

House Bill 1060

By: Representatives Jackson of the 68<sup>th</sup>, Scott of the 76<sup>th</sup>, Schofield of the 63<sup>rd</sup>, and Davis of the 87<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and  
2 offenses, so as to limit the lawful authority of law enforcement officers in certain situations;  
3 to prohibit law enforcement officers from wearing masks during routine operations; to amend  
4 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, so as to  
5 restrict the use of deadly force by law enforcement officers; to provide for a definition; to  
6 amend Title 35 of the Official Code of Georgia Annotated, relating to law enforcement  
7 officers and agencies, so as to prohibit law enforcement officers from wearing face coverings  
8 during routine operations; to require such officers to wear visible identification and verbally  
9 identify themselves when performing routine operations; to provide for enforcement and  
10 oversight by the Georgia Bureau of Investigation and the Georgia Peace Officer Standards  
11 and Training Council; to provide for a waiver of certain privileges and immunities; to  
12 provide for civil liability and monetary damages; to amend Title 40 of the Official Code of  
13 Georgia Annotated, relating to motor vehicles and traffic, so as to require law enforcement  
14 to comply with Code Section 35-1-25 when signaling for a vehicle to stop; to provide for a  
15 short title; to provide legislative findings; to provide for related matters; to repeal conflicting  
16 laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 1060

- 1 -

18 **SECTION 1.**

19 This Act shall be known and may be cited as the "Georgia Public Safety Transparency and  
20 Citizen Protection Act of 2026."

21 **SECTION 2.**

22 The General Assembly finds that the use of masks by law enforcement during routine  
23 operations creates an environment of intimidation and erodes public trust. Furthermore, the  
24 General Assembly finds that the protection of United States citizens and legal residents from  
25 unlawful detention is a core state interest. This Act seeks to de-escalate tensions and ensure  
26 that all law enforcement actions within the state's boundaries adhere to the highest standards  
27 of transparency and due process. This Act does not seek to impede law enforcement's ability  
28 to determine a person's citizenship.

29 **SECTION 3.**

30 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is  
31 amended by revising subsection (a) of Code Section 16-5-40, relating to kidnapping, as  
32 follows:

33 "(a)(1) A person commits the offense of kidnapping when such person abducts or steals  
34 away another person without lawful authority or warrant and holds such other person  
35 against his or her will.

36 (2) For purposes of this Code section, a law enforcement officer is without lawful  
37 authority to hold a person against his or her will if such officer is wearing a face covering  
38 or if such officer fails to verbally identify himself or herself or fails to display visible  
39 identification as provided by Code Section 35-1-25."

40 **SECTION 4.**

41 Said title is further amended by revising subsection (a) of Code Section 16-5-41, relating to  
42 false imprisonment, as follows:

43 "(a)(1) A person commits the offense of false imprisonment when, in violation of the  
44 personal liberty of another, he or she arrests, confines, or detains such person without  
45 legal authority.

46 (2) For purposes of this Code section, a law enforcement officer is without legal  
47 authority to arrest, confine, or detain a person if such officer is wearing a face covering  
48 or if such officer fails to verbally identify himself or herself or fails to display visible  
49 identification as provided by Code Section 35-1-25."

50 **SECTION 5.**

51 Said title is further amended by revising Code Section 16-11-38, relating to wearing mask,  
52 hood, or device which conceals identity of wearer, as follows:

53 "16-11-38.

54 (a) A person is guilty of a misdemeanor when he or she:

55 (1) Wears a mask, hood, or device by which any portion of his or her face is so hidden,  
56 concealed, or covered as to conceal his or her identity;

57 (2) Is upon:

58 (A) Any public way or public property; or

59 (B) The private property of another without the written permission of the owner or  
60 occupier of such private property to do so; and

61 (3) Intends to conceal his or her identity.

