

1 **A RESOLUTION URGING MEMBERS OF THE GEORGIA HOUSE OF**
2 **REPRESENTATIVES TO PROTECT FULTON COUNTY TAXPAYERS AND GEORGIA**
3 **TAXPAYERS BY VOTING NO ON SENATE BILL 244 REGARDING THE**
4 **ASSESSMENT AND PAYMENT OF COSTS OF CRIMINAL PROCEEDINGS; AND**
5 **FOR OTHER RELATED PURPOSES.**

6 **WHEREAS**, on March 6, 2025, members of the Georgia Senate passed Senate
7 Bill 244 ("SB 244") to allow it to cross over to the Georgia House of Representatives for
8 consideration and action; and

9 **WHEREAS**, SB 244 amends Article 1 of Chapter 11 of Title 17 of the Official Code
10 of Georgia Annotated to provide a legal mechanism for a defendant to recover attorney's
11 fees and costs in a criminal case where the prosecuting attorney is disqualified due to
12 misconduct; and

13 **WHEREAS**, SB 244, in its current form, provides that if a criminal defendant
14 successfully files a motion that results in the disqualification of a prosecuting attorney in
15 either a felony or misdemeanor case, the criminal defendant can be awarded reasonable
16 attorney's fees and costs; and

17 **WHEREAS**, SB 244 further provides that if the disqualification leads to the
18 complete dismissal of the criminal case against the criminal defendant, the criminal
19 defendant is entitled to recover all reasonable attorney's fees and costs incurred in
20 defending the case, with the assigned judge determining the award and the amount; and

21 **WHEREAS**, more importantly, these attorney's fees and costs will be paid from
22 the county treasury where the criminal case was originally brought; and

23 **WHEREAS**, Fulton County, Georgia, like other local governments, must on an
24 annual basis, make tough decisions regarding the services that can be funded from
25 limited resources, while avoiding placing an ever increasing tax burden on Fulton County
26 taxpayers; and

1 **WHEREAS**, in ensuring for the safety and welfare of its residents, the Fulton
2 County Board of Commissioners, along with the State of Georgia, where applicable, are
3 required by law to fund the operations of certain prosecuting attorneys operating within
4 the jurisdiction of Fulton County, namely the Office of the District Attorney and the Office
5 of the Solicitor General; and

6 **WHEREAS**, in addition to the funding provided by the State of Georgia, where
7 applicable, O.G.G.A. § 15-18-23 requires Fulton County to provide all offices, utilities,
8 telephone expenses, materials, and supplies as may be necessary to equip, maintain,
9 and furnish the office or offices of the district attorney in an orderly and efficient manner,
10 and pursuant to O.G.G.A. § 15-18-10, may supplement the salary of the District Attorney
11 or his/her office; and

12 **WHEREAS**, funding for the Solicitor's General's Office is a Fulton County
13 responsibility pursuant to O.G.G.A. § 15-18-67 and the Solicitor General's Office's
14 expenses are paid by Fulton County pursuant to O.G.G.A. § 15-18-73; and

15 **WHEREAS**, despite Fulton County having to fund certain operations of these
16 prosecuting attorneys, in the State of Georgia, district attorneys and solicitor generals are
17 elected officials who operate separately and independently from the Fulton County Board
18 of Commissioners, with the Fulton County Board of Commissioners having no control,
19 and playing no role, in decisions made by a district attorney or a solicitor general about
20 who to prosecute, what charges to bring, and which sentences to seek; and

21 **WHEREAS**, if SB 244 is passed by the Georgia House of Representatives and
22 eventually becomes law, Fulton County's treasury, Fulton County's annual budget, and

1 Fulton County taxpayers will be adversely impacted by acts or omissions for which the
2 Fulton County Board of Commissioners was not involved and could not control; and

3 **WHEREAS**, the Georgia Senator sponsoring SB 244 has publicly stated that it is
4 in response to District Attorney Fani Willis's prosecution of Donald Trump; and

5 **WHEREAS**, the passage of a law that has statewide application in response to
6 the unique facts in one specific case is bound to have unintended impacts in other cases,
7 to include the award of attorney's fees in cases where the investigation, indictment, and
8 initial prosecution of criminal charges are without defect but the prosecutor is ultimately
9 disqualified for subsequent misconduct; and

10 **WHEREAS**, an individual who is defending a criminal charge on the sole basis of
11 prosecutorial misconduct already has redress under Georgia tort law for malicious
12 prosecution; and

13 **WHEREAS**, the Fulton County Board of Commissioners finds that passage of SB
14 244 into law would not be in the best interest of Fulton County property taxpayers nor in
15 the best of interest of property taxpayers in Georgia;

16 **NOW, THEREFORE, BE IT RESOLVED**, that the Fulton County Board of
17 Commissioners hereby urges the members of the Georgia House of Representatives not
18 to support the passage of Senate Bill 244 so as to protect the interest of Fulton County
19 taxpayers and taxpayers in the rest of the State of Georgia.

20 **BE IT FURTHER RESOLVED**, that the Clerk to the Commission is hereby directed
21 to provide an executed copy of this Resolution to each member of the Georgia House of
22 Representatives, including to the Fulton County delegation to the Georgia House of
23 Representatives and to the Association County Commissioners of Georgia.

1 **BE IT FINALLY RESOLVED**, that this Resolution shall become effective upon its
2 adoption, and that all resolutions and parts of resolutions in conflict with this Resolution
3 are hereby repealed to the extent of the conflict.

4 **PASSED AND ADOPTED** by the Board of Commissioners of Fulton County,
5 Georgia, this 19th day of March 2025.

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10 **FULTON COUNTY**
11 **BOARD OF COMMISSIONERS**

12 **Sponsored by:**
13

14
15
16 _____
17 Dana Barrett, Commissioner
18 (District 3)

19 **ATTEST:**
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22 _____
23 Tonya R. Grier,
24 Clerk to the Commission
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27 **APPROVED AS TO FORM:**
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30 _____
31 Y. Soo Jo, County Attorney