

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

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to
2 revise the arrest powers jurisdiction of the campus policemen and other security personnel
3 of the university system; 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 **SECTION 1.**

13 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by
14 revising Code Section 20-3-72, relating to arrest powers of campus policemen and security
15 personnel, as follows:

16 "20-3-72.

17 The campus policemen and other security personnel of the university system who are
18 regular employees of the system shall have the power to make arrests for offenses
19 committed upon any property under the jurisdiction of the board of regents and for offenses
20 committed upon any public or private property within 500 ~~yards~~ feet of any property under
21 the jurisdiction of the board."

22 **SECTION 2.**

23 Said title is further amended by adding a new Code section to Article 2 of Chapter 4, relating
24 to technical and adult education, to read as follows:

25 "20-4-39.
 26 Campus policemen, and other security personnel who are certified by the Georgia Peace
 27 Officer Standards and Training Council as having met the qualifications and having
 28 completed the basic training requirements for a peace officer under Article 2 of Chapter 2
 29 of Title 35, who are regular employees of the Technical College System of Georgia shall
 30 have the power to make arrests for offenses committed upon any property under the
 31 jurisdiction of the Technical College System of Georgia and for offenses committed upon
 32 any public or private property within 500 feet of such property."

33 Said title is further amended by revising Code Section 20-8-4, relating to exemption of
 34 university system campus policemen, as follows:

35 "20-8-4.
 36 A campus policeman exercising the power of arrest pursuant to Code Section 20-3-72 or
 37 20-4-39 providing campus policemen and other security personnel of the University
 38 System of Georgia or the Technical College System of Georgia with arrest powers for
 39 offenses committed upon university system property or Technical College System of
 40 Georgia property, respectively, shall be exempt from this chapter."

41 **SECTION 4.**

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

44 "CHAPTER 69

45 36-69-1.

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

47 36-69-2.

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

56 36-69-3.

57 (a)(1) 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 chief of police or public safety director of any municipality or chief of police or
61 public safety director of any county police force may, with the approval of the governing
62 authority of any such officer's political subdivision, and the sheriff of any county may
63 cooperate with and render assistance extraterritorially to such local law enforcement
64 agency requesting the same.

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

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

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

87 (c) Upon the request of any local law enforcement agency or local director of emergency
88 medical services for assistance in a local emergency or in transporting wounded, injured,
89 or sick persons to a place where medical or hospital care is furnished, emergency medical
90 technicians employed by a political subdivision may, with the approval of the governing
91 authority of such political subdivision, cooperate with and render assistance
92 extraterritorially to such local law enforcement agency or local director of emergency
93 services.

94 (d) Authorization for furnishing assistance extraterritorially may be granted by the sheriff
 95 of any county or the governing authority of a local political subdivision or the president of
 96 an institution within the University System of Georgia or the Technical College System of
 97 Georgia to any of its agencies or employees covered by this Code section prior to any
 98 occurrence resulting in the need for such assistance; provided, however, that any prior
 99 authorization granted by the president of an institution within the University System of
 100 Georgia or the Technical College System of Georgia for the furnishing of assistance
 101 extraterritorially must be submitted to and approved by the board of regents or the State
 102 Board of the Technical College System of Georgia, respectively, before it becomes
 103 effective. Such authorization may provide limitations and restrictions on such assistance
 104 furnished extraterritorially, provided that such limitations and restrictions do not conflict
 105 with the provisions of Code Sections 36-69-4 through 36-69-6.

106 (e) The senior officer of the public safety agency of a political subdivision or institution
 107 within the University System of Georgia or the Technical College System of Georgia
 108 which requests assistance in a local emergency as provided in this Code section shall be
 109 in command of the local emergency as to strategy, tactics, and overall direction of the
 110 operations with respect to the public safety officers and employees rendering assistance
 111 extraterritorially at the request of such public safety agency. All orders or directions
 112 regarding the operations of the public safety officers and employees rendering assistance
 113 extraterritorially shall be relayed to the senior officer in command of the public safety
 114 agency rendering assistance extraterritorially.

115 36-69-3.1.

116 Any county or municipality in this state shall be authorized to enter into contracts and
 117 mutual aid agreements with counties or municipalities of any other state or with any agency
 118 of the United States for the provision of law enforcement services in a local emergency to
 119 the extent that the laws of such other state or the United States permit such joint contracts
 120 or agreements to furnish one another assistance in law enforcement. Any such contract or
 121 mutual aid agreement shall have incorporated therein the provisions of Code Sections
 122 36-69-4 through 36-69-8. Any such contract or mutual aid agreement entered into by a
 123 county shall not become effective until approved by the sheriff of such county.

124 36-69-4.

125 Whenever the employees of any political subdivision or institution within the University
 126 System of Georgia or the Technical College System of Georgia are rendering aid outside
 127 their political subdivision or campus, respectively, and pursuant to the authority contained
 128 in this chapter, such employees shall have the same powers, duties, rights, privileges, and

129 immunities as if they were performing their duties in the political subdivision or on the
130 campus of the institution ~~in~~ at which they are normally employed.

131 36-69-5.

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

143 36-69-6.

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

154 36-69-7.

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

160 36-69-8.

161 (a) The provisions of this chapter shall not be construed as creating a duty on the part of
 162 any public safety agency of a local political subdivision or institution within the University
 163 System of Georgia or the Technical College System of Georgia to respond to a request
 164 from any public safety agency of another local political subdivision or institution of the
 165 University System of Georgia or the Technical College System of Georgia as authorized
 166 in Code Section 36-69-3.

167 (b) Notwithstanding the provisions of subsection (e) of Code Section 36-69-3, the
 168 provisions of this chapter shall not be construed as creating a duty on the part of a public
 169 safety agency rendering assistance extraterritorially to stay at the scene of a local
 170 emergency for any length of time. Such responding public safety agency may depart the
 171 scene of a local emergency at any time at the discretion of the officer in command of the
 172 public safety agency rendering assistance extraterritorially at the scene of the local
 173 emergency.

174 36-69-9.

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

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

181 36-69-10.

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

188 **SECTION 5.**

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