

House Bill 1045

By: Representatives Jones of the 62nd and Thomas of the 39th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 35 of the Official Code of Georgia Annotated, relating to law enforcement
2 officers and agencies, so as to provide for centralized reporting standards for use of force
3 complaints; to provide for definitions; to provide for intents and purposes; to provide for the
4 Georgia Bureau of Investigation's collection and analysis of use of force complaints received
5 by law enforcement agencies; to require certain training exercises and equipment for certain
6 officers of law enforcement agencies as a result of the analysis of use of force complaints;
7 to mandate reporting of use of force complaints by certain prosecuting attorneys and staff;
8 to provide for related matters; 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 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and
12 agencies, is amended by adding a new Code section to read as follows:

13 "35-1-20.

14 (a) As used in this Code section, the term:

15 (1) 'Georgia use of force safety training and tools' means:

16 (A) Firearms training simulator exercises using such methods and frequency of
17 practice as proscribed by rule of the Georgia Bureau of Investigation; and

18 (B) If not already equipped, equipping each peace officer who conducts traffic stops
19 or responds to emergency calls as his or her primary duty with an audio and video
20 recording device attached to his or her person which shall record audio and video of
21 activities while he or she is on patrol pursuant to the policy which shall be developed
22 by such law enforcement agency.

23 (2) 'Peace officer' shall have the same meaning as provided for in paragraph (8) of Code
24 Section 35-8-2.

25 (b) It is the intent and purpose of the General Assembly to provide standards for reporting
26 use of force complaints involving peace officers such that there can be accurate reports and

27 accounting of such data. It is further the intent and purpose of the General Assembly to
 28 enable the Georgia Bureau of Investigation to use such data for the protection of both peace
 29 officers and Georgia citizenry by rendering assistive measures to law enforcement agencies
 30 having above average use of force complaints.

31 (c)(1) Every state, county, municipal, public transit, local school system, college, or
 32 university law enforcement agency in this state shall report for each calendar month every
 33 use of force complaint on a peace officer in its employment, whether verbal or written,
 34 received by such law enforcement agency to the Georgia Bureau of Investigation. The
 35 first such report shall be made by August 15, 2016, which shall include such complaints
 36 for the preceding calendar month; thereafter, such reports shall be made by the 15th day
 37 of each month for such complaints occurring in the preceding calendar month. Each use
 38 of force complaint shall include the identity of the complaining party and each peace
 39 officer subject to the complaint, corresponding case numbers, if available, of law
 40 enforcement activity relating to the use of force incident, whether such complaining party
 41 required medical care or hospitalization immediately following such use of force, and any
 42 other information as established by rule of the Georgia Bureau of Investigation.

43 (2) Every district attorney, chief assistant district attorney, assistant district attorney,
 44 solicitor-general, chief assistant solicitor-general, assistant solicitor-general, prosecuting
 45 attorney of a municipal court, assistant prosecuting attorney of a municipal court, and any
 46 other attorney and investigator employed by such district attorney, solicitor-general, or
 47 prosecuting attorney of a municipal court shall report to the Georgia Bureau of
 48 Investigation or the internal affairs division of the relevant law enforcement agency any
 49 complaint, whether verbal or written, regarding the use of force by a peace officer.

50 (d) On August 15, 2017, and on the 15th day of August in each year thereafter, any law
 51 enforcement agency having total use of force complaints for the preceding 12 months that
 52 are at least 25 percent higher than the state average for law enforcement agencies of
 53 comparable size as determined by the Georgia Bureau of Investigation in compliance with
 54 this Code section shall employ Georgia use of force safety training and tools within 12
 55 months of receiving notification from the Georgia Bureau of Investigation. In determining
 56 such averages, the Georgia Bureau of Investigation shall account for the size of the
 57 population served by each law enforcement agency."

58 **SECTION 2.**

59 Said title is further amended in subsection (a) of Code Section 35-3-4, relating to powers and
 60 duties of the Georgia Bureau of Investigation, by striking "and" at the end of paragraph (14),
 61 by replacing the period with "; and" at the end of division (a)(15)(B)(iii), and by adding a
 62 new paragraph to read as follows:

63 "(16) Collect and perform analyses on use of force complaints as provided for in Code
64 Section 35-1-20 and investigate such complaints at the bureau's discretion."

65 **SECTION 3.**

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