

Senate Bill 348

By: Senators Harper of the 7th, Albers of the 56th, Dugan of the 30th, Anderson of the 43rd,
Brass of the 28th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 4 of Title 20 and Chapter 8 of Title 20 of the Official Code
2 of Georgia Annotated, relating to technical and adult education and to campus policemen,
3 respectively, so as to revise the powers of arrest of campus policemen who are regular
4 employees of the Technical College System of Georgia; to amend Title 36 of the Official
5 Code of Georgia Annotated, relating to local government, so as to permit campus policemen
6 of the Technical College System of Georgia to render mutual aid under certain conditions;
7 to provide for the public safety director or chief of police of any institution within the
8 Technical College System of Georgia to enter into mutual aid agreements with local
9 governments under certain conditions; to provide for related matters; to repeal conflicting
10 laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Article 2 of Chapter 4 of Title 20 of the Official Code of Georgia Annotated, relating to
14 technical and adult education, is amended by adding a new Code section to read as follows:
15 "20-4-39.
16 Campus policemen, and other security personnel who are certified by the Georgia Peace
17 Officer Standards and Training Council as having met the qualifications and having
18 completed the basic training requirements for a peace officer under Article 2 of Chapter 2
19 of Title 35, who are regular employees of the Technical College System of Georgia shall
20 have the power to make arrests for offenses committed upon any property under the
21 jurisdiction of the Technical College System of Georgia and for offenses committed upon
22 any public or private property within 500 yards of such property."

23 **SECTION 2.**

24 Chapter 8 of Title 20 of the Official Code of Georgia Annotated, relating to campus
25 policemen, is amended by revising Code Section 20-8-4, relating to exemption of university
26 system campus policemen, as follows:

27 "20-8-4.

28 A campus policeman exercising the power of arrest pursuant to Code Section 20-3-72 or
29 20-4-39 providing campus policemen and other security personnel of the University
30 System of Georgia or the Technical College System of Georgia with arrest powers for
31 offenses committed upon university system property or Technical College System of
32 Georgia property, respectively, shall be exempt from this chapter."

33 **SECTION 3.**

34 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
35 by revising Chapter 69, relating to mutual aid, as follows:

36 "CHAPTER 69

37 36-69-1.

38 This chapter shall be known and may be cited as the 'Georgia Mutual Aid Act.'

39 36-69-2.

40 As used in this chapter, the term 'local emergency' means the existence of conditions of
41 extreme peril to the safety of persons and property within the territorial limits of a political
42 subdivision of the state or on a campus of an institution within the University System of
43 Georgia or the Technical College System of Georgia caused by natural disasters, riots, civil
44 disturbances, or other situations presenting major law enforcement and other public safety
45 problems, which conditions are or are likely to be beyond the control of the services,
46 personnel, equipment, and facilities of that political subdivision of the state and which
47 require the combined forces of other political subdivisions of the state to combat.

48 36-69-3.

49 (a)(1) Upon the request of a local law enforcement agency for assistance in a local
50 emergency, in the prevention or detection of violations of any law, in the apprehension
51 or arrest of any person who violates a criminal law of this state, or in any criminal case,
52 the chief of police or public safety director of any municipality or chief of police or
53 public safety director of any county police force may, with the approval of the governing
54 authority of any such officer's political subdivision, and the sheriff of any county may

55 cooperate with and render assistance extraterritorially to such local law enforcement
56 agency requesting the same.

57 (2)(A) Upon the request of a local law enforcement agency for assistance in a local
58 emergency, in the prevention or detection of violations of any law, in the apprehension
59 or arrest of any person who violates a criminal law of this state, or in any criminal case,
60 the public safety director or chief of police of any institution within the University
61 System of Georgia or the Technical College System of Georgia may, with the approval
62 of the president of such institution, cooperate with and render assistance
63 extraterritorially to such law enforcement agency requesting the same.

64 (B) Upon the request for assistance in a local emergency, in the prevention or detection
65 of violations of any law, in the apprehension or arrest of any person who violates a
66 criminal law of this state, or in any criminal case, which request is made by a public
67 safety director or chief of police of any institution within the University System of
68 Georgia or the Technical College System of Georgia after approval by the president of
69 such institution, the chief of police or public safety director of any municipality or ~~chief
70 of police or public safety director~~ of any county police force may, with the approval of
71 the governing authority of any such officer's political subdivision; and the sheriff of the
72 county, ~~may~~ cooperate with and render assistance extraterritorially to such law
73 enforcement agency of the institution requesting the same.

74 (b) Upon the request of any local fire department for assistance in a local emergency, in
75 preventing or suppressing a fire, or in protecting life and property, the fire chief or public
76 safety director of any local political subdivision may, with the approval of the governing
77 authority of such political subdivision, cooperate with and render assistance
78 extraterritorially to such local fire department requesting the same.

79 (c) Upon the request of any local law enforcement agency or local director of emergency
80 medical services for assistance in a local emergency or in transporting wounded, injured,
81 or sick persons to a place where medical or hospital care is furnished, emergency medical
82 technicians employed by a political subdivision may, with the approval of the governing
83 authority of such political subdivision, cooperate with and render assistance
84 extraterritorially to such local law enforcement agency or local director of emergency
85 services.

