

House Bill 140

By: Representatives Gullett of the 19th, Jenkins of the 136th, Barton of the 5th, Lumsden of the 12th, and Tarvin of the 2nd

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 cap the amount of funds derived
3 from court fines or forfeiture action that local governments may use as part of their yearly
4 budgets; to provide that any funds collected in excess of such cap shall escheat to the state;
5 to supersede any conflicting home rule powers of local governments; to provide for
6 applicability; to provide a short title; to provide for related matters; to repeal conflicting laws;
7 and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "End Local Taxation by Citation Act."

11 **SECTION 2.**

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 by revising Code Section 36-81-10, relating
14 to effect of article on right to make expenditures and raise revenue, and effect on home rule
15 powers, as follows:

H. B. 140

16 "36-81-10.

17 Except as provided for in Code Section 36-81-12, this This article shall not be construed
18 so as to prohibit local governments from making authorized expenditures for any lawful
19 purpose or from raising revenues in any manner otherwise authorized by law. It is the
20 specific intent of the General Assembly in adopting this article that, except as provided for
21 in Code Section 36-81-12, local units of government shall continue to have and to exercise
22 their home rule powers as provided by law."

23 **SECTION 3.**

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

25 "36-81-12.

26 (a) No more than 10 percent of the funds appropriated in a local government's budget
27 ordinance shall be derived from funds collected by such local government as criminal or
28 civil fines or as a result of a criminal or civil forfeiture action.

29 (b) Any funds received by a local government as criminal or civil fines or as a result of a
30 criminal or civil forfeiture action in excess of the amount provided for in subsection (a) of
31 this Code section shall escheat to the state at the conclusion of the local government's fiscal
32 year. Within 30 days of the end of a local government's fiscal year, such escheated funds
33 shall be transmitted to the Office of the State Treasurer for deposit in the general fund of
34 this state.

35 (c) This Code section shall apply to any budget ordinance adopted by a local government
36 for any fiscal year beginning on or after January 1, 2026."

37 **SECTION 4.**

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