



Office of Legislative Counsel General Assembly of Georgia

April 7, 2021

Honorable Scott Holcomb
Representative, District 81
511-E Coverdell Legislative Office Building
Atlanta, Georgia 30334

Dear Representative Holcomb:

I write in regards to your inquiry as to whether Official Code of Georgia Annotated (O.C.G.A.) Section 40-6-163(d)(15) limits the use of money collected and remitted to a governing body from citations issued using recorded images from school bus cameras to the funding of a police department only. For the reasons set forth below, it is my opinion that such moneys may be used to fund any local law enforcement or public safety initiative, and any such initiative may encompass more than just the funding of a police department.

Pursuant to O.C.G.A. Section 40-6-163(d)(3)(B), a law enforcement agency is authorized to enforce violations of a driver of a vehicle meeting or overtaking a stopped school bus through images recorded by a video recording device mounted on a school bus. O.C.G.A. Section 40-6-163(d)(15) further provides that:

(15) The money collected and remitted to the governing body pursuant to subparagraph (B) of paragraph (3) of this subsection shall only be used by such governing body to fund local law enforcement or public safety initiatives. This paragraph shall not preclude the appropriation of a greater amount than collected and remitted under this subsection.

In Deal v. Coleman, 294 Ga. 170, 172-173 (2013), the Supreme Court of Georgia stated:

When we consider the meaning of a statute, “we must presume that the General Assembly meant what it said and said what it meant.” Arby's Restaurant Group, Inc. v. McRae, 292 Ga. 243, 245(2012). To that end, we must afford the statutory text its “plain

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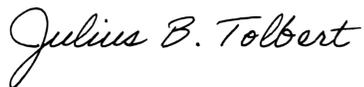
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and ordinary meaning," City of Atlanta v. City of College Park, 292 Ga. 741, 744(2013), we must view the statutory text in the context in which it appears, Hendry v. Hendry, 292 Ga. 1, 3 (2012), and we must read the statutory text in its most natural and reasonable way, as an ordinary speaker of the English language would. See Luangkhot v. State, 292 Ga. 423, 424 (2013). [...] Applying these principles, if the statutory text is "clear and unambiguous," we attribute to the statute its plain meaning, and our search for statutory meaning is at an end. See Opensided MRI of Atlanta v. Chandler, 287 Ga. 406, 407 (2010).

Here, in O.C.G.A. Section 40-6-163(d)(15), in presuming that the General Assembly meant what it said and said what it meant, the money collected and remitted to the governing body pursuant to O.C.G.A. Section 40-6-163(d)(3)(B) is not limited to funding only a police department. The clear and unambiguous language of O.C.G.A. 40-6-163(d)(15) states that such funds shall be used "to fund local law enforcement or public safety initiatives," which, clearly and plainly, can go beyond merely funding a police department.

If I can be of any further assistance on this matter, please let me know.

Sincerely,



Julius B. Tolbert
Deputy Legislative Counsel

Approved for release: /s/ RR