

Senate Bill 341

By: Senators Robertson of the 29th, Dugan of the 30th, Miller of the 49th, Gooch of the 51st, Kennedy of the 18th and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 8 of Title 35 of the Official Code of Georgia Annotated, relating to
2 employment and training of peace officers, so as to provide for re-employment of retired
3 peace officers and correctional officers during disasters and emergencies; to provide
4 definitions; to provide for training and qualifications; to provide for immunities and powers
5 of arrest; to provide for compensation; to provide for related matters; to repeal conflicting
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 8 of Title 35 of the Official Code of Georgia Annotated, relating to employment and
10 training of peace officers, is amended by adding new paragraphs to Code Section 35-8-2,
11 relating to definitions, to read as follows:

12 "(8.1) 'Requesting entity' means any law enforcement agency or other entity within this
13 state empowered by law to maintain a law enforcement unit.

14 (8.2) 'Retired correctional officer' means any retired correctional officer certified by the
15 council."

16 **SECTION 2.**

17 Said chapter is further amended by adding a new Code section to read as follows:

18 "35-8-21.1.

19 (a) Any law enforcement unit in this state may supplement its workforce as necessary with
20 qualified, retired peace officers or correctional officers when a disaster or emergency has
21 been declared by a county sheriff, a public safety director, or the Governor or when there
22 is a national emergency.

23 (b) Retired peace officers and retired correctional officers assisting law enforcement units
24 under the provisions of this Code section shall be in compliance with the annual training
25 and qualification standards for peace officers established under this chapter.

- 26 (c) Any retired peace officer or retired correctional officer assisting the requesting entity
27 shall have the same immunities and powers of arrest as he or she has in his or her own
28 jurisdiction, and the same powers of arrest as officers of the requesting entity, including
29 sovereign immunity, official immunity, and the public duty doctrine, for the duration of the
30 declared disaster or emergency. Such powers shall be limited to the location where the
31 retired officer's services are requested to be provided, for the duration of the specific event,
32 and while acting under the direction of the requesting entity's chief law enforcement officer
33 or his or her designee.
- 34 (d) Any retired peace officer or correctional officer assisting a requesting entity shall be
35 deemed an employee of the requesting entity for the duration of the declared disaster or
36 emergency and shall be subject to the workers' compensation, overtime, and expense
37 reimbursement provisions provided to him or her as an employee of the requesting entity.
- 38 (e) Any compensation awarded to retirees for service under this Code section shall be paid
39 by the requesting entity.
- 40 (f) Nothing in this Code section shall be construed to limit the powers of arrest provided
41 to a law enforcement officer by any other law."

42

SECTION 3.

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