

House Bill 149

By: Representatives Brooks of the 63<sup>rd</sup>, Williams of the 165<sup>th</sup>, Hugley of the 133<sup>rd</sup>, Smyre of the 132<sup>nd</sup>, Holmes of the 61<sup>st</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to  
2 general provisions relative to motor vehicles and traffic, so as to require policies that prohibit  
3 law enforcement officers from impermissibly using race or ethnicity in determining whether  
4 to stop a motorist; to require annual training of law enforcement officers on impermissible  
5 uses of race and ethnicity in stopping vehicles; to require law enforcement officers to  
6 document the race, ethnicity, and gender of a motorist and passengers; to provide for other  
7 matters relative thereto; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to general  
11 provisions relative to motor vehicles and traffic, is amended by inserting at the end thereof  
12 a new Code Section 40-1-8 to read as follows:

13 "40-1-8.

14 (a) Law enforcement officers shall not use a person's race or ethnicity to form probable  
15 cause or reasonable suspicion to stop a vehicle but may use a person's race or ethnicity to  
16 confirm a previously obtained description of a suspect.

17 (b)(1) Each state and local law enforcement agency shall adopt a policy and implement  
18 an annual training program regarding racial profiling that provides and instructs that a  
19 law enforcement officer shall not use a person's race or ethnicity to form probable cause  
20 or reasonable suspicion to stop a vehicle but may use a person's race or ethnicity to  
21 confirm a previously obtained description of a suspect.

22 (2) Except in instances where a vehicle is stopped in a fixed road block, each time a state  
23 or local law enforcement officer stops a motor vehicle to issue a citation or to make an  
24 arrest, that officer shall document the following information in a public record whose  
25 format shall be determined by the Department of Motor Vehicle Safety:

26 (A) The gender of the driver;

1 (B) The race or ethnicity of the driver;

2 (C) The suspected violation that led to the stop;

3 (D) Whether the vehicle, personal effects, driver, or any passenger was searched and,  
4 if any passenger or his or her effects were searched, the passenger's gender and the  
5 passenger's race or ethnicity;

6 (E) Whether a search was conducted pursuant to consent, probable cause, or reasonable  
7 suspicion to suspect a crime, including the approximate duration of the search and the  
8 basis for the request for consent or the circumstances establishing probable cause or  
9 reasonable suspicion;

10 (F) Whether contraband was found, the type and approximate amount of contraband,  
11 and whether contraband was seized;

12 (G) Whether any arrest, citation, or any oral or written warning was issued as a result  
13 of the stop;

14 (H) Whether the officer making the stop encountered any physical resistance, whether  
15 the officer engaged in the use of force, and whether injuries resulted;

16 (I) Whether the circumstances surrounding the stop were the subject of any  
17 investigation and the results of that investigation; and

18 (J) The location of the stop.

19 (3) If a law enforcement officer stops a motor vehicle and no citation or written warning  
20 is issued to the motorist, then the officer shall provide the motorist with a card showing  
21 the officer's name, badge number, and the name of the officer's law enforcement agency.

22 (4) Law enforcement agencies shall maintain the data required to be collected under  
23 paragraph (2) of this subsection for not less than seven years.

24 (5) As part of its personnel review or evaluation procedures provisions, each law  
25 enforcement agency shall include complaints filed and other information designed to  
26 evaluate whether or not each law enforcement officer employed by such agency is  
27 complying with the provisions of paragraph (2) of this subsection. Any officer found not  
28 to be complying with the provisions of paragraph (2) of this subsection shall be required  
29 to undergo further training that meets the requirements of paragraph (1) of this  
30 subsection.

31 (6) Nothing in this Code section shall be construed to alter the requirements for  
32 determining probable cause or reasonable suspicion under the Constitution of the United  
33 States or the Constitution of the State of Georgia."

34 **SECTION 2.**

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