62 (b) Without limiting the generality of subsection (a) of this Code section, no person shall  
63 be guilty of violating this Code section by:

64 (1) Wearing a traditional holiday costume on the occasion of the holiday;

- 65 (2) Lawfully engaging in trade and employment or in a sporting activity where a mask  
 66 is worn for the purpose of ensuring the physical safety of the wearer or because of the  
 67 nature of the occupation, trade, profession, or sporting activity; provided, however, that  
 68 a law enforcement officer performing routine operations under Code Section 35-1-25 is  
 69 excluded from the exception under this paragraph;
- 70 (3) Using a mask in a theatrical production including use in Mardi gras celebrations and  
 71 masquerade balls;
- 72 (4) Wearing a gas mask prescribed in emergency management drills and exercises or  
 73 emergencies; or
- 74 (5) Wearing a mask for the purpose of complying with the guidance of any ~~health care~~  
 75 healthcare agency or ~~health care~~ healthcare provider to prevent the spread of COVID-19  
 76 or other coronaviruses or influenza or other infectious diseases."

#### 77 SECTION 6.

78 Chapter 4 of Title 17 of the Official Code of Georgia Annotated, relating to criminal  
 79 procedure, is amended by revising Code Section 17-4-20, relating to authorization of arrests  
 80 with and without warrants generally, use of deadly force, adoption or promulgation of  
 81 conflicting regulations, policies, ordinances, and resolutions, and authority of nuclear power  
 82 security officer, as follows:

83 "17-4-20.

84 (a)(~~1~~) As used in this Code section, the term 'deadly force' means any force which is  
 85 intended to cause, or which the law enforcement officer knows will create a substantial risk  
 86 of causing, death or serious bodily injury.

87 (b)(1) An arrest for a crime may be made by a law enforcement officer:

- 88 (A) Under a warrant; or  
 89 (B) Without a warrant if:

- 90 (i) The offense is committed in such officer's presence or within such officer's  
91 immediate knowledge;
- 92 (ii) The offender is endeavoring to escape;
- 93 (iii) The officer has probable cause to believe that an act of family violence, as  
94 defined in Code Section 19-13-1, has been committed;
- 95 (iv) The officer has probable cause to believe that the offender has violated a criminal  
96 family violence order, as defined in Code Section 16-5-95; provided, however, that  
97 such officer shall not have any prior or current familial relationship with the alleged  
98 victim or the offender;
- 99 (v) The officer has probable cause to believe that an offense involving physical abuse  
100 has been committed against a vulnerable adult, who shall be for the purposes of this  
101 subsection a person 18 years old or older who is unable to protect himself or herself  
102 from physical or mental abuse because of a physical or mental impairment; or
- 103 (vi) For other cause there is likely to be failure of justice for want of a judicial officer  
104 to issue a warrant.
- 105 (2) Except where otherwise provided by law with respect to a law enforcement officer's  
106 jurisdictional duties and limitations, a law enforcement officer may make an arrest for an  
107 offense outside of the jurisdiction of the law enforcement agency by which he or she is  
108 employed without a warrant:
- 109 (A) If the offense is committed in such officer's presence or within such officer's  
110 immediate knowledge;
- 111 (B) When in immediate pursuit of an offender for an offense committed within the  
112 jurisdiction of the law enforcement agency that employs such law enforcement officer;  
113 or
- 114 (C) While aiding or assisting another law enforcement officer in the jurisdiction of the  
115 law enforcement agency employing such other law enforcement officer.

116 (3) Nothing in paragraph (2) of this subsection shall be construed as limiting sheriffs or  
117 deputy sheriffs in the performance of the duties and responsibilities imposed on them by  
118 the Constitution and laws of this state.

119 (4) As used in this subsection, the term 'law enforcement officer' shall have the same  
120 meaning as set forth in Code Section 16-1-3.

