

Senate Bill 513

By: Senators Jones II of the 22nd, Butler of the 55th, Henson of the 41st, Jones of the 10th, Orrock of the 36th and others

A BILL TO BE ENTITLED
AN ACT

1 To revise various titles of the Official Code of Georgia Annotated regarding police and
2 justice matters; to amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated,
3 relating to general provisions relative to law enforcement officers and agencies, so as to
4 require that certain peace officers be equipped with audio and video recording devices for
5 recording all activities while on duty; to provide for definitions; to provide for a public
6 disclosure exception; to provide for penalties; to provide for grant funding; to amend Article
7 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to the
8 inspection of public records, so as to provide for the release under certain circumstances of
9 such audio and video recordings; to amend Article 2 of Chapter 5 of Title 17 of the Official
10 Code of Georgia Annotated, relating to searches with warrants, so as to provide for the use
11 of no-knock search warrants; to provide for a definition; to change provisions relating to the
12 issuance of search warrants; to change provisions relating to the use of force in executing a
13 search warrant; to amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated,
14 relating to general provisions relative to law enforcement officers and agencies, so as to
15 provide a standard by which state, county, and local law enforcement agencies engage in
16 vehicular pursuits; to amend Code Section 35-8-7 of the Official Code of Georgia Annotated,
17 relating to the powers and duties of the Georgia Peace Officer Standards and Training
18 Council, so as establish basic and in-service training courses on post-traumatic stress
19 disorder; to amend Code Section 15-11-2 of the Official Code of Georgia Annotated, relating
20 to definitions for the Juvenile Code, so as to provide for a cross-reference; to amend Title 16
21 of the Official Code of Georgia Annotated, relating to crimes and offenses, so as to provide
22 for sentencing of defendants who commit certain crimes which target a victim because of the
23 victim's race, color, religion, gender, disability, sexual orientation, gender identity or
24 expression, national origin, or ethnicity; to amend Article 1 of Chapter 10 of Title 17 of the
25 Official Code of Georgia Annotated, relating to the procedure for sentencing and imposition
26 of punishment, so as to repeal certain provisions regarding sentencing of defendants guilty
27 of crimes involving bias or prejudice, notices for enhanced sentencing, and enhanced
28 sentencing; to amend Chapter 1 of Title 40 of the Official Code of Georgia Annotated,

29 relating to general provisions relative to identification and regulation of motor vehicles and
30 traffic, so as to require policies that prohibit law enforcement officers from using race or
31 ethnicity in determining whether to stop a motor vehicle; to require annual training of law
32 enforcement officers on such policies; to require officers to document the race, ethnicity, and
33 gender of drivers and passengers under certain circumstances; to amend Title 16 of the
34 Official Code of Georgia Annotated, relating to crimes and offenses, so as to repeal the
35 provision regarding no duty to retreat prior to the use of force; to correct cross-references;
36 to repeal the defense of self or others as an absolute defense; to amend Article 1 of Chapter
37 18 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions for
38 prosecuting attorneys, so as to provide for the appointment of a prosecuting attorney when
39 the accused is a law enforcement officer charged with a felony or an act of family violence;
40 to amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to
41 controlled substances, so as to provide that possession of certain quantities of marijuana
42 constitute a misdemeanor; to revise provisions relating to punishment; to amend Title 15,
43 Title 16, Chapter 7 of Title 17, and Code Section 36-32-6 of the Official Code of Georgia
44 Annotated, relating to courts, crimes and offenses, pretrial proceedings, and municipal court
45 jurisdiction in marijuana possession cases, respectively, so as to conform cross-references;
46 to amend Article 6 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated,
47 relating to registration of voters, so as to provide that any person convicted of a felony
48 involving moral turpitude shall not register to, remain registered to, or vote and to enumerate
49 such felony offenses; to provide for a definition; to amend Article 2 of Chapter 4 of Title 17
50 of the Official Code of Georgia Annotated, relating to arrest by officers generally, so as to
51 prohibit officers from using kinetic impact projectiles in the use of force; to provide for the
52 duty to intervene; to prohibit officers from use of force maneuvers that restrict blood or
53 oxygen flow to the brain; to amend Chapter 1 of Title 35 of the Official Code of Georgia
54 Annotated, relating to general provisions regarding law enforcement officers and agencies,
55 so as to prohibit the possession of certain property from the United States Department of
56 Defense by certain local law enforcement agencies; to amend Article 2 of Chapter 21 of Title
57 50 of the Official Code of Georgia Annotated, relating to state tort claims, so as to remove
58 certain immunities from the actions of certain law enforcement officers; to provide that
59 officers alleged to have committed misconduct or a violation of law while acting within the
60 scope of official duties shall be subject to lawsuit or liability; to amend Article 4 of Chapter
61 10 of Title 16 of the Official Code of Georgia Annotated, relating to perjury and related
62 offenses, so as to expand the offense of perjury to include false statements made in police
63 reports by law enforcement officers; to amend Title 35 of the Official Code of Georgia
64 Annotated, relating to law enforcement officers and agencies, so as to create the Georgia Law
65 Enforcement Citizen Review Council; to provide for its membership, officers, committees,

66 staff, funding, duties, and powers; to provide for administrative support; to provide for a
67 short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

68 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

69 **PART I**
70 **SECTION 1-1.**

71 This Act shall be known and may be cited as the "Georgia Justice Act."

72 **PART II**
73 **SECTION 2-1.**

74 Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general
75 provisions relative to law enforcement officers and agencies, is amended by adding a new
76 Code section to read as follows:

77 "35-1-23.

