

House Bill 35

By: Representatives Hitchens of the 161<sup>st</sup>, Stephens of the 164<sup>th</sup>, Lumsden of the 12<sup>th</sup>, Jackson of the 165<sup>th</sup>, and Williams of the 168<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 52 of the Official Code of Georgia Annotated, relating to  
2 Georgia Ports Authority, so as to provide for powers of the authority; to expand the arrest  
3 authority of officers of the Georgia Ports Authority in certain circumstances; to provide for  
4 additional powers and duties of such officers; to provide for related matters; to repeal  
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 52 of the Official Code of Georgia Annotated, relating to Georgia Ports  
9 Authority, is amended in Code Section 52-2-9, relating to powers of authority generally, by  
10 revising paragraph (22) as follows:

11 "(22) To appoint and select employees designated as security guards personnel and peace  
12 officers who shall have a limited power to make arrests for certain offenses committed  
13 on any property under the jurisdiction of the Georgia Ports Authority the responsibility  
14 of protecting and preserving the properties or projects of or under the management and  
15 control of the authority and, within such properties and projects and within the boundaries  
16 of any public street or sidewalk adjacent to any such property or projects or which area

17 is otherwise subject to regulation by the authority, have the powers of protecting persons,  
18 of enforcing law and order, of controlling pedestrian and vehicular traffic, and of  
19 prevention, detection, and investigation of offenses committed thereon."

20

## SECTION 2.

21 Said chapter is further amended by revising Code Section 52-2-10, relating to applicability  
22 of traffic laws, enforcement by peace officers, traffic citations, issuance of bench warrant  
23 upon failure of offender to appear, enforcement of dock related city ordinances, and venue,  
24 as follows:

25 "52-2-10.

26 (a)(1) The motor vehicle traffic laws for this state shall apply to all roads within the  
27 jurisdiction of the Georgia Ports Authority; provided, however, that the authority may  
28 determine and declare reasonable, safe, and lawful speed limits on all roads within its  
29 jurisdiction.

30 (2) Those regular employees of the Georgia Ports Authority designated as peace officers  
31 shall have the power to arrest for traffic offenses committed and investigate motor vehicle  
32 accidents which occurred on any property under the jurisdiction of the Georgia Ports  
33 Authority and upon any private or public property within one mile thereof.

34 (3) Such arrest may be effected by issuance of a citation, ~~provided the offense is~~  
35 ~~committed in the presence of the arresting peace officer.~~

36 ~~(4) A citation issued by a peace officer that shall enumerate the specific charges against~~  
37 ~~the offender and the date on which the offender is to appear and answer the charges.~~

38 ~~(5)~~(4) If the offender fails to appear as specified in the citation, the judge having  
39 jurisdiction of the offense may issue a warrant ordering the apprehension of such person  
40 and commanding that he or she be brought before the court to answer the charges  
41 contained in the citation and the charge of his or her failure to appear as required. The

42 person shall be allowed to make a reasonable bond to appear on a given date before the  
43 court.

44 ~~(6)(5)~~ Peace officers shall be subject to Chapter 13 of Title 40, relating to uniform traffic  
45 citation and complaint forms.

46 (b) Peace officers of the Georgia Ports Authority may arrest for violations of ~~dock related~~  
47 ~~city ordinances where applicable.~~

48 ~~(c) All powers of arrest granted in this Code section shall exist only on state law~~  
49 ~~committed upon any property under the jurisdiction of the Georgia Ports Authority or while~~  
50 ~~in hot pursuit of one whom the peace officer observed committing an offense upon any~~  
51 ~~public or private property within one mile of property under the jurisdiction of the Georgia~~  
52 ~~Ports Authority commit an offense within the jurisdiction of the authority as provided in~~  
53 ~~subsections (a) and (b) of this Code section.~~

54 ~~(d)(c)~~ All offenders apprehended for criminal and traffic related offenses committed within  
55 the jurisdiction of the Georgia Ports Authority as provided in subsections (a) and (b) of this  
56 Code section shall be tried by the appropriate city, county, or state tribunal.

