

House Bill 309

By: Representatives Clifton of the 131<sup>st</sup>, Gaines of the 120<sup>th</sup>, Wiedower of the 121<sup>st</sup>, Gunter of the 8<sup>th</sup>, and Crowe of the 118<sup>th</sup>

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 require adoption of a resolution or ordinance and voter approval prior to  
3 abolishment of a police force that was created by such method; to provide for a referendum;  
4 to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 8 of Title 36 of the Official Code of Georgia Annotated, relating to county police,  
8 is amended by revising Code Section 36-8-2, relating to terms of office, removal, and  
9 authority to abolish county police force, as follows:

10 "36-8-2.

11 (a) Except as otherwise provided for in subsection (b) of this Code section, the ~~The~~ terms  
12 for which county police shall be elected or appointed shall be left to the discretion of the  
13 county governing authority. Such county police or any member thereof may be removed  
14 from office at any time, at the will of the county governing authority, with or without  
15 cause. A resolution or ordinance authorizing the creation of a county police force adopted  
16 by a county governing authority and approved by the qualified electors of the county in a

17 special election as provided in subsection (b) of Code Section 36-8-1 shall not affect the  
 18 power of the county governing authority to abolish a county police force at any time.

19 (b)(1) A county police force created pursuant to subsection (b) of Code Section 36-8-1  
 20 shall be abolished only by adoption of a resolution or ordinance by a county governing  
 21 authority and with approval by the qualified electors of such county pursuant to this  
 22 subsection.

23 (2) Any county governing authority seeking to abolish a police force created pursuant  
 24 to subsection (b) of Code Section 36-8-1 may authorize, through proper resolution or  
 25 ordinance, the abolishment of such county police force. No resolution or ordinance  
 26 adopted pursuant to this paragraph shall become effective until the governing authority  
 27 of the county has submitted to the qualified electors of the county the question of whether  
 28 the resolution or ordinance shall be approved or rejected. The county governing authority  
 29 shall establish the date of the election in compliance with Code Section 21-2-540, which  
 30 shall be not less than 30 days after the call of the election, and shall notify the county  
 31 election superintendent of its decision as to the date. The election superintendent shall  
 32 issue the call for the election and shall specify that the election shall be held on the date  
 33 determined by the county governing authority. The election superintendent shall cause  
 34 the date and purpose of the election to be published once a week for two weeks  
 35 immediately preceding the date thereof in the official organ of the county. The ballot  
 36 shall have written or printed thereon the following:

37 '( ) YES Shall the resolution or ordinance adopted by the governing authority

38 ( ) NO of (Name of County) to abolish the county police force be approved?'

39 (3) Those persons desiring to vote in favor of the abolishment of the county police force  
 40 shall vote 'Yes,' and those persons opposed to the abolishment of the county police force  
 41 shall vote 'No.' If more than one-half of the votes cast on the question are in favor of the  
 42 abolishment of the county police force, then the county governing authority shall be  
 43 authorized to abolish the county police force pursuant to the provisions of this chapter;

44 otherwise, the county police force shall not be abolished. If the resolution or ordinance  
45 is rejected by the qualified electors, the question of the abolishment of the county police  
46 force may not again be submitted to the voters of the county within 48 months  
47 immediately following the month in which such election was held. The county election  
48 superintendent shall hold and conduct the election under the same rules and regulations  
49 as govern special elections, except as otherwise provided in paragraph (2) of this  
50 subsection. He or she shall canvass the returns and declare and certify the result of the  
51 election to the Secretary of State. The expense of any such election shall be borne by the  
52 county wherein the election was held."

53

**SECTION 2.**

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