

Senate Bill 408

By: Senators Brush of the 24th, Cheeks of the 23rd and Hall of the 22nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 21 of Title 50 of the Official Code of Georgia Annotated,
2 relating to state tort claims, so as to provide that a physician volunteering with a state,
3 county, or municipal law enforcement agency shall be considered a state officer or employee
4 and shall be immune from lawsuit or liability for official actions; to provide for other matters
5 relative thereto; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 21 of Title 50 of the Official Code of Georgia Annotated, relating to
9 state tort claims, is amended by striking paragraph (7) of Code Section 50-21-22, relating to
10 definitions, and inserting in lieu thereof the following:

11 "(7) 'State officer or employee' means an officer or employee of the state, elected or
12 appointed officials, law enforcement officers, and persons acting on behalf or in service
13 of the state in any official capacity, whether with or without compensation, including
14 licensed physicians volunteering for state, county, or municipal law enforcement
15 agencies, but the term does not include an independent contractor doing business with the
16 state. The term state officer or employee also includes any natural person who is a
17 member of a board, commission, committee, task force, or similar body established to
18 perform specific tasks or advisory functions, with or without compensation, for the state
19 or a state government entity, and any natural person who is a volunteer participating as
20 a volunteer, with or without compensation, in a structured volunteer program organized,
21 controlled, and directed by a state government entity for the purposes of carrying out the
22 functions of the state entity. An employee shall also include foster parents and foster
23 children. The term shall not include a corporation whether for profit or not for profit, or
24 any private firm, business proprietorship, company, trust, partnership, association, or
25 other such private entity."

SECTION 2.

1
2 Said article is further amended by inserting immediately following Code Section 50-21-22
3 a new Code Section 50-21-22.1 to read as follows:

4 "50-21-22.1.

5 Notwithstanding any other provision of law to the contrary, any licensed physician
6 volunteering for a state, county, or municipal law enforcement agency shall be considered
7 a state officer or employee as such term is defined in Code Section 50-21-22 and for the
8 purposes provided in Code Section 50-21-25. All actions performed by such a physician
9 on behalf of a law enforcement agency and within the scope of such volunteer activity shall
10 be entitled to the protections provided in Code Section 50-21-25."

SECTION 3.

11
12 All laws and parts of laws in conflict with this Act are repealed.