

Senate Bill 565

By: Senators Robertson of the 29th, Anavitarte of the 31st, Albers of the 56th, Strickland of the 42nd and Hatchett of the 50th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 35-8-2 of the Official Code of Georgia Annotated, relating to
2 definitions relative to employment and training of peace officers, so as to revise the
3 definition of law enforcement unit and peace officer to include members of police forces of
4 nonprofit private colleges and universities; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 35-8-2 of the Official Code of Georgia Annotated, relating to definitions
9 relative to employment and training of peace officers, by revising paragraphs (7) and (8) as
10 follows:

11 "(7) 'Law enforcement unit' means:

12 (A) Any agency, organ, or department of this state, a subdivision or municipality
13 thereof, ~~or a railroad, or a police force of a nonprofit private college or university that~~
14 is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue
15 Code whose primary functions include the enforcement of criminal or traffic laws, the

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16 preservation of public order, the protection of life and property, or the prevention,
17 detection, or investigation of crime;

18 (B) The Office of Permits and Enforcement of the Department of Transportation, the
19 Department of Juvenile Justice and its institutions and facilities for the purpose of
20 personnel who are authorized to exercise the power of arrest and who are employed or
21 appointed by such department or institutions, and the office or section in the
22 Department of Juvenile Justice in which persons are assigned who have been
23 designated by the commissioner to investigate and apprehend delinquent children and
24 any child with a pending juvenile court case alleging the child to be a child in need of
25 services; and

26 (C) The Department of Corrections, the Department of Community Supervision, the
27 State Board of Pardons and Paroles, municipal correctional institutions employing 300
28 or more correctional officers, and county correctional institutions for the purpose of
29 personnel who are authorized to exercise the power of arrest and who are employed or
30 appointed by such department, board, or institutions.

31 (8) 'Peace officer' means, for purposes of this chapter only:

32 (A) An agent, operative, or officer of this state, a subdivision or municipality thereof,
33 ~~or a railroad, or a police force of a nonprofit private college or university that is exempt~~
34 from federal income taxation under Section 501(c)(3) of the Internal Revenue Code
35 who, as an employee for hire or as a volunteer, is vested either expressly by law or by
36 virtue of public employment or service with authority to enforce the criminal or traffic
37 laws through the power of arrest and whose duties include the preservation of public
38 order, the protection of life and property, and the prevention, detection, or investigation
39 of crime;

40 (B) An enforcement officer who is employed by the Department of Transportation in
41 its Office of Permits and Enforcement and any person employed by the Department of
42 Juvenile Justice who is designated by the commissioner to investigate and apprehend

43 delinquent children and any child with a pending juvenile court case alleging the child
44 to be a child in need of services;

45 (B.1) Personnel who are authorized to exercise the power of arrest, who are employed
46 or appointed by the Department of Juvenile Justice, and whose full-time duties include
47 the preservation of public order, the protection of life and property, the detection of
48 crime, the supervision of delinquent children in the department's institutions, facilities,
49 or programs, or the supervision of delinquent children under intensive supervision in
50 the community;

51 (C) Personnel who are authorized to exercise the power of arrest and who are
52 employed or appointed by the Department of Corrections, the Department of
53 Community Supervision, the State Board of Pardons and Paroles, municipal
54 correctional institutions employing 300 or more correctional officers, county probation
55 systems, and county correctional institutions; and

56 (D) An administrative investigator who is an agent, operative, investigator, or officer
57 of this state whose duties include the prevention, detection, and investigation of
58 violations of law and the enforcement of administrative, regulatory, licensing, or
59 certification requirements of his or her respective employing agency.

60 Law enforcement support personnel are not peace officers within the meaning of this
61 chapter, but they may be certified upon voluntarily complying with the certification
62 provisions of this chapter."

63 **SECTION 2.**

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