

House Bill 325 (AS PASSED HOUSE AND SENATE)

By: Representatives Clark of the 147th, Welch of the 110th, Powell of the 32nd, Williams of the 168th, Ballinger of the 23rd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 35-8-7.1 of the Official Code of Georgia Annotated, relating to
2 authority of council to refuse certificate to applicant or to discipline council certified officer
3 or exempt officer, grounds, restoration of certificate, emergency suspension of certification,
4 and notice of investigation, so as to provide that records of investigation of an officer by the
5 Georgia Peace Officer Standards and Training Council shall be retained for 30 years; to
6 provide for destruction of such records; to provide for an exception; to provide for related
7 matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 35-8-7.1 of the Official Code of Georgia Annotated, relating to authority of
11 council to refuse certificate to applicant or to discipline council certified officer or exempt
12 officer, grounds, restoration of certificate, emergency suspension of certification, and notice
13 of investigation, is amended by adding a new subsection to read as follows:

14 "(g) Notwithstanding Article 5 of Chapter 18 of Title 50, records of an investigation of an
15 officer by the council, including, but not limited to, records used to investigate complaints
16 against an officer and polygraph case files containing official polygraph reports, shall be
17 retained for 30 years following the date that such investigation is deemed concluded by the
18 council and then such records may be destroyed; provided, however, that the council shall
19 have the authority to destroy such records prior to such 30 years where such officer is
20 deceased and no action upon the complaint was taken by the council beyond the council's
21 initial intake of such complaint."

22 **SECTION 2.**

23 All laws and parts of laws in conflict with this Act are repealed.