

House Bill 1019 (COMMITTEE SUBSTITUTE)

By: Representatives Day of the 163rd, Horne of the 71st, Neal of the 1st, Hanner of the 148th, Chambers of the 81st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 8 of Title 35 of the Official Code of Georgia Annotated, relating to
2 employment and training of peace officers, so as to enact the "TASER and Electronic Control
3 Weapons Act"; to require training and certification for peace officers authorized to use
4 TASERs or other similar electronic control weapons or devices; to provide for legislative
5 intent; to require the adoption of written policies for those law enforcement agencies utilizing
6 TASERs and other similar electronic control weapons and devices; to provide for related
7 matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

10 Chapter 8 of Title 35 of the Official Code of Georgia Annotated, relating to employment and
11 training of peace officers, is amended by adding a new Code section immediately following
12 Code Section 35-8-25 to read as follows:

13 "35-8-26.

14 (a) This Code section shall be known and may be cited as the 'TASER and Electronic
15 Control Weapons Act.'

16 (b) It is the intent and purpose of the Georgia General Assembly to establish legal
17 requirements for the official use of electronic control weapons and similar devices by law
18 enforcement officers, including those officers employed in detention facilities, which
19 requirements shall be consistent with generally accepted industry practices. It is the further
20 intent of the General Assembly to require that such devices, commonly referred to as
21 TASERS or stun-guns, which disrupt the central nervous system of the human body, be
22 used for law enforcement purposes in a manner consistent with established standards and
23 with federal and state constitutional provisions.

24 (c) A law enforcement unit authorizing the use of electronic control weapons or similar
25 devices shall establish written policies and directives providing for the use and deployment
26 of such weapons and devices in a manner consistent with standards established by the
27 Georgia Peace Officer Standards and Training Council for the lawful use of force. The

1 policies and directives required by this subsection shall be issued prior to the issuance of
2 such devices.

3 (d) Prior to the official use of electronic control weapons or similar devices, peace officers
4 authorized by the officer's law enforcement unit to use such devices shall be required to
5 satisfactorily complete a course of instruction and certification requirements approved by
6 the council. All persons certified to use electronic control weapons shall complete an
7 update or refresher training course of such duration and at such time as may be prescribed
8 by the council in order for their electronic control weapons certification to remain in force
9 and effect.

10 (e) A department head authorizing the use of an electronic control weapon or similar
11 device or a peace officer using an electronic control weapon or similar device in violation
12 of this Code section shall be subject to disciplinary action as provided for in this chapter.
13 The council is authorized to withdraw or suspend the certification to operate an electronic
14 control weapon of any person for failure to meet the update or refresher requirements
15 specified in this Code section or for violation of any portion of this chapter relating to
16 conditions which may lead to the withdrawal, suspension, or probation of a peace officer's
17 certification.

18 (f) The Georgia Public Safety Training Center shall provide council approved training to
19 peace officers for the use of electronic control weapons and similar devices."

20 **SECTION 2.**

21 This Act shall become effective on January 1, 2007, excepting that provisions applying to
22 council certification and provisions for training offered by the Georgia Public Safety
23 Training Center shall become effective six months after the effective date of an
24 appropriations Act containing a specific appropriation to fund certification by the council or
25 training by the center.

26 **SECTION 3.**

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