

House Bill 434

By: Representatives Hitchens of the 161st, Stephens of the 164th, Petrea of the 166th, Lumsden of the 12th, and Tanner of the 9th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 8 of Title 20 of the Official Code of Georgia Annotated, relating to
2 campus policemen, so as to provide that a campus policeman who is employed by a private
3 educational institution of higher learning and who commits a tort while acting within the
4 scope of his or her official duties or employment or authorized law enforcement powers shall
5 not be subject to lawsuit or liability therefor; to provide for a definition; to provide for an
6 exemption; to provide for liability to a private educational institution of higher learning
7 employing such campus policeman; to provide for limitations on amounts of damages for
8 such liability; to provide for related matters; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

12 Chapter 8 of Title 20 of the Official Code of Georgia Annotated, relating to campus
13 policemen, is amended by revising Code Section 20-8-2, relating to law enforcement powers,
14 as follows:

15 "20-8-2.

16 (a) On the campus of an educational facility, a campus policeman employed by such
17 educational facility who is certified in accordance with Code Section 20-8-3 and when
18 authorized by the governing body or authority of such educational facility shall have the
19 same law enforcement powers, including the power of arrest, as a law enforcement officer
20 of the local government with police jurisdiction over such campus.

21 (b)(1) As used in this subsection, the term 'campus policeman' means an employee of an
22 accredited, nonproprietary, private educational institution of higher learning located in
23 this state whose duties, when authorized pursuant to subsection (a) of this Code section,
24 include the enforcement of the laws of this state; the preservation of public order; the
25 protection of life and property; the prevention, detection, or investigation of crime; or any
26 combination thereof.

27 (2) A campus policeman who commits a tort while acting within the scope of his or her
28 official duties or employment or authorized law enforcement powers as provided for
29 under subsection (a) of this Code section shall not be subject to lawsuit or liability
30 therefor. However, nothing in this Code section shall be construed to give such campus
31 policeman immunity from suit and liability if it is proved that the campus policeman's
32 conduct was not within the scope of his or her official duties or employment or
33 authorized law enforcement powers.

34 (3)(A) A person bringing an action for a tort claim relating to the official duties or
35 employment or authorized law enforcement powers of a campus policeman provided
36 for under paragraph (2) of this subsection shall name as a party defendant only the
37 private educational institution of higher learning for which the campus policeman was
38 acting and shall not name the campus policeman individually. In the event that the
39 campus policeman is individually named for an act or omission for which the
40 educational facility is liable under this chapter, the educational facility for which the
41 campus policeman was acting shall be substituted as the party defendant.

42 (B) In any action or claim for damages brought under the provisions of this subsection,
43 no person shall recover a sum exceeding \$1 million from the private educational
44 institution of higher learning because of loss arising from a single occurrence and such
45 institution's aggregate liability per occurrence shall not exceed \$3 million. The
46 existence of these caps on liability shall not be disclosed or suggested to the jury during
47 the trial of any action brought under this subsection."

48 **SECTION 2.**

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