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

79 (1) 'Encounter for a law enforcement purpose' means:

80 (A) Any stop, detention, or investigation by a peace officer of any person, or any
81 interaction by a peace officer with any person, where such person reasonably believes
82 that such peace officer is acting as an agent, operative, or officer of this state, or a
83 subdivision or municipality thereof, in such stop, detention, investigation, or
84 interaction; or

85 (B) Any stop, detention, or investigation by a peace officer of any person, or any
86 interaction by a peace officer with any person, that results in an arrest or any use of
87 force.

88 (2) 'Peace officer' shall have the same meaning as provided for in paragraph (8) of Code
89 Section 35-8-2.

90 (b)(1) On and after January 1, 2021, each state, county, and local law enforcement
91 agency shall equip all peace officers who conduct traffic stops or respond to emergency
92 dispatch calls as their primary duty with audio and video recording devices attached to
93 their persons which shall record audio and video of all activities while such peace officers
94 are on duty. Such recording device shall depict all activities from the point of view of
95 such peace officer's body front or line of sight. Law enforcement agencies that do not
96 comply with the requirements of this subsection are subject to the withholding of state
97 funding or state administered federal funding.

98 (2) Notwithstanding paragraph (4) of subsection (a) of Code Section 50-18-72, the audio
 99 and video recordings provided for in paragraph (1) of this subsection which depict an
 100 encounter for a law enforcement purpose, including but not limited to all relevant
 101 depictions occurring prior to and after such encounter for a law enforcement purpose,
 102 shall be publicly disclosed. Except for portions depicting an encounter for a law
 103 enforcement purpose as provided for under this paragraph, the audio and video recordings
 104 provided for in paragraph (1) of this subsection shall not be publicly disclosed.
 105 (3) Except for the purpose of investigating or prosecuting the activity of a peace officer
 106 relating to actions taken within a law enforcement capacity, a law enforcement agency
 107 shall not in any manner make use of the audio and video recordings provided for in
 108 paragraph (1) of this subsection.
 109 (c) Audio and video recordings provided for in subsection (b) of this Code section shall
 110 be maintained as provided for in Code Section 50-18-96.
 111 (d) The commissioner shall create rules and regulations for the awarding of financial
 112 grants to law enforcement agencies for any state funding or state administered federal
 113 funding designated for the purposes of this Code section. Such rules and regulations shall
 114 give preference to small or underfunded law enforcement agencies."

115

SECTION 2-2.

116 Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to the
 117 inspection of public records, is amended by revising paragraph (4) of subsection (a) of Code
 118 Section 50-18-72, relating to when public disclosure is not required, as follows:

119 "(4) Records of law enforcement, prosecution, or regulatory agencies in any pending
 120 investigation or prosecution of criminal or unlawful activity, other than initial police
 121 arrest reports and initial incident reports; provided, however, that an investigation or
 122 prosecution shall no longer be deemed to be pending when all direct litigation involving
 123 such investigation and prosecution has become final or otherwise terminated; and
 124 provided, further, that this paragraph shall not apply to records in the possession of an
 125 agency that is the subject of the pending investigation or prosecution; and provided,
 126 further, that the release of booking photographs shall only be permissible in accordance
 127 with Code Section 35-1-18; and provided, further, that the release of audio and video
 128 recordings from devices attached to the persons of peace officers as provided in
 129 subsection (b) of Code Section 35-1-23 shall only be permissible in accordance with
 130 Code Section 35-1-23;"

PART III
SECTION 3-1.

133 Article 2 of Chapter 5 of Title 17 of the Official Code of Georgia Annotated, relating to
134 searches with warrants, is amended by revising subsection (a) of Code Section 17-5-21,
135 relating to grounds for issuance of search warrants and scope of search pursuant to a search
136 warrant, and adding a new subsection to read as follows:

137 “(a) Except as provided in subsection (e) of this Code section, upon ~~Upon~~ the written
138 complaint of any certified peace officer of this state or its political subdivisions charged
139 with the duty of enforcing the criminal laws and otherwise as authorized in Code Section
140 17-5-20 under oath or affirmation, which states facts sufficient to show probable cause that
141 a crime is being committed or has been committed and which particularly describes the
142 place or person, or both, to be searched and things to be seized, any judicial officer
143 authorized to hold a court of inquiry to examine into an arrest of an offender against the
144 penal laws, referred to in this Code section as 'judicial officer,' may issue a search warrant
145 for the seizure of the following:

