

Senate Bill 426

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

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 35-1-10 of the Official Code of Georgia Annotated, relating to
2 training in the investigation of family violence incidents, so as to provide for peace officer
3 training in the investigation of sexual offense cases; to amend Chapter 8 of Title 35 of the
4 Official Code of Georgia Annotated, relating to employment and training of peace officers,
5 so as to change certain provisions regarding requirements for appointment or certification of
6 persons as peace officers; to change certain provisions regarding training requirements for
7 retired peace officers; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 35-1-10 of the Official Code of Georgia Annotated, relating to training in the
11 investigation of family violence incidents, is amended by striking said Code section in its
12 entirety and inserting in its place the following:

13 “35-1-10.

14 (a) The Georgia Peace Officer Standards and Training Council and the Georgia Public
15 Safety Training Center shall establish guidelines and procedures for the incorporation of
16 training materials and information in:

17 (1) ~~Methods~~ methods for identifying, combating, and reporting family violence
18 incidents; and

19 (2) ~~Methods for identifying and reporting sexual offenses and assisting victims of sexual~~
20 offenses.

21 (b) The guidelines and procedures listed in subsection (a) of this Code section shall be for
22 use by law enforcement training centers monitored by the Georgia Peace Officer Standards
23 and Training Council and monitored and funded by the Georgia Public Safety Training
24 Center in all courses for which they have responsibility and oversight.”

SECTION 2.

Chapter 8 of Title 35 of the Official Code of Georgia Annotated, relating to employment and training of peace officers, is amended by striking Code Section 35-8-8, relating to requirements for appointment or certification of persons as peace officers, and inserting in its place a new Code Section 35-8-8 to read as follows:

"35-8-8.

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

(1) Be at least 18 years of age;

(2) Be a citizen of the United States;

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

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

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

1 unit is encouraged to provide such additional requirements and any preemployment
2 examination as it deems necessary and appropriate.

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

11 **SECTION 2A.**

12 Said chapter is further amended in Code Section 35-8-21, relating to training requirements
13 for peace officers, by striking subsection (f) and inserting in its place a new subsection (f)
14 to read as follows:

15 “(f) Any person who is registered or certified with the council as a retired peace officer is
16 excused and exempt from compliance with this Code section. A retired peace officer may
17 voluntarily comply with the requirements of this Code section and, in that event, such
18 retired peace officer shall receive such minimal annual training without payment of any
19 fees or costs, but only if sufficient class space is available. Nothing in this subsection shall
20 be deemed to grant an exemption to persons required to complete the annual training
21 requirement of this Code section.”

22 **SECTION 3.**

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