

Senate Bill 83

By: Senators Rhett of the 33rd, Fort of the 39th, Henson of the 41st, Tate of the 38th, James of the 35th and others

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 identification and regulation with regard to motor vehicles and
3 traffic, so as to require policies that prohibit law enforcement officers from impermissibly
4 using race or ethnicity in determining whether to stop a motor vehicle; to require annual
5 training of law enforcement officers on impermissible uses of race and ethnicity in stopping
6 motor vehicles; to require law enforcement officers to document the race, ethnicity, and
7 gender of drivers and passengers under certain circumstances; to provide for related matters;
8 to repeal conflicting laws; and for 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 identification and regulation with regard to motor vehicles and traffic,
13 is amended by adding a new Code section to read as follows:

14 "40-1-9.

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

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

27 (A) The gender of the driver;

- 28 (B) The race or ethnicity of the driver;
 29 (C) The suspected violation that led to the stop;
 30 (D) Whether the motor vehicle, personal effects, driver, or any passenger was
 31 searched;
 32 (E) If there were any passengers, each passenger's gender and his or her race or
 33 ethnicity;
 34 (F) Whether a search was conducted pursuant to consent, probable cause, or reasonable
 35 suspicion to suspect a crime, including the approximate duration of the search and the
 36 basis for the request for consent or the circumstances establishing probable cause or
 37 reasonable suspicion;
 38 (G) Whether contraband was found, the type and approximate amount of contraband,
 39 and whether contraband was seized;
 40 (H) Whether any arrest, citation, or oral or written warning was issued as a result of the
 41 stop;
 42 (I) Whether the officer making the stop encountered any physical resistance, whether
 43 the officer engaged in the use of force, and whether injuries resulted;
 44 (J) Whether the circumstances surrounding the stop were the subject of any
 45 investigation and the results of such investigation; and
 46 (K) The location of the stop.
 47 (3) If a law enforcement officer stops a motor vehicle and no citation or written warning
 48 is issued to the driver, then the officer shall provide the driver with a card showing the
 49 officer's name, badge number, and name of the officer's law enforcement agency.
 50 (4) Law enforcement agencies shall maintain the data required to be collected under
 51 paragraph (2) of this subsection for not less than seven years.
 52 (5) As part of its personnel review or evaluation procedures provisions, each law
 53 enforcement agency shall include complaints filed and other information designed to
 54 evaluate whether or not each law enforcement officer employed by such agency is
 55 complying with the provisions of paragraph (2) of this subsection. Any officer found not
 56 complying with the provisions of paragraph (2) of this subsection shall be required to
 57 undergo further training that meets the requirements of paragraph (1) of this subsection.
 58 (c) 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 All laws and parts of laws in conflict with this Act are repealed.