

House Bill 53 (AM)

By: Representatives Bearden of the 68th, Ramsey of the 72nd, and Powell of the 171st

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' while providing private
 35 security services.

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

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

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

49 **SECTION 2.**

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

52 **SECTION 3.**

53 All laws and parts of laws in conflict with this Act are repealed.