

House Bill 958

By: Representatives Day of the 163rd, Stephens of the 161st, Gordon of the 162nd, Bryant of the 160th, and Stephens of the 164th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 52 of the Official Code of Georgia Annotated, relating to the
2 Georgia Ports Authority, so as to change certain provisions for the applicability of traffic
3 laws and enforcement by security guards who are essential to Georgia's homeland security
4 and who are employed with the Georgia Ports Authority; to change the designation of
5 security guard to peace officer; to require that those employees of the authority who are
6 authorized to exercise the powers of arrest shall be certified peace officers subject to the
7 Georgia Peace Officer Standards and Training Council; to provide for related matters; to
8 provide an effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 2 of Title 52 of the Official Code of Georgia Annotated, relating to the Georgia Ports
12 Authority, is amended by revising Code Section 52-2-10, relating to the applicability of
13 traffic laws and enforcement by security guards employed with the Georgia Ports Authority,
14 as follows:

15 "52-2-10.

16 (a)(1) The motor vehicle traffic laws for this state shall apply to all roads within the
17 jurisdiction of the Georgia Ports Authority; provided, however, that the authority may
18 determine and declare reasonable, safe, and lawful speed limits on all roads within its
19 jurisdiction.

20 (2) Those regular employees of the Georgia Ports Authority designated as ~~security~~
21 guards peace officers shall have the power to arrest for traffic offenses committed on any
22 property under the jurisdiction of the Georgia Ports Authority.

23 (3) Such arrest may be effected by issuance of a citation, provided the offense is
24 committed in the presence of the arresting ~~security guard~~ peace officer.

25 (4) A citation issued by a ~~security guard~~ peace officer shall enumerate the specific
26 charges against the offender and the date on which the offender is to appear and answer
27 the charges.

28 (5) If the offender fails to appear as specified in the citation, the judge having jurisdiction
29 of the offense may issue a warrant ordering the apprehension of such person and
30 commanding that he or she be brought before the court to answer the charges contained
31 in the citation and the charge of his or her failure to appear as required. The person shall
32 be allowed to make a reasonable bond to appear on a given date before the court.

33 (6) Peace officers Security guards shall be subject to Chapter 13 of Title 40, relating to
34 uniform traffic citation and complaint forms.

35 (b) Peace officers Security guards of the Georgia Ports Authority may arrest for violations
36 of dock related city ordinances where applicable.

37 (c) All powers of arrest granted in this Code section shall exist only on property under the
38 jurisdiction of the Georgia Ports Authority or while in hot pursuit of one whom the ~~security~~
39 ~~guard peace officer~~ observed commit an offense within the jurisdiction of the authority as
40 provided in subsections (a) and (b) of this Code section.

41 (d) All offenders apprehended for offenses committed within the jurisdiction of the
42 Georgia Ports Authority shall be tried by the appropriate city, county, or state tribunal.

43 (e) ~~All peace officers Regular employees~~ of the Georgia Ports Authority ~~designated as~~
44 ~~security guards~~ shall ~~not~~ be subject to the requirements of Chapter 8 of Title 35, the
45 'Georgia Peace Officer Standards and Training Act,' nor shall said guards be subject to
46 Chapter 38 of Title 43, the 'Georgia Private Detective and Security Agencies Act.'

47 (f) While in the performance of their duties, ~~those regular employees~~ peace officers of the
48 Georgia Ports Authority ~~designated as investigators or Georgia certified peace officers~~ shall
49 have the same powers of arrest and the same powers to enforce law and order as the sheriff
50 of the county and the chief of police of the county or municipality in this state wherein any
51 such ~~investigator or Georgia certified~~ peace officer is performing his or her duty. While
52 in the performance of their duties, any such ~~investigators or Georgia certified~~ peace officers
53 shall be authorized to exercise such powers and duties as are authorized by law for
54 members of the Uniform Division of the Department of Public Safety. Such ~~investigators~~
55 ~~or Georgia certified~~ peace officers shall be subject to the requirements of Chapter 8 of Title
56 35, the 'Georgia Peace Officer Standards and Training Act,' and are specifically required
57 to complete the training required for peace officers by that chapter.

58 (g) While in the performance of their duties, ~~those regular employees~~ peace officers of the
59 Georgia Ports Authority ~~designated as investigators or certified peace officers of the State~~
60 ~~of Georgia~~ shall have the right to issue citations to vehicles parked in areas not specifically
61 designated for the parking of vehicles while on the properties of the Georgia Ports

62 Authority's terminals. The issuance of any such parking citation shall require the person
63 who parked said vehicle to respond by the payment of a fine in the amount of \$25.00 or by
64 appearing in the court which handles misdemeanor traffic offenses for the county in which
65 the terminal is located, in which event the amount of the fine shall be fixed at the discretion
66 of the judge of said court, but in no event shall the fine exceed \$25.00. In addition to the
67 right to issue parking citations, ~~those regular employees peace officers of the Georgia Ports~~
68 ~~Authority designated as investigators or certified peace officers of the State of Georgia~~
69 shall have the right to remove improperly parked cars or vehicles in accordance with the
70 provisions of Code Section 44-1-13."

71 **SECTION 2.**

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

74 **SECTION 3.**

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