146 (1) Any instruments, articles, or things, including the private papers of any person, which
147 are designed, intended for use, or which have been used in the commission of the offense
148 in connection with which the warrant is issued;

149 (2) Any person who has been kidnapped in violation of the laws of this state, who has
150 been kidnapped in another jurisdiction and is now concealed within this state, or any
151 human fetus or human corpse;

152 (3) Stolen or embezzled property;

153 (4) Any item, substance, object, thing, or matter, the possession of which is unlawful; or

154 (5) Any instruments, articles, or things, any information or data, and anything that is
155 tangible or intangible, corporeal or incorporeal, or visible or invisible evidence of the
156 commission of the crime for which probable cause is shown, other than the private papers
157 of any person.”

158 “(e)(1) As used in this subsection, the term 'no-knock' means a provision in a search
159 warrant that authorizes the executing officer to enter without giving audible verbal notice
160 of the officer's presence, authority, and purpose.

161 (2) No search warrant shall be issued which contains a no-knock provision unless the
162 affidavit or testimony supporting such warrant establishes by probable cause that if an
163 officer were to knock and announce presence, authority, and purpose before entry, such
164 act of knocking and announcing would likely pose a significant and imminent danger to
165 human life or imminent danger of evidence being destroyed.”

166

SECTION 3-2.

167 Said article is further amended by revising Code Section 17-5-27, relating to the use of force
168 in the execution of a search warrant, as follows:

169 "17-5-27.

170 (a) As used in this Code section, the term 'no-knock' shall have the same meaning as set
171 forth in subsection (e) of Code Section 17-5-21.

172 (b) When a search warrant does not contain a no-knock provision, all ~~At~~ necessary and
173 reasonable force may be used to effect an entry into any building or property or part thereof
174 to execute a ~~such~~ search warrant if, after audible verbal notice or an attempt in good faith
175 to give audible verbal notice by the officer directed to execute the same of his or her
176 authority and purpose:

177 (1) The officer ~~He~~ is refused admittance;

178 (2) No individual ~~The person or persons~~ within the building or property or part thereof
179 ~~refuse to acknowledge and answer the~~ acknowledges and answers the audible verbal
180 notice ~~or the presence of the person or persons therein~~;

181 (3) The presence of any individual within the building or property or part thereof is
182 unknown to the officer; or

183 ~~(3)~~(4) The building or property or part thereof is not then occupied by any ~~person~~
184 individual."

185

PART IV

186

SECTION 4-1.

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

190 "35-1-14.

191 (a) ~~Each ~~On and after January 1, 2004,~~ each~~ state, county, and local law enforcement
192 agency that conducts emergency response and vehicular pursuits shall adopt written
193 policies, consistent with this Code section, that set forth the manner in which these
194 operations shall be conducted. Each law enforcement agency may create its own such
195 policies or adopt an existing model, consistent with this Code section. All pursuit policies
196 created or adopted by any law enforcement agency must address situations in which police
197 pursuits cross over into other jurisdictions. Law enforcement agencies which do not
198 comply with the requirements of this Code section are subject to the withholding of ~~any~~
199 state funding or state administered federal funding.

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

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

203 (2) Probable cause exists to believe that the persons being pursued committed, or are
 204 committing, murder as provided for in Article 1 of Chapter 5 of Title 16; aggravated
 205 battery as provided for in Article 2 of Chapter 5 of Title 16; kidnapping, false
 206 imprisonment, or a related offense as provided for in Article 3 of Chapter 5 of Title 16;
 207 rape as provided for in Chapter 6 of Title 16; armed robbery as provided for in Article 2
 208 of Chapter 8 of Title 16; or any other offense that creates an immediate threat of death
 209 or serious bodily injury to another person or a substantial threat to the safety of another
 210 person."

211 **PART V**

212 **SECTION 5-1.**

213 Code Section 35-8-7 of the Official Code of Georgia Annotated, relating to the powers and
 214 duties of the Georgia Peace Officer Standards and Training Council, is amended by revising
 215 paragraph (20) as follows:

216 "(20) To establish as part of the curriculum for basic and in-service training courses for
 217 all peace officers training on organized criminal activity, ~~and~~ criminal street gangs, and
 218 post-traumatic stress disorder;"

219 **PART VI**

220 **SECTION 6-1.**

221 Code Section 15-11-2 of the Official Code of Georgia Annotated, relating to definitions for
 222 the Juvenile Code, is amended by revising division (12)(A)(iii) as follows:

223 "(iii) Aggravated assault upon an individual or situation described in subsection (d),
 224 (h), ~~or~~ (k), or (l) of Code Section 16-5-21 or assault with a deadly weapon or with any
 225 object, device, or instrument which, when used offensively against a person, actually
 226 does result in serious bodily injury, provided that such deadly weapon is not a
 227 firearm; and provided, further, that such injured person is not a public safety officer
 228 as defined in Code Section 16-5-19 and such acts are not prohibited under subsection
 229 (c) of Code Section 16-5-21;"

230

SECTION 6-2.

