government shall submit an annual report of local
 17 government finances to the Department of Community Affairs. The report shall include
 18 the revenues, expenditures, assets, and debts of all funds and agencies of the local
 19 government, and other such information as may be reasonably requested by the
 20 department. Such annual report shall further identify the total amount of speeding fine
 21 revenue collected by the local government."

22 **SECTION 2.**

23 Article 2 of Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to
 24 speed detection devices, is amended in Code Section 40-14-11, relating to the ratio of
 25 speeding fines to a law enforcement agency's budget, by revising subsection (d) as follows:

26 "(d) There shall be a rebuttable presumption that a law enforcement agency is employing
27 speed detection devices for purposes other than the promotion of the public health, welfare,
28 and safety if the fines levied based on the use of speed detection devices for speeding
29 offenses are equal to or greater than ~~40~~ 35 percent of ~~that a municipal or county~~ law
30 enforcement agency's budget. For purposes of this Code section, fines collected for
31 citations issued for violations of Code Section 40-6-180 shall be included when calculating
32 total speeding fine revenue for the agency; provided, however, that fines for speeding
33 violations exceeding ~~17~~ 20 miles per hour over the established speed limit shall not be
34 considered when calculating total speeding fine revenue for the agency."

35 **SECTION 3.**

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