

House Bill 915

By: Representatives Lupton of the 83rd and Lim of the 98th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 35 of the Official Code of Georgia Annotated, relating to law enforcement
2 officers and agencies, so as to authorize county and municipal law enforcement agencies to
3 employ civilian personnel to assist in certain investigations; to provide for a definition; to
4 provide for violations and penalties; to provide for the establishment of a training program
5 for civilian community responders by the Georgia Peace Officer Standards and Training
6 Council; to amend Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating
7 to the uniform rules of the road, so as to authorize civilian community responders to assist
8 in directing and regulating the flow of traffic; to provide that civilian community responders
9 utilize uniform motor vehicle accident reports and reporting procedures; to provide for
10 related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and
14 agencies, is amended by adding a new Code section to read as follows:

H. B. 915

15 "35-1-24.

16 (a) As used in this Code section, the term 'civilian community responder' means a
17 nonsworn law enforcement employee who:

18 (1) Assists in the investigation of traffic accidents;

19 (2) Assists in the investigation of property crimes;

20 (3) Assists in educating the public about state laws and local ordinances; and

21 (4) Assists in the search for missing persons.

22 (b) A county or municipal law enforcement agency of this state shall be authorized to
23 employ, designate, equip, and train civilian community responders.

24 (c) No county or municipal law enforcement agency shall employ civilian community
25 responders for purposes of reducing or replacing sworn law enforcement officers.

26 (d) No civilian community responder shall exercise any of the powers or authority which
27 are by law vested in the office of sheriff or any other peace officer, including the power of
28 arrest, except as may be authorized by law. No civilian community responder shall:

29 (1) Have the power to possess and carry firearms and other weapons for the purpose of
30 investigating motor vehicle traffic accidents; provided, however, that any individual who
31 is a lawful weapons carrier as such term is defined in Code Section 16-11-125.1 shall not
32 be in violation of this paragraph; or

33 (2) Be issued a weapon of any type by the county or municipal law enforcement agency.

34 (e) A county or municipal law enforcement agency that employs civilian community
35 responders shall establish the minimum standards for employment.

36 (f) Each civilian community responder shall attend and complete a uniform training
37 program established by the Georgia Peace Officer Standards and Training Council. Such
38 program shall at a minimum consist of four hours of instruction and include education on
39 motor vehicle accident and property crime investigations. Upon completion of such
40 program, each civilian community responder shall spend not less than four weeks of field

41 training with a law enforcement officer who has experience conducting traffic accident and
42 property crime investigations.

43 (g) A civilian community responder shall be issued the following by a county or municipal
44 law enforcement agency:

45 (1) Credentials identifying the individual as such and which shall be produced upon
46 request by an individual involved in or a witness to a motor vehicle traffic accident; and

47 (2) A uniform that is substantially different in color and style from any law enforcement
48 officer in this state and which displays the name of the civilian community responder and
49 patches that identify the individual as a civilian community responder. Such uniform
50 shall remain the property of the law enforcement agency that employs the civilian
51 community responder.

52 (h) No civilian community responder employed pursuant to the authority of this Code
53 section shall be issued a badge as defined in Code Section 35-10-3.

54 (i) No vehicle issued to, or used by, a civilian community responder shall bear markings
55 or symbols that identify the vehicle as a law enforcement vehicle. Such vehicle may have
56 emergency equipment and lights installed; provided, however, that no such vehicle shall
57 be equipped with flashing, blinking, revolving, or stationary blue lights.

58 (j) A civilian community responder who investigates a motor vehicle accident shall
59 instruct the driver of each motor vehicle in an accident to report the following to all other
60 parties suffering property damage as an apparent result of the accident:

61 (1) The name and address of the operator of the motor vehicle and the name and address
62 of the registered owner of the motor vehicle if the operator of the motor vehicle is not the
63 owner;

64 (2) The license number of the motor vehicle; and

65 (3) The name of the liability insurance carrier for the motor vehicle or the fact that such
66 operator has a certificate of self-insurance issued pursuant to Code Section 33-34-5.1.

67 (k) A civilian community responder shall use uniform accident reports and procedures set
68 forth in Code Section 40-6-278 and shall have the same authority as a law enforcement
69 officer to direct, control, or regulate traffic for the express purpose of towing or removing
70 a vehicle that is obstructing a highway.

71 (l) A civilian community responder who assists in the investigation of a property crime
72 shall be limited to taking statements and producing an initial police report in such
73 investigation.

74 (m) It shall be unlawful for any individual to willfully obstruct, resist, impede, or interfere
75 with a civilian community responder employed pursuant to this Code section in connection
76 with such individual's investigation or to retaliate or discriminate in any manner against
77 such individual as a reprisal for any act or omission of such individual. Any violation of
78 this subsection shall be punishable as a misdemeanor."

79 **SECTION 2.**

80 Said title is further amended by revising Code Section 35-8-7, relating to powers and duties
81 of the Georgia Peace Officer Standards and Training Council, as follows:

82 "35-8-7.

