

House Bill 1190

By: Representatives Ragas of the 64<sup>th</sup>, Drenner of the 66<sup>th</sup>, Taylor of the 134<sup>th</sup>, Brooks of the 54<sup>th</sup>, Reed of the 52<sup>nd</sup> and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to  
2 general provisions relative to motor vehicles and traffic, so as to require policies that prohibit  
3 law enforcement officers from impermissibly using race, ethnicity, or religion in determining  
4 whether to stop a motorist; to require annual training of law enforcement officers on  
5 impermissible uses of race, ethnicity, or religion in stopping vehicles; to require law  
6 enforcement officers to document the race, ethnicity, and gender of a motorist and  
7 passengers; to provide for applicability; to provide for other matters relative thereto; to repeal  
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to general  
12 provisions relative to motor vehicles and traffic, is amended by inserting at the end thereof  
13 a new Code Section 40-1-8 to read as follows:

14 "40-1-8.

15 Law enforcement officers shall not use a person's race, ethnicity, or religion to form  
16 probable cause or reasonable suspicion to stop a vehicle but may use a person's race or  
17 ethnicity to confirm a previously obtained description of a suspect.

18 (1) Each state and local law enforcement agency shall adopt a policy and implement an  
19 annual training program regarding racial profiling that provides and instructs that a law  
20 enforcement officer shall not use a person's race, ethnicity, or religion to form probable  
21 cause or reasonable suspicion to stop a vehicle but may use a person's race or ethnicity  
22 to confirm a previously obtained description of a suspect.

23 (2) Each time a state or local law enforcement officer stops a motor vehicle, that officer  
24 shall document the following information in a public record whose format shall be  
25 determined by the Department of Motor Vehicle Safety:

26 (A) The gender, race, and ethnicity of the driver;

27 (B) The alleged violation that led to the stop;

1 (C) Whether the vehicle, personal effects, driver, or any passenger was searched and,  
2 if any passenger or his or her effects are searched, the passenger's gender, race, and  
3 ethnicity;

4 (D) Whether a search was conducted pursuant to consent, probable cause, or  
5 reasonable suspicion to suspect a crime, including the approximate duration of the  
6 search and the basis for the request for consent or the circumstances establishing  
7 probable cause or reasonable suspicion;

8 (E) Whether contraband was found, the type and approximate amount of contraband,  
9 and whether contraband was seized;

10 (F) Whether any arrest, citation, or any oral or written warning was issued as a result  
11 of the stop;

12 (G) Whether the officer making the stop encountered any physical resistance, whether  
13 the officer engaged in the use of force, and whether injuries resulted; and

14 (H) Whether the circumstances surrounding the stop were the subject of any  
15 investigation and the results of that investigation.

16 (3) Law enforcement agencies and the Attorney General may review the data required  
17 to be collected under paragraph (4) of this Code section to determine whether members  
18 of minority groups are disproportionately stopped, searched, warned, or arrested and may  
19 take appropriate remedial action.

20 (4) The provisions of paragraphs (1) through (3) of this Code section shall not apply to  
21 any law enforcement agency which, as of January 1, 2002, is either certified or accredited  
22 by the Georgia State Certification Program or the Commission on Accreditation of Law  
23 Enforcement Agencies, Inc.

24 (5) Nothing in this Code section shall be construed to alter the requirements for  
25 determining probable cause or reasonable suspicion under the Constitution of the United  
26 States or the Constitution of the State of Georgia."

27 **SECTION 2.**

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