

Senate Bill 426

By: Senators Tolleson of the 18th, Hamrick of the 30th and Kemp of the 46th

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 35-8-8 of the Official Code of Georgia Annotated, relating to
2 requirements for appointment or certification of persons as peace officers, so as to change
3 a provision relating to fingerprint based criminal record investigation; to provide for
4 requirements for preservice admittance to a basic training course; to repeal conflicting laws;
5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 35-8-8 of the Official Code of Georgia Annotated, relating to requirements for
9 appointment or certification of persons as peace officers, is amended by striking said Code
10 section in its entirety and inserting in lieu thereof the following:

11 "35-8-8.

12 (a) Any person employed or certified as a peace officer shall:

13 (1) Be at least 18 years of age;

14 (2) Be a citizen of the United States;

15 (3) Have a high school diploma or its recognized equivalent;

16 (4) Not have been convicted by any state or by the federal government of any crime the
17 punishment for which could have been imprisonment in the federal or state prison or
18 institution nor have been convicted of sufficient misdemeanors to establish a pattern of
19 disregard for the law, provided that, for purposes of this paragraph, violations of traffic
20 laws and other offenses involving the operation of motor vehicles when the applicant has
21 received a pardon shall not be considered;

22 (5) ~~Be fingerprinted and a search made of local, state, and national fingerprint files to~~
23 ~~disclose any criminal record~~ Be fingerprinted for the purpose of conducting a fingerprint
24 based search at the Georgia Bureau of Investigation and the Federal Bureau of
25 Investigation to determine the existence of any criminal record;

- (6) Possess good moral character as determined by investigation under procedure established by the council;
- (7) Have an oral interview with the hiring authority or its representative to determine the applicant's appearance, background, and ability to communicate;
- (8) Be found, after examination by a licensed physician or surgeon, to be free from any physical, emotional, or mental conditions which might adversely affect his or her exercising the powers or duties of a peace officer; and
- (9) Successfully complete a job related academy entrance examination provided for and administered by the council in conformity with state and federal law. Such examination shall be administered prior to entrance to the basic course provided for in Code Sections 35-8-9 and 35-8-11. The council may change or modify such examination and shall establish the criteria for determining satisfactory performance on such examination. Peace officers who do not perform satisfactorily on the examination shall be ineligible to retake such examination for a period of six months after an unsuccessful attempt. The provisions of this paragraph establish only the minimum requirements of academy entrance examinations for peace officer candidates in this state; each law enforcement unit is encouraged to provide such additional requirements and any preemployment examination as it deems necessary and appropriate.

(b) Notwithstanding the citizenship requirements provided for in paragraph (2) of subsection (a) of this Code section, the council may adopt procedures and requirements whereby an applicant for certification as a peace officer who possesses unique talents and skills in the training and handling of police dogs and who is not a citizen of the United States may be certified as a peace officer if he shall be otherwise qualified. Any person authorized to attend the basic training course prior to employment as a peace officer shall meet the requirements of this Code section with the exception of paragraph (7) of subsection (a)."

SECTION 2.

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