

Senate Bill 373

By: Senators Murphy of the 27th, Grant of the 25th, Mullis of the 53rd, Rogers of the 21st and Douglas of the 17th

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 8 of Title 35 of the Official Code of Georgia Annotated, relating to the
2 employment and training of peace officers, so as to provide for the emergency suspension
3 of a peace officer's certification under limited circumstances; to modify certain requirements
4 pertaining to officer interviews for employment; to change references consistent with the
5 modification; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 8 of Title 35 of the Official Code of Georgia Annotated, relating to the employment
9 and training of peace officers, is amended in Code Section 35-8-7.1, relating to the authority
10 of the Peace Officer Standards and Training Council to refuse certification of or discipline
11 peace officers, by adding a new subsection to read as follows:

12 "(d) Upon arrest or indictment of a peace officer for any crime which is punishable as a
13 felony, the executive director of the council shall order the emergency suspension of such
14 officer's certification upon the executive director's determination that the suspension is
15 in the best interest of the health, safety, or welfare of the public. The order of emergency
16 suspension shall be made in writing and shall specify the basis for the executive director's
17 determination. Following the issuance of an emergency suspension order, proceedings
18 of the council in the exercise of its authority to discipline any peace officer shall be
19 promptly scheduled as provided for in Code Section 35-8-7.2. The emergency
20 suspension order of the executive director shall continue in effect until issuance of the
21 final decision of the council or such order is withdrawn by the executive director."

22 **SECTION 2.**

23 Code Section 35-8-8 of the Official Code of Georgia Annotated, relating to requirements for
24 appointment or certification of persons as peace officers, is revised as follows:

1 "35-8-8.

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

3 (1) Be at least 18 years of age;

4 (2) Be a citizen of the United States;

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

6 (4) Not have been convicted by any state or by the federal government of any crime the

7 punishment for which could have been imprisonment in the federal or state prison or

8 institution nor have been convicted of sufficient misdemeanors to establish a pattern of

9 disregard for the law, provided that, for purposes of this paragraph, violations of traffic

10 laws and other offenses involving the operation of motor vehicles when the applicant has

11 received a pardon shall not be considered;

12 (5) Be fingerprinted for the purpose of conducting a fingerprint based search at the

13 Georgia Bureau of Investigation and the Federal Bureau of Investigation to determine the

14 existence of any criminal record;

15 (6) Possess good moral character as determined by investigation under procedure

16 established by the council;

17 ~~(7) Have an oral interview with the hiring authority or its representative to determine the~~

18 ~~applicant's appearance, background, and ability to communicate;~~

19 ~~(8)~~(7) Be found, after examination by a licensed physician or surgeon, to be free from

20 any physical, emotional, or mental conditions which might adversely affect his or her

21 exercising the powers or duties of a peace officer; and

22 ~~(9)~~(8) Successfully complete a job related academy entrance examination provided for

23 and administered by the council in conformity with state and federal law. Such

24 examination shall be administered prior to entrance to the basic course provided for in

25 Code Sections 35-8-9 and 35-8-11. The council may change or modify such examination

26 and shall establish the criteria for determining satisfactory performance on such

27 examination. Peace officers who do not perform satisfactorily on the examination shall

28 be ineligible to retake such examination for a period of six months after an unsuccessful

29 attempt. The provisions of this paragraph establish only the minimum requirements of

30 academy entrance examinations for peace officer candidates in this state; each law

31 enforcement unit is encouraged to provide such additional requirements and any

32 preemployment examination as it deems necessary and appropriate.

33 (b) Any person authorized to attend the basic training course prior to employment as a

34 peace officer shall meet the requirements of this Code section ~~with the exception of~~

35 ~~paragraph (7) of subsection (a) of this Code section."~~

SECTION 3.

1

2 Code Section 35-8-24 of the Official Code of Georgia Annotated, relating to training
3 requirements for jail officers and juvenile correctional officers, is amended in subsection (c)
4 as follows:

5 "(c) Applicants and persons certified under this Code section shall be subject to the powers
6 and authority of the Georgia Peace Officer Standards and Training Council applicable to
7 peace officers as defined in this chapter and shall be required to fulfill all requirements of
8 a peace officer, except the requirements of paragraph ~~(9)~~(8) of subsection (a) of Code
9 Section 35-8-8 and peace officer training requirements applicable to peace officers only."

SECTION 4.

10

11 This Act shall become effective upon its approval by the Governor or upon its becoming law
12 without such approval.

SECTION 5.

13

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