231 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
 232 amended in Code Section 16-5-20, relating to simple assault, by revising subsection (b) and
 233 by adding a new subsection to read as follows:

234 "(b) Except as provided in subsections (c) through ~~(h)~~ (i) of this Code section, a person
 235 who commits the offense of simple assault shall be guilty of a misdemeanor."

236 "(i) Any person who commits the offense of simple assault against an individual
 237 intentionally selected because of such individual's race, color, religion, gender, disability,
 238 sexual orientation, gender identity or expression, national origin, or ethnicity shall, upon
 239 conviction thereof, be punished as for a misdemeanor of a high and aggravated nature."

240

SECTION 6-3.

241 Said title is further amended in Code Section 16-5-21, relating to aggravated assault, by
 242 revising subsection (b) and by adding a new subsection to read as follows:

243 "(b) Except as provided in subsections (c) through ~~(k)~~ (l) of this Code section, a person
 244 convicted of the offense of aggravated assault shall be punished by imprisonment for not
 245 less than one nor more than 20 years."

246 "(l) Any person who commits the offense of aggravated assault upon an individual
 247 intentionally selected because of such individual's race, color, religion, gender, disability,
 248 sexual orientation, gender identity or expression, national origin, or ethnicity shall, upon
 249 conviction thereof, be punished by imprisonment for not less than five nor more than 20
 250 years."

251

SECTION 6-4.

252 Said title is further amended in Code Section 16-5-23, relating to simple battery, by revising
 253 subsection (b) and by adding a new subsection to read as follows:

254 "(b) Except as otherwise provided in subsections (c) through ~~(i)~~ (j) of this Code section,
 255 a person convicted of the offense of simple battery shall be punished as for a
 256 misdemeanor."

257 "(j) Any person who commits the offense of simple battery against an individual
 258 intentionally selected because of such individual's race, color, religion, gender, disability,
 259 sexual orientation, gender identity or expression, national origin, or ethnicity shall, upon
 260 conviction thereof, be punished as for a misdemeanor of a high and aggravated nature."

261

SECTION 6-5.

262 Said title is further amended in Code Section 16-5-23.1, relating to battery, by revising
 263 subsection (c) and by adding a new subsection to read as follows:

264 "(c) Except as provided in subsections (d) through ~~(k)~~ (l) of this Code section, a person
265 who commits the offense of battery is guilty of a misdemeanor."

266 "(l) Any person who commits the offense of battery against an individual intentionally
267 selected because of such individual's race, color, religion, gender, disability, sexual
268 orientation, gender identity or expression, national origin, or ethnicity shall, upon
269 conviction thereof, be punished as for a misdemeanor of a high and aggravated nature."

270 **SECTION 6-6.**

271 Said title is further amended in Code Section 16-5-24, relating to aggravated battery, by
272 revising subsection (b) and by adding a new subsection to read as follows:

273 "(b) Except as provided in subsections (c) through ~~(g)~~ (h) of this Code section, a person
274 convicted of the offense of aggravated battery shall be punished by imprisonment for not
275 less than one nor more than 20 years."

276 "(h) Any person who commits the offense of aggravated battery upon an individual
277 intentionally selected because of such individual's race, color, religion, gender, disability,
278 sexual orientation, gender identity or expression, national origin, or ethnicity shall, upon
279 conviction thereof, be punished by imprisonment for not less than five nor more than 20
280 years."

281 **SECTION 6-7.**

282 Said title is further amended by revising subsection (b) of Code Section 16-7-22, relating to
283 criminal damage to property in the first degree, as follows:

284 "(b) A person convicted of the offense of criminal damage to property in the first degree
285 shall be punished by imprisonment for not less than one nor more than ten years; provided,
286 however, that, if the property was selected because of the property owner's race, color,
287 religion, gender, disability, sexual orientation, gender identity or expression, national
288 origin, or ethnicity, upon conviction thereof, he or she shall be punished by imprisonment
289 for not less than three nor more than ten years."

290 **SECTION 6-8.**

291 Said title is further amended by revising subsection (b) of Code Section 16-7-23, relating to
292 criminal damage to property in the second degree, as follows:

293 "(b) A person convicted of the offense of criminal damage to property in the second degree
294 shall be punished by imprisonment for not less than one nor more than five years; provided,
295 however, that, if the property was selected because of the property owner's race, color,
296 religion, gender, disability, sexual orientation, gender identity or expression, national

297 origin, or ethnicity, upon conviction thereof, he or she shall be punished by imprisonment
 298 for not less than two nor more than five years."

299 **SECTION 6-9.**

300 Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to
 301 procedure for sentencing and imposition of punishment, is amended by repealing in its
 302 entirety Code Section 17-10-17, relating to sentencing of defendants guilty of crimes
 303 involving bias or prejudice, circumstances, and parole, and designating said Code section as
 304 reserved.

