

House Bill 384 (COMMITTEE SUBSTITUTE)

By: Representatives Seabaugh of the 34th, Reeves of the 99th, Carson of the 46th, Hitchens of the 161st, Fleming of the 114th, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 1 of Chapter 10 of Title 16 and Article 1 of Chapter 3 of Title 45 of the
 2 Official Code of Georgia Annotated, relating to abuse of governmental office and official
 3 oaths, respectively, so as to provide for uniform oaths to be sworn by all peace officers; to
 4 provide for aspirational language in such oaths; to limit the legal effect of any such
 5 aspirational language; to limit the crime of violation of oath of a public officer to codified
 6 oaths; to limit the violation of oath by a public officer to violations predicated on certain
 7 offenses; to provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 1 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to
 11 abuse of governmental office, is amended by revising Code Section 16-10-1, relating to
 12 violation of oath by public officer, as follows:

13 "16-10-1.

14 (a) Any public officer who willfully and intentionally violates the terms of his or her oath
 15 as prescribed by law shall, upon conviction thereof, be punished by imprisonment for not
 16 less than one nor more than five years.

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- 17 (b) Any peace officer, as such term is defined in Code Section 35-8-2, who has sworn the
 18 oath or oaths prescribed in Code Sections 15-16-4 and 45-3-7 shall be subject to
 19 prosecution under this Code section only for violations of such oath or oaths as prescribed.
 20 (c) No individual shall be subject to prosecution for violation of his or her oath of office
 21 under this Code section, except where such violation is predicated upon the commission
 22 of a felony or a misdemeanor of a high and aggravated nature."

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SECTION 2.

24 Article 1 of Chapter 3 of Title 45 of the Official Code of Georgia Annotated, relating to
 25 official oaths, is amended by revising Code Section 45-3-7, relating to oaths of deputies, as
 26 follows:

27 "45-3-7.

28 (a) Before proceeding to act, all deputies shall take the same oaths as their principals take
 29 and the oaths shall be filed and entered on the minutes of the same office with the same
 30 endorsement thereon; but this Code section shall not apply to any deputy who may be
 31 employed in particular cases only. A deputy sheriff may take his or her oaths before the
 32 sheriff and the oaths may be filed in and entered in the records of the sheriff's office.

33 (b) All peace officers, as such term is defined in Code Section 35-8-2, taking their oath of
 34 office on or after July 1, 2025, shall be administered the following oath:

35 'I, (name of person taking oath), hereby swear or affirm that I will faithfully, fairly,
 36 and without malice or partiality uphold the laws of the State of Georgia, as well as
 37 any ordinances which I am authorized to enforce, to the best of my ability and support
 38 and defend the Constitution of the United States and the Constitution of Georgia. So
 39 help me God.'

40 (c) A peace officer may take his or her oath before the chief executive officer of the
 41 agency or any authorized judicial official, and such oath may be filed in and entered in the
 42 records of that agency.

43 (d) An agency may administer additional oaths that contain provisions not specifically
44 prescribed and enumerated in this Code section; provided, however, that such oaths, and
45 any language in addition to the language set forth in this Code section, shall be deemed
46 aspirational only and of no legal effect in any civil or criminal proceeding.

47 (e) Sheriffs and their sworn deputies taking their oath of office on or after July 1, 2025,
48 shall take the oath set forth in Code Section 15-16-4; provided, however, that any language
49 in such oath in addition to the language set forth in such Code section shall be deemed
50 aspirational only and of no legal effect in any civil or criminal proceeding."

51 **SECTION 3.**

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