

Senate Bill 205

By: Senator Harbison of the 15th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to motor vehicles and traffic, so as to require policies that prohibit
3 law enforcement officers from impermissibly using race or ethnicity in determining whether
4 to stop a vehicle; to require annual training of law enforcement officers on impermissible
5 uses of race and ethnicity in stopping vehicles; to require law enforcement officers to
6 document the race, ethnicity, and gender of a driver and passengers; to provide for related
7 matters; to provide for an effective date and applicability; to repeal conflicting laws; and for
8 other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to general
12 provisions relative to motor vehicles and traffic, is amended by adding a new Code section
13 to read as follows:

14 "40-1-8.

15 (a) Law enforcement officers shall not use a person's race or ethnicity to form probable
16 cause or as the basis for a reasonable suspicion to stop a motor vehicle but may use a
17 person's race or ethnicity to confirm a previously obtained description of a suspect.

18 (b)(1) Each state and local law enforcement agency shall adopt a policy and implement
19 an annual training program regarding racial profiling that provides and instructs that a
20 law enforcement officer shall not use a person's race or ethnicity to form probable cause
21 or as the basis for a reasonable suspicion to stop a motor vehicle but may use a person's
22 race or ethnicity to confirm a previously obtained description of a suspect.

23 (2) Except in instances where a motor vehicle is stopped at a fixed road block, each time
24 a state or local law enforcement officer stops a motor vehicle, the officer shall document
25 the following information in a public record whose format shall be determined by the
26 Department of Public Safety:

- 27 (A) The gender of the driver;
28 (B) The race or ethnicity of the driver as perceived by the officer;
29 (C) The suspected violation that led to the stop of the motor vehicle;
30 (D) Whether the vehicle, personal effects, driver, or any passenger was searched and,
31 if any passenger or his or her effects were searched, the passenger's gender and the
32 passenger's race or ethnicity as perceived by the officer;
33 (E) Whether a search was conducted pursuant to consent, probable cause, or reasonable
34 suspicion to suspect a crime, including the approximate duration of the search and the
35 basis for the request for consent or the circumstances establishing probable cause or
36 reasonable suspicion;
37 (F) Whether contraband was found, the type and approximate amount of contraband,
38 and whether contraband was seized;
39 (G) Whether any arrest, citation, or any oral or written warning was issued as a result
40 of the stop of the motor vehicle;
41 (H) Whether the officer making the stop encountered any physical resistance, whether
42 the officer engaged in the use of force, and whether injuries resulted;
43 (I) Whether the circumstances surrounding the stop of the motor vehicle were the
44 subject of any investigation and the results of that investigation; and
45 (J) The location of the stop of the motor vehicle.
- 46 (3) If a law enforcement officer stops a motor vehicle, the officer shall provide the
47 motorist with a card showing the officer's name, badge number, and the name of the
48 officer's law enforcement agency.
- 49 (4) Law enforcement agencies shall maintain the data required to be collected under
50 paragraph (2) of this subsection for not less than seven years.
- 51 (5) As part of its personnel review or evaluation procedures provisions, each law
52 enforcement agency shall include complaints filed and other information designed to
53 evaluate whether or not each law enforcement officer employed by such agency is
54 complying with the provisions of paragraph (2) of this subsection. Any officer found not
55 to be complying with the provisions of paragraph (2) of this subsection shall be required
56 to undergo further training that meets the requirements of paragraph (1) of this
57 subsection.
- 58 (6) Nothing in this Code section shall be construed to alter the requirements for
59 determining probable cause or reasonable suspicion under the Constitution of the United
60 States or the Constitution of the State of Georgia."

61 **SECTION 2.**

62 This Act shall become effective on January 1, 2012, and apply to all stops of motor vehicles
63 on or after that date.

64 **SECTION 3.**

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