

House Bill 1074 (AS PASSED HOUSE AND SENATE)

By: Representatives Meadows of the 5th, Day of the 163rd, Martin of the 47th, Maddox of the 127th, Collins of the 27th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the Department of Public Safety, so as to create the Capitol Police Division; to provide for personnel and duties; to provide for funding; to provide for the off-duty use of official vehicles; to amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to define a certain term; to provide for duties of certain employees of the Department of Public Safety; to repeal certain security duties of janitors and watchmen in public buildings; to make certain provisions relative to denying entrance to the capitol and other public property; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the Department of Public Safety, is amended by adding a new article to read as follows:

"ARTICLE 6

35-2-120.

As used in this article, the term:

- (1) 'Capitol Square' means that area designated as such by Code Section 50-2-28.
- (2) 'Commissioner' means the commissioner of public safety.
- (3) 'Department' means the Department of Public Safety.
- (4) 'Division' means the Capitol Police Division of the department created by this article.

35-2-121.

There is created and established a division of the Department of Public Safety to be known as the Capitol Police Division. The department shall staff such division with certified law

enforcement officers, who shall be designated capitol police officers, security personnel under the employment of or contract with the department, and any other certified peace officer employed by the department.

35-2-122.

(a) The division shall have jurisdiction and the primary duty to enforce all laws in Capitol Square and the property and buildings owned by the Georgia Building Authority within a five-mile radius of Capitol Square.

(b) The division shall have the following additional duties:

(1) To maintain peace and order and enforce the laws and regulations relating to controlling access to any building or property under the control or operation of the Georgia Building Authority;

(2) To maintain peace and order and enforce the laws and regulations relating to controlling access to Capitol Square;

(3) To enforce parking and traffic laws and to investigate accidents within Capitol Square;

(4) To enforce state law when ordered to do so by the commissioner; and

(5) To exercise the powers of a law enforcement officer to protect life and property.

(c) In the performance of their duties, certified law enforcement officers shall be authorized to carry firearms and exercise the power of arrest.

35-2-123.

(a) Certified law enforcement officers employed by the division shall be authorized to use official vehicles while engaging in approved off-duty employment, provided that:

(1) The off-duty employment is related to a contract between the off-duty employer and the department and is service in which the use of the official vehicle is a benefit to the department or is in furtherance of the department's mission;

(2) The off-duty employer pays to the department an amount determined by the commissioner to be sufficient to reimburse the department for the use of the official vehicle; and

(3) The commissioner has approved, in writing, the individual use of the official vehicle by the law enforcement officer.

(b) At no time shall an off-duty law enforcement officer be allowed the use of an official vehicle at a political function of any kind.

35-2-124.

The Georgia Building Authority shall reimburse the department for the costs to the department of performing police and security duties within Capitol Square in accordance with an intergovernmental agreement by and between the department and the Georgia Building Authority. Such agreement shall set forth the amount to be paid by the Georgia Building Authority to the department for each fiscal year and shall be executed prior to the budget submission deadline set by the Governor's Office of Planning and Budget."

SECTION 2.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by revising Code Section 50-2-28, relating to Capitol Square designated, state control and jurisdiction over buildings and grounds, and Governor authorized to deed part of grounds to the City of Atlanta for traffic movement, as follows:

"50-2-28.

(a) The following area is designated as 'Capitol Square':

(1) The property owned by this state and the sidewalks and streets within the area in the City of Atlanta bounded by Washington Street, Trinity Avenue, Memorial Drive, Capitol Avenue, Central Place, and Martin Luther King, Jr. Drive is designated as the Capitol Square; and

(2) The buildings and property owned and operated by the Georgia Building Authority which are located on or bounded by Central Avenue, Trinity Avenue, Memorial Drive, Capitol Avenue, Jessie Hill, Jr. Drive, Martin Luther King, Jr. Drive, Peachtree Street, and Marietta Street.

(b) The state shall have the same control and jurisdiction over the use of the buildings and grounds owned by the state and designated as ~~the~~ Capitol Square as have been authorized by law for the control and supervision of the public property formerly known as the State Capitol Buildings and Grounds.

(c) The Governor is authorized and empowered to deed, upon unanimous approval of the Governor, an appointee of the Governor who is not the Attorney General, and state auditor, upon such terms and conditions as they may deem to be to the best interests of the state, to the City of Atlanta or other appropriate governmental entity such part of the grounds owned by the state and facing Capitol Avenue that is deemed necessary and essential to widen, and straighten, and improve Capitol Avenue at the entrance to Martin Luther King, Jr. Drive, so as to route traffic ~~into Piedmont Avenue, and to~~ such other property ~~owned by the state~~ which is essential or necessary to aid in the movement of traffic around ~~the~~ Capitol Square."

SECTION 3.

Said title is further amended by revising Code Section 50-9-9, relating to disruptions of state employees and employment of security guards to protect public property, as follows:

"50-9-9.