305 **SECTION 6-10.**

306 Said article is further amended by repealing in its entirety Code Section 17-10-18, relating
 307 to notification to seek enhanced penalty, and designating said Code section as reserved.

308 **SECTION 6-11.**

309 Said article is further amended by repealing in its entirety Code Section 17-10-19, relating
 310 to determination of defendant's guilt, object of the offense, and enhancement of sentence, and
 311 designating said Code section as reserved.

312 **PART VII**

313 **SECTION 7-1.**

314 Article 1 of Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to
 315 general provisions relative to identification and regulation of motor vehicles and traffic, is
 316 amended by adding a new Code section to read as follows:

317 "40-1-10.

318 (a) Law enforcement officers shall not use a person's race or ethnicity to form probable
 319 cause or reasonable suspicion to stop a motor vehicle but may use a person's race or
 320 ethnicity to confirm a previously obtained description of a suspect.

321 (b)(1) Each state and local law enforcement agency shall adopt a policy and implement
 322 an annual training program regarding racial profiling that provides and instructs that a
 323 law enforcement officer shall not use a person's race or ethnicity to form probable cause
 324 or reasonable suspicion to stop a motor vehicle but may use a person's race or ethnicity
 325 to confirm a previously obtained description of a suspect.

326 (2) Except in instances where a motor vehicle is stopped in a fixed road block, each time
 327 a state or local law enforcement officer stops a motor vehicle, such officer shall document

328 the following information in a public record, the format of which shall be determined by
 329 the Department of Driver Services:

330 (A) The gender of the driver;
 331 (B) The race or ethnicity of the driver;
 332 (C) The suspected violation that led to the stop;
 333 (D) Whether the motor vehicle, personal effects, driver, or any passenger was
 334 searched;
 335 (E) If there were any passengers, each passenger's gender and race or ethnicity;
 336 (F) Whether a search was conducted pursuant to consent, probable cause, or reasonable
 337 suspicion to suspect a crime, including the approximate duration of the search and the
 338 basis for the request for consent or the circumstances establishing probable cause or
 339 reasonable suspicion;
 340 (G) Whether contraband was found, the type and approximate amount of contraband,
 341 and whether contraband was seized;
 342 (H) Whether any arrest, citation, or oral or written warning was issued as a result of the
 343 stop;
 344 (I) Whether the officer making the stop encountered any physical resistance, whether
 345 the officer engaged in the use of force, and whether injuries resulted;
 346 (J) Whether the circumstances surrounding the stop were the subject of any
 347 investigation and the results of such investigation; and
 348 (K) The location of the stop.

349 (3) If a law enforcement officer stops a motor vehicle and no citation or written warning
 350 is issued to the driver, then the officer shall provide the driver with a card showing the
 351 officer's name, badge number, and name of the officer's law enforcement agency.

352 (4) Law enforcement agencies shall maintain the data required to be collected under
 353 paragraph (2) of this subsection for not less than seven years.

354 (5) As part of its personnel review or evaluation procedures, each law enforcement
 355 agency shall include complaints filed and other information designed to evaluate whether
 356 or not each law enforcement officer employed by such agency is complying with the
 357 provisions of paragraph (2) of this subsection. Any officer found not complying with the
 358 provisions of paragraph (2) of this subsection shall be required to undergo further training
 359 that meets the requirements of paragraph (1) of this subsection.

360 (c) Nothing in this Code section shall be construed to alter the requirements for
 361 determining probable cause or reasonable suspicion under the Constitution of the United
 362 States or the Constitution of the State of Georgia."

363

PART VIII

364

SECTION 8-1.

365 Code Section 15-12-71 of the Official Code of Georgia Annotated, relating to duties of grand
366 jury, is amended by revising subparagraph (b)(5)(E) as follows:

367 "(E) Prior to the introduction of any evidence or the first witness being sworn, the
368 district attorney shall advise the grand jury of the laws applicable to the conduct of such
369 review. In particular, the grand jury shall be advised of Code Sections 16-3-20,
370 16-3-21, ~~16-3-23.1~~, and 17-4-20."

371

SECTION 8-2.

372 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
373 amended by repealing in its entirety Code Section 16-3-23.1, relating to no duty to retreat
374 prior to the use of force in self-defense.

375

SECTION 8-3.

376 Said title is further amended by revising Code Section 16-3-24.2, relating to immunity from
377 prosecution, as follows:

378 "16-3-24.2.

379 A person who uses threats or force in accordance with Code Section 16-3-21, 16-3-23,
380 ~~16-3-23.1~~, or 16-3-24 shall be immune from criminal prosecution therefor unless, in the use
381 of deadly force, such person utilizes a weapon, the carrying or possession of which is
382 unlawful by such person under Part 2 or 3 of Article 4 of Chapter 11 of this title."

383

SECTION 8-4.

384 Said title is further amended by repealing in its entirety Code Section 16-11-138, relating to
385 defense of self or others as absolute defense.

386

SECTION 8-5.