57 ~~(e)(d)~~ All peace officers of the Georgia Ports Authority shall be subject to the requirements  
58 of Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act.'

59 ~~(f)(e)~~ While in the performance of their duties, peace officers of the Georgia Ports  
60 Authority shall have the same powers of arrest and the same powers to enforce law and  
61 order as the sheriff of the county and the chief of police of the county or municipality in  
62 this state wherein any such peace officer is performing his or her duty. While in the  
63 performance of their duties, any such peace officers shall be authorized to exercise such  
64 powers and duties as are authorized by law for members of the Uniform Division of the  
65 Department of Public Safety. ~~Such peace officers shall be subject to the requirements of~~  
66 ~~Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act,' and are~~  
67 ~~specifically required to complete the training required for peace officers by that chapter.~~

68 ~~(g)~~(f) While in the performance of their duties, peace officers of the Georgia Ports  
69 Authority shall have the right to issue citations to vehicles parked in areas not specifically  
70 designated for the parking of vehicles while on ~~the~~ properties under the jurisdiction of the  
71 Georgia Ports ~~Authority's terminals~~ Authority. The issuance of any such parking citation  
72 shall require the person who parked said vehicle to respond by the payment of a fine ~~in the~~  
73 ~~amount of \$25.00~~ or by appearing in the court which handles misdemeanor traffic offenses  
74 for the county in which the ~~terminal~~ property under the jurisdiction of the Georgia Ports  
75 Authority is located, in which event the amount of the fine shall be fixed at the discretion  
76 of the judge of said court, ~~but in no event shall the fine exceed \$25.00~~. In addition to the  
77 right to issue parking citations, peace officers of the Georgia Ports Authority shall have the  
78 right to remove improperly parked cars or vehicles in accordance with the provisions of  
79 Code Section 44-1-13.

80 (g) Peace officers of the Georgia Ports Authority shall have the following additional duties  
81 and powers:

82 (1) Maintain peace and order and enforce laws and regulations relating to controlling  
83 access to any building or property under the control or operation of the Georgia Ports  
84 Authority;

85 (2) Investigate criminal incidents and activity occurring on Georgia Ports Authority  
86 property or having a nexus to Georgia Ports Authority interests;

87 (3) Apprehend and arrest any person upon property under the jurisdiction of the Georgia  
88 Ports Authority who is a fugitive from justice;

89 (4) Serve and execute warrants upon property under the jurisdiction of the Georgia Ports  
90 Authority;

91 (5) Take reasonable steps necessary to prevent or dispel acts of disorderly conduct upon  
92 property under the jurisdiction of the Georgia Ports Authority, upon any public or private  
93 property within one mile of such property, or at the direction of the Governor;

94 (6) Provide security protection services, or transportation or escort services, or both, to  
95 officials in connection with Georgia Ports Authority matters and at special events,  
96 regardless of whether the event takes place on property under the jurisdiction of the  
97 Georgia Ports Authority, when such security protection services, or transportation or  
98 escort services, or both, are necessary or appropriate to deter actual or potential threats  
99 to the safety of such officials; and

100 (7) While working within an official capacity, make initial inquiries into any situation  
101 under circumstances where reasonable grounds exist to believe a criminal law has been,  
102 is being, or is about to be violated upon property under the jurisdiction of the Georgia  
103 Ports Authority or on any public or private property within one mile of such property.  
104 Any initial inquiry or arrest made shall be initiated only if a local law enforcement officer  
105 having primary jurisdiction is not readily available and the officer of the Georgia Ports  
106 Authority reasonably believes that a failure to act could result in the commission of a  
107 criminal act or the escape of a person who has committed a criminal act. In any action  
108 taken by an officer of the Georgia Ports Authority pursuant to this paragraph, such officer  
109 shall relinquish jurisdiction to the local law enforcement agency when feasible and as  
110 soon as practicable."

111 **SECTION 3.**

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