

Senate Bill 138

By: Senators Davenport of the 44th, Butler of the 55th, Jones II of the 22nd, Sims of the 12th, Jackson of the 2nd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to law enforcement officers and agencies, so as to provide a
3 standard by which state, county, and local law enforcement agencies engage in vehicular
4 pursuits; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general
8 provisions relative to law enforcement officers and agencies, is amended by revising Code
9 Section 35-1-14, relating to written policies for emergency pursuits, as follows:

10 "35-1-14.

11 (a) Each ~~On and after January 1, 2004, each~~ state, county, and local law enforcement
12 agency that conducts emergency response and vehicular pursuits shall adopt written
13 policies, consistent with this Code section, that set forth the manner in which these
14 operations shall be conducted. Each law enforcement agency may create its own such
15 policies or adopt an existing model, consistent with this Code section. All pursuit policies
16 created or adopted by any law enforcement agency must address situations in which police

17 pursuits cross over into other jurisdictions. Law enforcement agencies which do not
18 comply with the requirements of this Code section are subject to the withholding of any
19 state funding or state administered federal funding.

20 (b) No state, county, or local law enforcement agency shall authorize the engagement of
21 a vehicular pursuit unless:

22 (1) The requirements of Code Section 40-6-6 are met; and

23 (2) Probable cause exists to believe that the persons being pursued committed, or are
24 committing, murder as provided for in Article 1 of Chapter 5 of Title 16; aggravated
25 battery as provided for in Article 2 of Chapter 5 of Title 16; kidnapping, false
26 imprisonment, or a related offense as provided for in Article 3 of Chapter 5 of Title 16;
27 rape as provided for in Chapter 6 of Title 16; armed robbery as provided for in Article 2
28 of Chapter 8 of Title 16; or any other offense that creates an immediate threat of death
29 or serious bodily injury to another person or a substantial threat to the safety of another
30 person."

31 **SECTION 2.**

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