Senate Bill 427

By: Senators Hamrick of the 30th, Meyer von Bremen of the 12th and Lee of the 29th

AS PASSED

A BILL TO BE ENTITLED

AN ACT

To amend Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and agencies, and Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, so as to change a member on the Criminal Justice Coordinating Council from the chairperson of the Georgia Organized Crime Prevention Council to the director of homeland security; to discontinue the Organized Crime Prevention Council; to revise provisions relating to certain insurance for employees of district attorneys; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and agencies, is amended by striking paragraph (1) of subsection (a) of Code Section 35-6A-3, relating to membership and vacancies on the Criminal Justice Coordinating Council, and inserting in lieu thereof the following:

"(1) The chairperson of the Georgia Peace Officer Standards and Training Council, the ~~chairperson of the Georgia Organized Crime Prevention Council~~ director of homeland security, the chairperson of the Judicial Council of Georgia, the chairperson of the Prosecuting Attorneys´ Council of the State of Georgia, the commissioner of corrections, the chairperson of the Board of Corrections, the vice chairperson of the Board of Public Safety, the ~~chairman~~ chairperson of the State Board of Pardons and Paroles, the State School Superintendent, the commissioner of community affairs, the president of the Council of Juvenile Court Judges, the chairperson of the Georgia Public Defender Standards Council, the chairperson of the Children and Youth Coordinating Council, and the commissioner of juvenile justice or their designees shall be ex officio members of the council, as full voting members of the council by reason of their office; and".

SECTION 2.

Said title is further amended by repealing and reserving Chapter 7, relating to the Organized Crime Prevention Council.

SECTION 3.

Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, is amended by striking Code Section 45-9-3, relating to law enforcement personnel serving on temporary assignment, and inserting in lieu thereof the following:

″45-9-3.

~~Law enforcement personnel who are participants in any program coordinated and administered by the Georgia Organized Crime Prevention Council, which program provides for the temporary assignment or loan of local law enforcement personnel to other local law enforcement agencies for the purpose of such law enforcement officers serving as undercover agents in criminal investigations or in any other manner or capacity assisting such local agencies in criminal investigations, may be provided protection against personal liability for damages sustained by third parties and arising out of the performance of such law enforcement personnel´s duties while serving on such temporary assignment or loan. The commissioner of administrative services shall prescribe the terms and conditions under which such personnel may be covered by any liability insurance policy or contract of indemnity or other like or similar programs administered by the commissioner pursuant to this article to provide such protection, provided that persons~~ Personnel employed by the district attorneys of the state, irrespective of the source of the funds used to pay such ~~persons, shall be allowed to purchase policies of liability insurance and contracts of indemnity insurance and for the purpose of this article shall be considered to be state employees~~ personnel, may be covered by any liability insurance policy or contract of indemnity, reimbursement, or other like or similar programs administered by the commissioner pursuant to this article and, for the purpose of this article, such personnel employed by a district attorney shall be considered to be state employees. The commissioner of administrative services shall prescribe the terms and conditions under which any liability insurance policy or contract of indemnity, reimbursement, or other like or similar programs administered by the commissioner pursuant to this article shall be made available to personnel employed by a district attorney. The cost of such liability insurance policy or contract of indemnity, reimbursement, or other like or similar programs shall be paid by the Prosecuting Attorneys´ Council of the State of Georgia out of such funds as may be appropriated to or otherwise available for the operations of district attorneys.″

SECTION 4.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 5.

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