

House Bill 326

By: Representatives Morgan of the 39th, Brooks of the 63rd, Teilhet of the 40th, Watson of the 91st, Thomas of the 55th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the
2 Georgia Bureau of Investigation, so as to provide that the Georgia Bureau of Investigation
3 shall investigate any death of a person confined in a jail, correctional institution, or prison
4 upon request of the appropriate authority; to provide for exceptions; to amend Title 42 of the
5 Official Code of Georgia Annotated, relating to penal institutions, so as to provide that it is
6 the duty of the appropriate official to request an investigation of the death of any person
7 confined in the penal institution from the Georgia Bureau of Investigation or from a local law
8 enforcement authority not connected with the penal institution; to provide for exceptions; to
9 repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

12 Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia
13 Bureau of Investigation, is amended by striking Code Section 35-3-8.1, relating to the power
14 of the bureau to assist other law enforcement agencies, and inserting in lieu thereof the
15 following:

16 "35-3-8.1.

17 (a) Upon request of the governing authority or chief law enforcement officer of any
18 municipality, the sheriff of any county, the chief of the county police force of any county
19 having a population of more than 100,000 according to the United States decennial census
20 of 1970 or any future such census, the judge of the superior court of any county of this
21 state, or the Governor, the director, in unusual circumstances, may, and in the case of a
22 request by the Governor, shall, direct the bureau to render assistance in any criminal case,
23 in the prevention or detection of violations of law, or in the detection or apprehension of
24 persons violating the criminal laws of this state, any other state, or the United States.

25 (b) Upon request of the governing authority or chief law enforcement officer of any county
26 or municipality, the sheriff of any county, the chairperson of a county regional jail

1 authority management committee, a representative of the entity that manages or operates
 2 a municipal regional jail, or the warden of any jail, correctional institution, or prison, the
 3 bureau shall investigate the death of any person confined in a county or municipal jail;
 4 regional jail; municipal, county, or state correctional institution; state prison; or other penal
 5 institution operated by, on behalf of, or pursuant to a contract with a municipality, county,
 6 or the state. This subsection shall not apply to persons who are executed after being
 7 sentenced to death in accordance with law."

8 SECTION 2.

9 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended
 10 in Article 1 of Chapter 4, relating to general provisions relative to jails, by inserting a new
 11 Code section to be designated Code Section 42-4-14 to read as follows:

12 "42-4-14.

13 It shall be the duty of the sheriff in the case of a county jail, chief law enforcement officer
 14 of a municipality in the case of a municipal jail, chairperson of the county regional jail
 15 authority management committee in the case of a county regional jail, chief executive of
 16 the entity that manages or operates the jail or individual with supervisory duties relating
 17 to the jail in the case of a municipal regional jail, and the warden in the case of any jail to
 18 request an investigation of the death of any person confined in the jail. The request for
 19 investigation may be made to the Georgia Bureau of Investigation or to any local law
 20 enforcement agency that does not provide services to the political subdivision or political
 21 subdivisions that manage, operate, or send prisoners to the jail where the death occurred."

22 SECTION 3.

23 Said title is further amended in Chapter 5, relating to state and county correctional
 24 institutions, by striking Code Section 42-5-7, relating to sudden or unusual deaths of inmates,
 25 and inserting in lieu thereof the following:

26 "42-5-7.

27 Whenever any inmate dies ~~suddenly or under unusual circumstances~~ in any correctional
 28 institution, the warden or superintendent of that institution shall immediately notify the
 29 commissioner and shall also notify the coroner of the county in which the death occurs. It
 30 shall be the duty of the warden or superintendent to request an investigation of the death
 31 by the Georgia Bureau of Investigation or by a local law enforcement agency that does not
 32 provide services to the county where the correctional institution is located. The warden or
 33 superintendent is also directed to furnish the department with a copy of the findings of the
 34 coroner's inquest, together with any other information available that would be of use to the

1 commissioner in determining the cause of death. This Code section shall not apply to
2 persons who are executed after being sentenced to death in accordance with law."

3 **SECTION 4.**

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