

Senate Resolution 1147

By: Senators Douglas of the 17th, Murphy of the 27th, Smith of the 52nd, Mullis of the 53rd and Carter of the 13th

ADOPTED SENATE

A RESOLUTION

1 Creating the Senate Study Committee on Fleeing and Law Enforcement Pursuits; and for
2 other purposes.

3 WHEREAS, in the history of Georgia too many law enforcement officers and innocent
4 private citizens have lost their lives or been seriously injured due to the actions of an offender
5 fleeing or attempting to elude a police officer; and

6 WHEREAS, a vehicle driven by an offender fleeing or attempting to elude a peace officer
7 can be as dangerous and reckless as a person shooting a loaded gun at a public gathering; and

8 WHEREAS, current Georgia laws applicable to fleeing or attempting to elude a police officer
9 are convoluted and, despite the serious nature of this offense, the law only provides for a
10 misdemeanor sanction in most cases; and

11 WHEREAS, even following a third or subsequent conviction for fleeing or attempting to
12 elude a police officer in a ten-year period, the offender is only punished for a misdemeanor
13 offense; and

14 WHEREAS, this state has never enacted a statutory definition for "police pursuit" or "hot
15 pursuit" and the failure to provide such a definition in law has resulted in piecemeal
16 definitions handed down in court decisions in a case-by-case manner; and

17 WHEREAS, officers rely on the law to provide guidance for their actions and would benefit
18 from a clear and concise legal definition of pursuit for determining when they may cross
19 jurisdictional boundaries to make an arrest or investigate a suspect; and

20 WHEREAS, in light of the above, it is now time to closely scrutinize and improve Georgia's
21 laws relating to fleeing or eluding a police officer and police pursuit.

1 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE that there is created the Senate
2 Study Committee on Fleeing and Law Enforcement Pursuits to be composed of five members
3 of the Senate who shall be appointed by the President of the Senate. The President of the
4 Senate shall designate a member of the committee as chairperson of the committee. The
5 chairperson shall call all meetings of the committee.

6 BE IT FURTHER RESOLVED that the committee shall undertake a study of Georgia's laws
7 generally relating to fleeing or eluding a police officer and police pursuit to ensure that the
8 appropriate punishment is established for those committing the offense of fleeing or eluding
9 a police officer and to consider establishing by statute a definition for the term "police
10 pursuit" or "hot pursuit." The committee shall make recommendations for changes in
11 legislation, provide copies of proposed legislation to be prepared by the Office of Legislative
12 Counsel, and recommend any other action or make such report which the committee deems
13 appropriate.

14 BE IT FURTHER RESOLVED that the committee shall undertake a study of the conditions,
15 needs, and issues mentioned above or related thereto and recommend any action or
16 legislation which the committee deems necessary or appropriate. The committee may
17 conduct such meetings at such places and at such times as it may deem necessary or
18 convenient to enable it to exercise fully and effectively its powers, perform its duties, and
19 accomplish the objectives and purposes of this resolution. The members of the committee
20 shall receive the allowances provided for in Code Section 28-1-8 of the Official Code of
21 Georgia Annotated. The allowances authorized by this resolution shall not be received by
22 any member of the committee for more than five days unless additional days are authorized.
23 The funds necessary to carry out the provisions of this resolution shall come from the funds
24 appropriated to the Senate. In the event the committee makes a report of its findings and
25 recommendations, with suggestions for proposed legislation, if any, such report shall be
26 made on or before December 31, 2008, at which time the committee shall stand abolished.