(a) In that it has been previously declared by state law that the use of the capitol building and grounds shall be limited to departments of state government and to state and national political organizations and for no other purposes unless specifically authorized by law and in that the employees of the departments of state government, and of state agencies, authorities, commissions, boards, bureaus, and other state entities located in the capitol building and other state buildings are engaged in the business of the citizens of the state and should not be unreasonably interrupted in the performance of their public duties, it is, therefore, in the best interest of the state and its citizens that a public policy against such unreasonable disruptions of state employees in the performance of their official duties be declared, and it is in this Code section so declared.

(b) Without the express written consent of the director of the Georgia Building Authority, his or her designee, or his or her successor in office first having been received and except as otherwise provided by state law, it shall be illegal for any person, firm, group, organization, or other entity to beg, panhandle, solicit, or to sell goods, wares, or any other objects or services within any buildings or on the grounds, sidewalks, or other ways owned by or under the control of the state, its agencies, authorities, commissions, boards, bureaus, or other state entities.

(c) Any person who violates subsection (b) of this Code section shall be guilty of a misdemeanor.

(d) The authority or its legal successor shall establish the rules and regulations for and carry out the implementation of this Code section.

(e) Notwithstanding anything contained in this Code section or elsewhere, subsections (a) and (b) of this Code section shall ~~be applicable only to the buildings, facilities, and improvements adjacent to the state capitol and shall~~ not be applicable to persons, firms, organizations, corporations, or other entities doing business with the Department of Administrative Services or the activities in relation thereto; and this Code section shall be permissive in nature.

~~(f) The authority shall be authorized to employ security guards known as the Georgia Building Authority Police to keep watch over and protect the properties of the authority and such other properties as may be administered by, or as may be directed by, the authority. The Georgia Building Authority Police employed as provided by this Code section shall be employees of and compensated by the authority. The Georgia Building Authority Police employed pursuant to this Code section shall wear such insignia and~~

~~uniforms and carry such identification as prescribed by the authority and shall be authorized to carry weapons and, while in the performance of their duties, shall have the same powers of arrest, shall have the same powers to enforce law and order, and shall be authorized to exercise such powers and duties as are authorized by law for security guards of the Security Guard Division of the Department of Public Safety. Certified law enforcement officers employed by the Department of Public Safety and security personnel employed by or under contract with that department shall exercise such powers and duties as are authorized by law to keep watch over and protect the property of the authority in that area designated as Capitol Square by Code Section 50-2-28. Certified law enforcement officers employed by such department shall have jurisdiction to enforce all laws within such area.~~

SECTION 4.

Said title is further amended by revising Code Section 50-16-6, relating to janitors and watchmen of public buildings and grounds to make arrests, prevent abuse, suppress disorderly conduct, and protect property, as follows:

"50-16-6.

~~The janitors and watchmen employed by the keeper of public buildings and grounds are authorized, under rules prescribed by the Governor and keeper of public buildings, to make arrests and convey offenders to the police headquarters of Atlanta to be tried by the proper court. It shall be their duty to prevent the abuse of the capitol building, to suppress disorderly conduct therein, and to protect the building and its contents. Reserved.~~

SECTION 5.

Said title is further amended by revising Code Section 50-16-14, relating to authorization of security personnel to deny entrance and remove persons from state property and assistance, as follows:

"50-16-14.

~~The Georgia Building Authority and its security personnel and members of the Georgia State Patrol and Certified law enforcement officers of the Department of Public Safety and the Georgia Bureau of Investigation and security personnel employed by or under contract with the Department of Public Safety are authorized and empowered to deny the entrance of any person into or upon any property or building of the ~~authority~~ Georgia Building Authority or the state when the person's activities are intended to disrupt or interfere with the normal activities and functions carried on in such property or building or have the potential of violating the security of the personnel therein. ~~The authority and its security personnel and members of the Georgia State Patrol and~~ Certified officers of the Department~~

163 of Public Safety and the Georgia Bureau of Investigation and security personnel employed
164 by or under contract with the Department of Public Safety are authorized and empowered
165 to deny entrance into or upon any such property or building of any person displaying any
166 sign, banner, placard, poster, or similar device. ~~The authority and its security personnel~~
167 ~~and members of the Georgia State Patrol and~~ Certified officers of the Department of Public
168 Safety and the Georgia Bureau of Investigation and security personnel employed by or
169 under contract with the Department of Public Safety are authorized and empowered to
170 remove any person from any such property or building when the person's activities interfere
171 with or disrupt the activities and the operations carried on in such property or building or
172 constitute a safety hazard to the property or building or the inhabitants thereof. The
173 authority and power provided in this Code section and Code Section 50-16-15 shall also
174 extend to any property or building utilized by the state or any agency thereof. Any law
175 enforcement officer assisting the ~~authority or any of its security personnel or members of~~
176 ~~the Georgia State Patrol and~~ the certified officers of the Department of Public Safety and
177 the Georgia Bureau of Investigation or the security personnel employed by or under
178 contract with the Department of Public Safety shall have the same authority and power
179 ~~bestowed upon the authority by~~ as provided by this Code section and Code Section
180 50-16-15."

181 **SECTION 6.**

182 This Act shall become effective on July 1, 2010.

183 **SECTION 7.**

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