121 ~~(b)~~(c) Sheriffs and peace officers who are appointed or employed in conformity with  
122 Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act,' may use  
123 deadly force to apprehend a suspected felon only when the officer reasonably believes that  
124 the suspect possesses a deadly weapon or any object, device, or instrument which, when  
125 used offensively against a person, is likely to or actually does result in serious bodily  
126 injury; when the officer reasonably believes that the suspect poses an immediate threat of  
127 ~~physical violence~~ death or serious bodily injury to the officer or others; or when there is  
128 probable cause to believe that the suspect has committed a crime involving the infliction  
129 or threatened infliction of serious physical harm; provided, however, that prior to the  
130 application of deadly force, the officer shall, if safe and feasible, exhaust all reasonable  
131 de-escalation tactics and provide a clear verbal warning of the intent to use such force.  
132 Nothing in this Code section shall be construed so as to restrict such sheriffs or peace  
133 officers from the use of such reasonable nondeadly force as may be necessary to apprehend  
134 and arrest a suspected felon or misdemeanor.

135 ~~(e)~~(d) Deadly force shall not be used to apprehend a person who is fleeing or otherwise  
136 attempting to elude a law enforcement officer; provided, however, that nothing ~~Nothing~~ in  
137 this Code section shall be construed so as to restrict the use of deadly force by employees  
138 of state and county correctional institutions, jails, and other places of lawful confinement  
139 or by peace officers of any agency in the State of Georgia when reasonably necessary to  
140 prevent escapes or apprehend escapees from such institutions.

141 ~~(d)~~(e) No law enforcement agency of this state or of any political subdivision of this state  
142 shall adopt or promulgate any rule, regulation, or policy which prohibits a peace officer

143 from using that degree of force to apprehend a suspected felon which is allowed by the  
144 statutory and case law of this state.

145 ~~(e)~~(f) Each peace officer shall be provided with a copy of this Code section. Training  
146 regarding elder abuse, abuse of vulnerable adults, and the requirements of this Code section  
147 should be offered as part of at least one in-service training program each year conducted  
148 by or on behalf of each law enforcement department and agency in this state.

149 ~~(f)~~(g) A nuclear power facility security officer, including a contract security officer,  
150 employed by a federally licensed nuclear power facility or licensee thereof for the purpose  
151 of securing that facility shall have the authority to:

152 (1) Threaten or use force against another in defense of a federally licensed nuclear power  
153 facility and the persons therein as provided for under Code Sections 16-3-21 and 16-3-23;

154 (2) Search any person on the premises of the nuclear power facility or the properties  
155 adjacent to the facility if the facility is under imminent threat or danger pursuant to a  
156 written agreement entered into with the local enforcement agency having jurisdiction  
157 over the facility for the purpose of determining if such person possesses unauthorized  
158 weapons, explosives, or other similarly prohibited material; provided, however, that, if  
159 such person objects to any search, he or she shall be detained as provided in paragraph (3)  
160 of this subsection or shall be required to immediately vacate the premises. Any person  
161 refusing to submit to a search and refusing to vacate the premises of a facility upon the  
162 request of a security officer as provided for in this Code section shall be guilty of a  
163 misdemeanor; and

164 (3) In accordance with a nuclear security plan approved by the United States Nuclear  
165 Regulatory Commission or other federal agency authorized to regulate nuclear facility  
166 security, detain any person located on the premises of a nuclear power facility or on the  
167 properties adjacent thereto if the facility is under imminent threat or danger pursuant to  
168 a written agreement entered into with the local law enforcement agency having  
169 jurisdiction over the facility, where there is reasonable suspicion to believe that such

170 person poses a threat to the security of the nuclear power facility, regardless of whether  
171 such prohibited act occurred in the officer's presence. In the event of such detention, the  
172 law enforcement agency having jurisdiction over the facility shall be immediately  
173 contacted. The detention shall not exceed the amount of time reasonably necessary to  
174 allow for law enforcement officers to arrive at the facility."

175 **SECTION 7.**

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

178 "35-1-25.

179 (a) As used in this Code section, the term:

180 (1) 'Face covering' means any mask, hood, or other device that conceals any portion of  
181 the face. Such term shall not include health related personal protective equipment (PPE)  
182 or specialized safety gear required to protect the person from an active and immediate  
183 environmental hazard.