83 The council is vested with the following powers and duties:

- 84 (1) To meet at such times and places as it may deem necessary;
- 85 (2) To contract with other agencies, public or private, or persons as it deems necessary
86 for the rendering and affording of such services, facilities, studies, and reports to the
87 council as will best assist it to carry out its duties and responsibilities;
- 88 (3) To cooperate with and secure the cooperation of every department, agency, or
89 instrumentality in the state government or its political subdivisions in the furtherance of
90 the purposes of this chapter;
- 91 (4) To establish criteria to be used in certifying schools authorized to conduct training
92 required by this chapter;

- 93 (5) To certify schools as authorized to conduct training required by this chapter;
- 94 (6) To prescribe minimum qualifications for directors of schools certified to conduct
95 training required by this chapter;
- 96 (7) To certify such school directors;
- 97 (8) To establish minimum qualifications for instructors at schools certified to conduct
98 training required by this chapter;
- 99 (9) To certify instructors authorized to conduct training required by this chapter;
- 100 (10) To reevaluate certified schools annually to determine if such schools shall continue
101 to be certified;
- 102 (11) To withdraw or suspend certification of schools, school directors, and instructors
103 who fail to continue to meet or maintain, at any given time, the criteria and qualifications
104 required for school, school director, or instructor certification;
- 105 (12) To determine whether a candidate has met the requirements of this chapter and is
106 qualified to be employed as a peace officer and to issue a certificate to those so qualified;
- 107 (13) To certify to designated law enforcement units a candidate's successful completion
108 of the course;
- 109 (14) To refuse to grant a certificate to or to discipline a certified peace officer or an
110 exempt peace officer under this chapter or any antecedent law;
- 111 (15) To establish and modify the curriculum, including the methods of instruction,
112 composing the basic training courses and to set the minimum number of hours therefor;
- 113 (15.1) To establish a uniform training program for civilian community responders which
114 shall be made available to civilian community responders employed by a county or
115 municipality pursuant to Code Section 35-1-24;
- 116 (16) To establish and recommend curricula for such advanced, in-service, and
117 specialized training courses as the council shall deem advisable and to recognize the
118 completion of such courses by the issuance of certificates;
- 119 (17) To provide technical assistance as requested by law enforcement units;

- 120 (18) To provide for and administer the registration of all exempt peace officers;
121 (19) To research, plan, and establish policy relative to peace officer training and to
122 develop and coordinate the delivery of peace officer training programs through such
123 agencies and institutions as the council may deem appropriate;
124 (20) To establish as part of the curriculum for basic and in-service training courses for
125 all peace officers training on organized criminal activity and criminal street gangs;
126 (21) To develop, adopt, and issue advanced or professional peace officer certificates
127 based upon the attainment of specified education, advanced or specialized training, and
128 experience as the council may determine;
129 (22) To provide and administer the certification of persons qualified to operate radar
130 speed detection devices and to withdraw or suspend such certificates as provided for in
131 this chapter;
132 (23) To impose administrative fees, as determined by the council, for services provided
133 pursuant to the provisions of this chapter;
134 (24) To adopt in accordance with Chapter 13 of Title 50, the 'Georgia Administrative
135 Procedure Act,' such rules and regulations as are necessary to carry out the purposes of
136 this chapter; and
137 (25) To do any and all things necessary or convenient to enable it to perform wholly and
138 adequately its duties and to exercise the power granted to it."

139 **SECTION 3.**

140 Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to uniform rules
141 of the road, is amended by revising Code Section 40-6-2, relating to obedience to authorized
142 persons directing traffic, as follows:

143 "40-6-2.

144 No person shall fail or refuse to comply with any lawful order or direction of any law
145 enforcement officer or firefighter, nonsworn employee or volunteer authorized under Code

146 Section 35-1-11, ~~or~~ individual designated under Code Section 20-2-1131, or civilian
147 community responder employed pursuant to Code Section 35-1-24 with the authority to
148 direct, control, or regulate traffic."

149 **SECTION 4.**

150 Said chapter is further amended by revising Code Section 40-6-278, relating to uniform
151 motor vehicle accident reports and reporting procedures, as follows:

152 "40-6-278.

153 The commissioner of transportation shall prescribe, by rule, uniform motor vehicle accident
154 reports and reporting procedures which shall be used by all police officers, whether state,
155 county, or municipal, and by all civilian community responders, whether county or
156 municipal. The rules shall be adopted in accordance with Chapter 13 of Title 50, the
157 'Georgia Administrative Procedure Act.' The rules may require one type of report and
158 reporting procedure for motor vehicle accidents in which property damage alone is
159 involved and another type of report and reporting procedure for motor vehicle accidents
160 involving personal injury or death. The commissioner may, by rule, require additional
161 investigation or reports in case of serious bodily injury or death."

162 **SECTION 5.**

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