86 (d) Authorization for furnishing assistance extraterritorially may be granted by the sheriff
87 of any county or the governing authority of a local political subdivision or the president of
88 an institution within the University System of Georgia or the Technical College System of
89 Georgia to any of its agencies or employees covered by this Code section prior to any
90 occurrence resulting in the need for such assistance; provided, however, that any prior
91 authorization granted by the president of an institution within the University System of

92 Georgia or the Technical College System of Georgia for the furnishing of assistance
 93 extraterritorially must be submitted to and approved by the board of regents or the State
 94 Board of the Technical College System of Georgia, respectively, before it becomes
 95 effective. Such authorization may provide limitations and restrictions on such assistance
 96 furnished extraterritorially, provided that such limitations and restrictions do not conflict
 97 with the provisions of Code Sections 36-69-4 through 36-69-6.

98 (e) The senior officer of the public safety agency of a political subdivision or institution
 99 within the University System of Georgia or the Technical College System of Georgia
 100 which requests assistance in a local emergency as provided in this Code section shall be
 101 in command of the local emergency as to strategy, tactics, and overall direction of the
 102 operations with respect to the public safety officers and employees rendering assistance
 103 extraterritorially at the request of such public safety agency. All orders or directions
 104 regarding the operations of the public safety officers and employees rendering assistance
 105 extraterritorially shall be relayed to the senior officer in command of the public safety
 106 agency rendering assistance extraterritorially.

107 36-69-3.1.

108 Any county or municipality in this state shall be authorized to enter into contracts and
 109 mutual aid agreements with counties or municipalities of any other state or with any agency
 110 of the United States for the provision of law enforcement services in a local emergency to
 111 the extent that the laws of such other state or the United States permit such joint contracts
 112 or agreements to furnish one another assistance in law enforcement. Any such contract or
 113 mutual aid agreement shall have incorporated therein the provisions of Code Sections
 114 36-69-4 through 36-69-8. Any such contract or mutual aid agreement entered into by a
 115 county shall not become effective until approved by the sheriff of such county.

116 36-69-4.

117 Whenever the employees of any political subdivision or institution within the University
 118 System of Georgia or the Technical College System of Georgia are rendering aid outside
 119 their political subdivision or campus, respectively, and pursuant to the authority contained
 120 in this chapter, such employees shall have the same powers, duties, rights, privileges, and
 121 immunities as if they were performing their duties in the political subdivision or on the
 122 campus of the institution ~~in~~ at which they are normally employed.

123 36-69-5.

124 Unless otherwise provided by contract, the political subdivision or institution within the
 125 University System of Georgia or the Technical College System of Georgia which furnishes

126 any equipment pursuant to this chapter shall bear the loss or damage to such equipment and
127 shall pay any expense incurred in the operation and maintenance thereof. Unless otherwise
128 provided by contract, the political subdivision or institution within the University System
129 of Georgia or the Technical College System of Georgia furnishing aid pursuant to this
130 chapter shall compensate its employees during the time of rendering of such aid and shall
131 defray the actual travel and maintenance expenses of such employees while they are
132 rendering such aid. Such compensation shall include any amounts paid or due for
133 compensation due to personal injury or death while such employees are engaged in
134 rendering such aid.

135 36-69-6.

136 All of the privileges and immunities from liability; exemption from laws, ordinances, and
137 rules; and all pension, insurance, relief, disability, workers' compensation, salary, death,
138 and other benefits which apply to the activity of such officers, agents, or employees of any
139 such political subdivision or institution within the University System of Georgia or the
140 Technical College System of Georgia when performing their respective functions within
141 the territorial limits of their respective political subdivisions or campuses shall apply to
142 such officers, agents, or employees to the same degree, manner, and extent while engaged
143 in the performance of any of their functions and duties extraterritorially under the
144 provisions of this chapter relating to mutual aid. The provisions of this Code section shall
145 apply with equal effect to paid, volunteer, and auxiliary employees.

146 36-69-7.

147 Neither a public safety agency which requests assistance pursuant to Code Section 36-69-3
148 nor the political subdivision or institution of the University System of Georgia or the
149 Technical College System of Georgia in which the public safety agency is located shall be
150 liable for any acts or omissions of employees of a responding public safety agency
151 rendering assistance extraterritorially under the provisions of this chapter.

152 36-69-8.

153 (a) The provisions of this chapter shall not be construed as creating a duty on the part of
154 any public safety agency of a local political subdivision or institution within the University
155 System of Georgia or the Technical College System of Georgia to respond to a request
156 from any public safety agency of another local political subdivision or institution of the
157 University System of Georgia or the Technical College System of Georgia as authorized
158 in Code Section 36-69-3.

159 (b) Notwithstanding the provisions of subsection (e) of Code Section 36-69-3, the
160 provisions of this chapter shall not be construed as creating a duty on the part of a public
161 safety agency rendering assistance extraterritorially to stay at the scene of a local
162 emergency for any length of time. Such responding public safety agency may depart the
163 scene of a local emergency at any time at the discretion of the officer in command of the
164 public safety agency rendering assistance extraterritorially at the scene of the local
165 emergency.

166 36-69-9.

167 (a) The authority of this chapter shall be cumulative to and in addition to mutual aid
168 resource pacts authorized under Chapter 6 of Title 25 or contracts between political
169 subdivisions for the provision of services authorized under Section II of Article IX of the
170 Constitution.

171 (b) The authority of this chapter shall be cumulative to and in addition to any rights,
172 powers, or authority exercised by the sheriffs of this state as of July 1, 1988.

173 36-69-10.

174 The provisions of this chapter shall not apply to any emergency in which the chief
175 executive of a political subdivision assigns or makes available for duty the employees,
176 property, or equipment of the subdivision relating to fire fighting, engineering, rescue,
177 health, medical and related services, and to police, transportation, construction, and similar
178 items or services for emergency management purposes outside of the physical limits of the
179 subdivision as provided in Code Section 38-3-27."

180 **SECTION 4.**

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