184 (2) 'Law enforcement officer' means any agent or officer of the federal government, this  
185 state, another state, or any political subdivision thereof, including an agent or officer  
186 operating under a cooperative agreement with the federal government, who, as a full-time  
187 or part-time employee, is vested either expressly by law or by virtue of public  
188 employment or service with authority to enforce the criminal or traffic laws with the  
189 power of arrest and whose duties include the preservation of public order, the protection  
190 of life and property, or the prevention, detection, or investigation of crime.

191 (3) 'Routine operations' means a law enforcement officer's performance of routine  
192 official duties, including, but not limited to, traffic stops, community patrols, service of  
193 nonviolent warrants, investigations, and standard administrative inquiries. Such term  
194 shall not include active undercover operations, tactical operations where protective gear

195 is required for a law enforcement officer's physical safety, or where such officer's identity  
196 needs to be protected during court proceedings.

197 (4) 'Visible identification' means the display of a law enforcement officer's last name and  
198 the name of the law enforcement agency for which such officer is employed or otherwise  
199 acting.

200 (b) A law enforcement officer shall wear visible identification at all times while  
201 performing routine operations and shall verbally identify himself or herself by last name  
202 and by the name of the law enforcement agency he or she is representing when engaging  
203 in any direct interaction with a member of the public during such operations.

204 (c) A law enforcement officer shall not wear a face covering in the performance of routine  
205 operations.

206 (d)(1) Any person may report a law enforcement officer's failure to comply with  
207 subsection (b) or (c) of this Code section to the Georgia Bureau of Investigation. The  
208 Georgia Bureau of Investigation shall be authorized to investigate any reported violation  
209 of this Code section.

210 (2) If, after investigation, the Georgia Bureau of Investigation determines that a law  
211 enforcement officer violated subsection (b) or (c) of this Code section, the Georgia  
212 Bureau of Investigation shall provide written notice of such determination as follows:

213 (A) If the law enforcement officer is a certified peace officer in this state as defined in  
214 Code Section 35-8-2, the Georgia Bureau of Investigation shall provide such notice to  
215 the Georgia Peace Officer Standards and Training Council, which shall then investigate  
216 the alleged violation of this Code section and take any appropriate disciplinary action  
217 against such officer as authorized by Code Section 35-8-7; and

218 (B) If the law enforcement officer is not a certified peace officer as defined in Code  
219 Section 35-8-2, the Georgia Bureau of Investigation shall provide such notice to the  
220 head of the law enforcement agency for which such officer is employed or otherwise  
221 acting.

222 (3) The Georgia Bureau of Investigation and the Georgia Peace Officer Standards and  
223 Training Council shall be authorized to adopt rules and regulations necessary to  
224 implement the provisions of this Code section.

225 (e) Any law enforcement officer who fails to comply with subsection (b) or (c) of this  
226 Code section during the performance of routine operations shall not be entitled to assert  
227 any privilege or immunity against a claim of civil liability arising during such failure and  
228 shall be liable for actual damages or statutory damages of not less than \$1,000.00,  
229 whichever is greater."

230 **SECTION 8.**

231 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is  
232 amended by revising subsection (a) of Code Section 40-6-395, relating to fleeing or  
233 attempting to elude police officer and impersonating law enforcement officer, as follows:

234 "(a) It shall be unlawful for any driver of a vehicle willfully to fail or refuse to bring his  
235 or her vehicle to a stop or otherwise to flee or attempt to elude a pursuing police vehicle  
236 or police officer when given a visual or an audible signal to bring the vehicle to a stop. The  
237 signal given by the police officer may be by hand, voice, emergency light, or siren. The  
238 officer giving such signal shall be in uniform prominently displaying his or her badge of  
239 office and in full compliance with the requirements of subsections (b) and (c) of Code  
240 Section 35-1-25, and his or her vehicle shall be appropriately marked showing it to be an  
241 official police vehicle. It shall be a defense to prosecution under this subsection if the  
242 officer giving such signal was not in compliance with subsections (b) and (c) of Code  
243 Section 35-1-25 at the time of the alleged violation."

244 **SECTION 9.**

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