

Senate Bill 15

By: Senators Hamrick of the 30th, Butterworth of the 50th and Mullis of the 53rd

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 38 of Title 43 of the Official Code of Georgia Annotated, relating to  
2 operators of private detective businesses and private security businesses, so as to clarify that  
3 persons certified by the Georgia Peace Officer Standard and Training Council are excluded  
4 from the provisions and regulations of this chapter; to provide for related matters; to provide  
5 an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 38 of Title 43 of the Official Code of Georgia Annotated, relating to operators of  
9 private detective businesses and private security businesses, is amended by revising Code  
10 Section 43-38-14, relating to exceptions and local regulation, as follows:

11 "43-38-14.

12 (a) This chapter shall not apply to:

13 (1) An officer or employee of the United States of America or of this state or a political  
14 subdivision thereof while the employee or officer is engaged in the performance of  
15 official duties;

16 (2) A person engaged in the business of furnishing information in connection with credit  
17 or marketing and a person or firm engaged as a consumer reporting agency, as defined  
18 by the federal Fair Credit Reporting Act;

19 (3) An attorney at law or a bona fide legal assistant in performing his or her duties;

20 (4) Admitted insurers, agents, and insurance brokers licensed by the state while  
21 performing duties in connection with insurance transacted by them;

22 (5) A peace officer employed on a full-time basis by a federal, state, county, or local law  
23 enforcement agency who contracts directly with an employer to work during his or her  
24 off-duty hours and whose off-duty employment is conducted on an independent  
25 contractor basis with another employer ~~other than a peace officer engaged in the private~~  
26 ~~detective or private security business or a private detective or private security agency.~~

27 provided, however, that such officers shall continue to be subject to the requirements of  
 28 Code Section 16-10-3, relating to the receipt of funds by state officers or employees for  
 29 the enforcement of penal laws;

30 (6) A firm engaged in the business of independent insurance claims adjusting whose  
 31 employees hold a valid Georgia adjuster's license; ~~or~~

32 (7) The employees of a firm mentioned in paragraph (6) of this subsection; ~~or~~

33 (8) Any person with a valid peace officer certification issued pursuant to Chapter 8 of  
 34 Title 35, the 'Georgia Peace Officer Standards and Training Act.'

35 ~~(b) This chapter does not apply to any person covered by Chapter 8 of Title 35, the~~  
 36 ~~'Georgia Peace Officer Standards and Training Act.'~~

37 ~~(e)~~(b) This chapter shall not prevent the local authorities of any municipality or county,  
 38 by ordinance and within the exercise of the police power of such municipality or county,  
 39 from imposing local regulations upon any street patrol, special officer, or person furnishing  
 40 street patrol service, including regulations requiring registration with an agency to be  
 41 designated by such municipality or county.

42 ~~(d)~~(c) This chapter shall not apply to a person or corporation which employs persons who  
 43 do private security work in connection with the affairs of such employer only and who have  
 44 an employer-employee relationship with such employer. Neither such persons or  
 45 corporations nor their employees shall be required to register or be licensed under this  
 46 chapter, although such persons or corporations or their employees may elect to be licensed  
 47 under this chapter."

48 **SECTION 2.**

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

51 **SECTION 3.**

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