387 Said title is further amended by repealing in its entirety Code Section 16-12-129, relating to
388 defense of self or others an absolute defense to a violation under Part 2 of Article 4 of
389 Chapter 12 of this title.

390

SECTION 8-6.

391 Code Section 17-7-52 of the Official Code of Georgia Annotated, relating to procedure for
392 indictment or special presentment of peace officer for crime in performance of duties,
393 notification, and rights of officer, is amended by revising subsection (c) as follows:

394 "(c) Prior to the introduction of any evidence or the first witness being sworn, the
 395 prosecuting attorney shall advise the grand jury of the laws applicable to the conduct of
 396 such proceedings, all relevant sections of the Code relating to the crime or crimes alleged
 397 in the bill of indictment, and any Code section that excuses or justifies such conduct. In
 398 particular, the grand jury shall be advised of Code Sections 16-3-20, 16-3-21, ~~16-3-23.1,~~
 399 and 17-4-20."

400 **PART IX**

401 **SECTION 9-1.**

402 Article 1 of Chapter 18 of Title 15 of the Official Code of Georgia Annotated, relating to
 403 general provisions for prosecuting attorneys, is amended by revising subsection (a) of Code
 404 Section 15-18-5, relating to appointment of substitute for absent or disqualified district
 405 attorney, as follows:

406 "(a) When a district attorney's office is disqualified from interest or relationship to engage
 407 in a prosecution, the district attorney shall notify the Attorney General of the
 408 disqualification. When the individual being prosecuted is a law enforcement officer whose
 409 official duties are within the same judicial circuit as the district attorney and the law
 410 enforcement officer is alleged to have committed a felony or an act of family violence, as
 411 such term is defined in Code Section 19-13-1, the district attorney shall notify the Attorney
 412 General of such prosecution. Upon receipt of such notification pursuant to this subsection,
 413 the Attorney General shall:

- 414 (1) Request the services of and thereafter appoint a district attorney, a solicitor-general,
 415 or a retired prosecuting attorney as provided in Code Section 15-18-30;
 416 (2) Designate an attorney from the Department of Law; or
 417 (3) Appoint a competent attorney to act as district attorney pro tempore in place of the
 418 district attorney."

419 **PART X**

420 **SECTION 10-1.**

421 Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled
 422 substances, is amended by revising subsection (b) of Code Section 16-13-2, relating to
 423 conditional discharge for possession of controlled substances as first offense and certain
 424 nonviolent property crimes, as follows:

425 "(b) ~~Notwithstanding any law to the contrary, any person who is charged with possession~~
 426 ~~of marijuana, which possession is of one ounce or less, It shall be unlawful for any person~~

427 to possess or have under his or her control two ounces or less of marijuana. Any person
 428 who violates this subsection shall be guilty of a misdemeanor, and upon conviction thereof,
 429 shall be punished as follows:

430 (1) If the aggregate weight is one-half ounce or less, he or she shall be punished by a fine
 431 not to exceed \$300.00; and

432 (2) If the aggregate weight is at least one-half ounce but not more than two ounces, he
 433 or she shall be punished by imprisonment for a period not to exceed 12 months or a fine
 434 not to exceed \$1,000.00, or both, or ~~public works~~ community service not to exceed 12
 435 months."

436 **SECTION 10-2.**

437 Said chapter is further amended by revising subsection (j) of Code Section 16-13-30, relating
 438 to purchase, possession, manufacture, distribution, or sale of controlled substances or
 439 marijuana and penalties, as follows:

440 "(j)(1) It shall be unlawful for any person to possess, have under his or her control,
 441 manufacture, deliver, distribute, dispense, administer, purchase, sell, or possess ~~with~~
 442 ~~intent to distribute~~ more than two ounces of marijuana or to possess with the intent to
 443 distribute any amount of marijuana.

444 (2) Except as otherwise provided in subsection (c) of Code Section 16-13-31 or in Code
 445 Section 16-13-2, any person who violates this subsection shall be guilty of a felony and,
 446 upon conviction thereof, shall be punished by imprisonment for not less than one year nor
 447 more than ten years."

448 **PART XI**

449 **SECTION 11-1.**

450 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising
 451 subsection (b) of Code Section 15-7-4, relating to state court jurisdiction, as follows:

452 "(b) Each state court shall have jurisdiction, within the territorial limits of the county or
 453 counties for which it was created and concurrent with other courts having such jurisdiction,
 454 over possession of ~~one ounce or less of~~ marijuana, in accordance with Code ~~Sections~~
 455 Section 16-13-2 and 16-13-30."

456 **SECTION 11-2.**

457 Said title is further amended by revising paragraph (1) of subsection (a) of Code Section
 458 15-9-30.6, relating to probate court jurisdiction over certain drug and alcohol offenses, as
 459 follows:

460 "(1) Possession of ~~one ounce or less~~ of marijuana, in accordance with Code Sections
461 Section 16-13-2 and 16-13-30; and"

462 **SECTION 11-3.**

463 Said title is further amended by revising subsection (a) and paragraph (1) of subsection (c)
464 of Code Section 15-10-260, relating to magistrate court jurisdiction, as follows:

465 "(a) This article governs trials of misdemeanor violations of Code Sections ~~16-13-30~~,
466 16-13-2, 16-8-14, 16-8-14.1, 3-3-23, and 16-7-21."

