

Senate Bill 429

By: Senators Bulloch of the 11th, Goggans of the 7th, Douglas of the 17th, Heath of the 31st and Hudgens of the 47th

A BILL TO BE ENTITLED  
AN ACT

1 To provide for enforcement of state laws pertaining to functions assigned to the Department  
2 of Agriculture; to provide for certain other enforcement powers of department employees;  
3 to amend Part 1 of Article 1 of Chapter 4 of Title 4 of the Official Code of Georgia  
4 Annotated, relating to control of infectious or contagious diseases in livestock generally, and  
5 Chapter 2 of Title 2 of the Official Code of Georgia Annotated, relating to the Department  
6 of Agriculture, so as to redesignate and change certain provisions relating to enforcement of  
7 laws relating to control of infectious or contagious diseases in livestock generally; to repeal  
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Part 1 of Article 1 of Chapter 4 of Title 4 of the Official Code of Georgia Annotated, relating  
12 to control of infectious or contagious diseases in livestock generally, and Chapter 2 of Title  
13 2 of the Official Code of Georgia Annotated, relating to the Department of Agriculture, are  
14 amended by redesignating and revising Code Section 4-4-5, relating to enforcement of laws  
15 relating to control of infectious or contagious diseases in livestock generally, as follows:

16 "~~4-4-5~~ 2-2-13.

17 (a) The Commissioner ~~is~~ shall be vested with police powers to enforce ~~this chapter~~ all state  
18 laws pertaining to functions assigned to the department and the rules and regulations  
19 adopted pursuant to ~~this chapter~~ thereto.

20 (b) The Commissioner ~~is~~ shall be authorized to employ, designate, and deputize; homeland  
21 security investigators and to delegate to such employees of the department the necessary  
22 authority to enforce ~~this chapter~~ all state laws pertaining to functions assigned to the  
23 department and the rules and regulations adopted pursuant to ~~this chapter~~ thereto. The first  
24 priority of such investigators shall be to investigate potential threats, if any, to homeland  
25 security if and when such investigations are otherwise authorized under this subsection.

26 Employees who have been so designated by the Commissioner and who have been certified

1 by the Georgia Peace Officer Standards and Training Council as having successfully  
 2 completed the course of training required by Chapter 8 of Title 35, the 'Georgia Peace  
 3 Officer Standards and Training Act,' are shall be authorized:

4 (1) To carry firearms authorized or issued by the Commissioner while in the performance  
 5 of their duties;

6 (2) To enforce all state laws pertaining to functions assigned to the department, including  
 7 but not limited to the following powers:

8 ~~(2)~~(A) To inspect ~~any livestock found within this state~~ plants, animals, or products  
 9 when the same are subject to regulation by the department;

10 ~~(3)~~(B) To stop and inspect any vehicle transporting ~~livestock in this state;~~ plants,  
 11 animals, or products when the same are subject to regulation by the department; and

12 ~~(4)~~(C) To inspect and require the production of health certificates, waybills, permits,  
 13 or other documents required by federal or state laws, rules, regulations, or orders for the  
 14 transportation of ~~livestock~~ plants, animals, or products when the same are subject to  
 15 regulation by the department;

16 (3) To enforce all state laws on all property owned or controlled by the department;  
 17 provided, however, that the department's exercise of police powers at the Atlanta State  
 18 Farmers' Market in Forest Park shall be as provided by Code Section 2-10-57;

19 (4) To enforce any state law when the violation of that law is committed in conjunction  
 20 with a violation of a state law pertaining to functions assigned to the department;

21 (5) To enforce any state law when ordered to do so by the Governor or to protect any life  
 22 or property when the circumstances demand action;

23 (6) To assist, at the expense of the department, the Georgia Office of Homeland Security  
 24 or the Georgia Bureau of Investigation in carrying out their duties and responsibilities  
 25 when requested to do so by the Georgia Office of Homeland Security or the Georgia  
 26 Bureau of Investigation; and

27 ~~(5)~~(7) To arrest any person found to be in violation of ~~this chapter~~ any state law, the  
 28 enforcement of which is authorized by paragraphs (2) through (6) of this subsection,  
 29 when such violation is a criminal offense.

30 (c) From funds appropriated or available to the department, the Commissioner ~~is~~ shall be  
 31 authorized to provide motor vehicles, uniforms, firearms, and any other equipment and  
 32 supplies needed by employees of the department to carry out this ~~chapter~~ Code section.

33 (d) This Code section shall not repeal, supersede, alter, or affect the power of any other  
 34 law enforcement officer of this state or of any county, municipality, or other political  
 35 subdivision of this state to enforce ~~this chapter~~ state laws pertaining to functions assigned  
 36 to the department. At the request of the Commissioner of Agriculture, it shall be the duty  
 37 of all state, county, municipal, and other law enforcement officers in this state to enforce

1 and to assist the Commissioner and the employees and agents of the department in the  
2 enforcement of ~~this chapter~~ state laws pertaining to functions assigned to the department."

3 **SECTION 2.**

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