

Senate Bill 319

By: Senators Davenport of the 17th, James of the 28th, Anderson of the 43rd, McLaurin of the 14th, Jones II of the 22nd 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 authorize the  
4 engagement of vehicular pursuits; to provide for related matters; to provide a short title; to  
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "Dorothy Mae Smith Wright Act."

9 **SECTION 2.**

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

13 "35-1-14.

14 (a) ~~Each~~ ~~On and after January 1, 2004, each~~ state, county, and local law enforcement  
15 agency that conducts emergency response and vehicular pursuits shall adopt written

16 policies, consistent with this Code section, that set forth the manner in which these  
17 operations shall be conducted. Each law enforcement agency may create its own such  
18 policies or adopt an existing model, consistent with this Code section. All pursuit policies  
19 created or adopted by any law enforcement agency ~~must~~ shall address situations in which  
20 police pursuits cross over into other jurisdictions. Law enforcement agencies which do not  
21 comply with the requirements of this Code section are subject to the withholding of any  
22 state funding or state administered federal funding.

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

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

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

34 **SECTION 3.**

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