467 "(1) For possession of ~~less than one ounce~~ of marijuana, as provided in subsection (b) of
468 Code Section 16-13-2;"

469 **SECTION 11-4.**

470 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
471 amended by revising paragraph (4) of subsection (b) of Code Section 16-11-106, relating to
472 possession of a firearm or knife during the commission or attempt to commit certain crimes,
473 as follows:

474 "(4) Any crime involving the possession, manufacture, delivery, distribution, dispensing,
475 administering, selling, or possession with intent to distribute any controlled substance or
476 marijuana as provided in Code ~~Section~~ Sections 16-13-2 and 16-13-30, any counterfeit
477 substance as defined in Code Section 16-13-21, or any noncontrolled substance as
478 provided in Code Section 16-13-30.1; or"

479 **SECTION 11-5.**

480 Said title is further amended by revising subparagraph (a)(2)(B) of Code Section 16-13-5,
481 relating to immunity from arrest or prosecution for persons seeking medical assistance for
482 a drug overdose, as follows:

483 "(B) A violation of ~~paragraph (1)~~ of subsection (j) ~~(b)~~ of Code Section ~~16-13-30~~
484 16-13-2 for possession of ~~less than one ounce~~ of marijuana; or"

485 **SECTION 11-6.**

486 Chapter 7 of Title 17 of the Official Code of Georgia Annotated, relating to pretrial
487 proceedings, is amended by revising Code Section 17-7-72, relating to jurisdiction of probate
488 courts to try certain drug and alcohol offenses, as follows:

489 "17-7-72.

490 In probate courts which have jurisdiction over misdemeanor possession of marijuana in
491 accordance with Code ~~Sections~~ Section 16-13-2 and 16-13-30 and certain misdemeanor

492 violations of Code Section 3-3-23 pursuant to Code Section 15-9-30.6, the following
 493 offenses may be tried upon a summons or citation without an accusation:

494 (1) Possession of ~~one ounce or less~~ of marijuana, in accordance with Code Sections
 495 Section 16-13-2 and 16-13-30; and

496 (2) Any violation of paragraph (2) of subsection (a) of Code Section 3-3-23 which is
 497 punishable as a misdemeanor, but not violations punishable as high and aggravated
 498 misdemeanors."

499 **SECTION 11-7.**

500 Code Section 36-32-6 of the Official Code of Georgia Annotated, relating to municipal court
 501 jurisdiction in marijuana possession cases, is amended by revising subsections (a) and (c) as
 502 follows:

503 "(a) The municipal court of any municipality is granted jurisdiction to try and dispose of
 504 cases where a person is charged with the misdemeanor possession of ~~one ounce or less~~ of
 505 marijuana if the offense occurred within the corporate limits of such municipality. The
 506 jurisdiction of any such court shall be concurrent with the jurisdiction of any other courts
 507 within the county having jurisdiction to try and dispose of such cases."

508 "(c) Any defendant charged with possession of ~~an ounce or less~~ of marijuana in a
 509 municipal court shall be entitled on request to have the case against him or her transferred
 510 to the court having general misdemeanor jurisdiction in the county wherein the alleged
 511 offense occurred."

512 **PART XII**

513 **SECTION 12-1.**

514 Article 6 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
 515 registration of voters, is amended by revising subsection (b) of Code Section 21-2-216,
 516 relating to qualifications of electors generally, reregistration of electors purged from list,
 517 eligibility of nonresidents who vote in presidential elections, retention of qualification for
 518 standing as elector, evidence of citizenship, and check of convicted felons and deceased
 519 persons databases, as follows:

520 "(b)(1) As used in this subsection, the term 'felony involving moral turpitude' means the
 521 following felony offenses or any offense under federal law or the laws of another state
 522 or territory of the United States which consists of the same or similar elements of the
 523 following offenses:

524 (A) Murder in violation of Code Section 16-5-1;

525 (B) Voluntary manslaughter in violation of Code Section 16-5-2;

