

House Bill 827 (COMMITTEE SUBSTITUTE)

By: Representatives Smith of the 18th, Dickey of the 145th, Pirkle of the 169th, Leverett of the 123rd, Hagan of the 156th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 2 of the Official Code of Georgia Annotated, relating to agriculture, so as to
2 authorize the Department of Agriculture to enforce certain criminal laws; to amend Code
3 Section 16-8-20 of the Official Code of Georgia Annotated, relating to livestock theft, so as
4 to provide for increased penalties; to provide for related matters; to repeal conflicting laws;
5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 2 of the Official Code of Georgia Annotated, relating to agriculture, is amended in Code
9 Section 2-2-13, relating to enforcement of laws and rules within jurisdiction of the
10 Commissioner and employment of investigators, by revising subsections (a), (b), and (d) as
11 follows:

12 "(a) The Commissioner shall be vested with police powers to enforce those laws governing
13 matters within the jurisdiction of the Commissioner or the department as provided by this
14 title and Titles 4, 10, 16, 26, and 43 and the rules and regulations adopted pursuant thereto
15 and to prevent, detect, and respond to acts of bioterrorism, other terroristic acts or threats,

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or natural disasters affecting or potentially affecting plants, animals, products, or facilities that are subject to regulation by the department.

(b) The Commissioner shall be authorized to employ, designate, and deputize investigators and to delegate to such employees of the department the necessary authority to enforce those laws governing matters within the jurisdiction of the Commissioner or the department as provided by this title and Titles 4, 10, 16, 26, and 43 and the rules and regulations adopted pursuant thereto and to prevent, detect, and respond to acts of bioterrorism, other terroristic acts or threats, or natural disasters affecting or potentially affecting plants, animals, products, or facilities that are subject to regulation by the department. Employees who have been so designated by the Commissioner and who have been certified by the Georgia Peace Officer Standards and Training Council as having successfully completed the course of training required by Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act,' shall be authorized:

(1) To carry firearms authorized or issued by the Commissioner while in the performance of their duties;

(2) To inspect plants, animals, products, or facilities when the same are subject to regulation by the department;

(3) To stop and inspect any vehicle transporting plants, animals, or products when the same are subject to regulation by the department;

(4) To inspect and require the production of health certificates, waybills, permits, or other documents required by federal or state laws, rules, regulations, or orders for the transportation of plants, animals, or products when the same are subject to regulation by the department;

(5) To protect any life or property when the circumstances demand action; and

(6) To arrest any person found to be in violation of a criminal law when enforcement of such law is authorized under this subsection."

42 “(d) This Code section shall not repeal, supersede, alter, or affect the power of any other
43 law enforcement officer of this state or of any county, municipality, or other political
44 subdivision of this state. At the request of the Commissioner of Agriculture, it shall be the
45 duty of all state, county, municipal, and other law enforcement officers in this state to
46 enforce and to assist the Commissioner and the employees and agents of the department
47 in the enforcement of those laws governing matters within the jurisdiction of the
48 Commissioner or the department as provided by this title and Titles 4, 10, 16, 26, and 43.”

SECTION 2.

50 Code Section 16-8-20 of the Official Code of Georgia Annotated, relating to livestock theft,
51 is amended by revising subsection (c) as follows:

52 "(c) Any person committing the offense of livestock theft ~~commits~~ shall be guilty of a
53 felony and, upon conviction thereof, shall be punished by imprisonment for not less than
54 ~~one two~~ nor more than ~~ten~~ 15 years and by a fine of ~~\$1,000.00~~ \$10,000.00; provided,
55 however, that, if the fair market value of the livestock taken or appropriated is \$100.00 or
56 less, the person shall be guilty of a misdemeanor of a high and aggravated nature."

SECTION 3.

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