- 526 (C) Aggravated assault in violation of Code Section 16-5-21;
527 (D) Battery in violation of subsection (e), (i), or (k) of Code Section 16-5-23.1;
528 (E) Aggravated battery in violation of Code Section 16-5-24;
529 (F) Female genital mutilation in violation of Code Section 16-5-27;
530 (G) Kidnapping in violation of Code Section 16-5-40;
531 (H) False imprisonment in violation of Code Section 16-5-41 or 16-5-42;
532 (I) Malicious confinement of a sane person in an asylum in violation of Code
533 Section 16-5-43;
534 (J) Hijacking an aircraft in violation of Code Section 16-5-44;
535 (K) Hijacking a motor vehicle in violation of Code Section 16-5-44.1;
536 (L) Trafficking a person for labor or sexual servitude in violation of Code
537 Section 16-5-46;
538 (M) Cruelty to children in violation of Code Section 16-5-70;
539 (N) Feticide in violation of Code Section 16-5-80;
540 (O) Aggravated stalking in violation of Code Section 16-5-91;
541 (P) Neglect to a disabled adult, elder person, or resident in violation of Code
542 Section 16-5-101;
543 (Q) Exploitation and intimidation of disabled adults, elder persons, and residents, or
544 obstructing certain investigations, in violation of Code Section 16-5-102;
545 (R) Trafficking a disabled adult, elder person, or resident in violation of Code
546 Section 16-5-102.1;
547 (S) Rape in violation of Code Section 16-6-1;
548 (T) Aggravated sodomy in violation of Code Section 16-6-2;
549 (U) Child molestation and aggravated child molestation in violation of Code
550 Section 16-6-4;
551 (V) Enticing a child for indecent purposes in violation of Code Section 16-6-5;
552 (W) Keeping a place of prostitution in violation of Code Section 16-6-10;
553 (X) Pimping in violation of Code Section 16-6-11;
554 (Y) Sexual battery in violation of subsection (d) or (e) of Code Section 16-6-22.1;
555 (Z) Burglary in violation of Code Section 16-7-1;
556 (AA) Smash and grab burglary in violation of Code Section 16-7-2;
557 (BB) Home invasion in violation of Code Section 16-7-5;
558 (CC) Vandalism to a place of worship in violation of Code Section 16-7-26;
559 (DD) Theft by taking in violation of Code Section 16-8-2;
560 (EE) Theft by extortion in violation of Code Section 16-8-16;
561 (FF) Entering an automobile or other motor vehicle with the intent to commit a theft
562 or felony in violation of Code Section 16-8-18;

- 563 (GG) Robbery in violation of Code Section 16-8-40;
564 (HH) Armed robbery in violation of Code Section 16-8-41;
565 (II) Residential mortgage fraud in violation of Code Section 16-8-102;
566 (JJ) Forgery in violation Code Section 16-9-1;
567 (KK) Unauthorized use of financial transaction card or misuse of government issued
568 card in violation of Code Section 16-9-37;
569 (LL) Foreclosure fraud in violation of Code Section 16-9-60;
570 (MM) Use of spyware, browsers, hijacks, and other software prohibited in violation of
571 Code Section 16-9-152;
572 (NN) Email virus distribution, denial of service attacks, and other prohibited conduct
573 in violation of Code Section 16-9-153;
574 (OO) Inducement to install, copy, or execute software through misrepresentation in
575 violation of Code Section 16-9-154;
576 (PP) Violation of oath by public officer in violation of Code Section 16-10-1;
577 (QQ) Bribery in violation of Code Section 16-10-2;
578 (RR) Influencing of legislative action by state and local government officers and
579 employees in violation of Code Section 16-10-4;
580 (SS) False official certificate or writings by officers or employees of state and political
581 subdivisions in violation of Code Section 16-10-8;
582 (TT) Hindering the apprehension or punishment of a criminal in violation of Code
583 Section 16-10-50;
584 (UU) Escape in violation of Code Section 16-10-52;
585 (VV) Aiding or permitting another to escape lawful custody or confinement in
586 violation of Code Section 16-10-53;
587 (WW) Assailing, opposing, or resisting an officer of the law in a penal institution in
588 violation of Code Section 16-10-54;
589 (XX) Persuading, enticing, instigating, aiding, or abetting a person in a penal
590 institution to commit mutiny in violation of Code Section 16-10-55;
591 (YY) Unlawful acts of violence in a penal institution in violation of Code
592 Section 16-10-56;
593 (ZZ) Perjury in violation of Code Section 16-10-70;
594 (AAA) False swearing in violation of Code Section 16-10-71;
595 (BBB) Subornation of perjury or false swearing in violation of Code Section 16-10-72;
596 (CCC) Acceptance of benefit, reward, or consideration by witness for changing
597 testimony or being absent from trial, hearing, or other proceeding in violation of Code
598 Section 16-10-92;
599 (DDD) Influencing a witness in violation of Code Section 16-10-93;

600 (EEE) Intimidation or injury of any officer in or of any court in violation of Code
 601 Section 16-10-97;
 602 (FFF) Treason in violation of Code Section 16-11-1;
 603 (GGG) Insurrection in violation of Code Section 16-11-2;
 604 (HHH) Inciting to insurrection in violation of Code Section 16-11-3;
 605 (III) Peeping Toms in violation of Code Section 16-11-61;
 606 (JJJ) Use or installation of a device to film underneath or through an individual's
 607 clothing in violation of Code Section 16-11-91;
 608 (KKK) Possession of a firearm or knife during commission of or attempt to commit
 609 certain crimes in violation of Code Section 16-11-106;
 610 (LLL) Transporting or moving an illegal alien in violation of Code Section 16-11-200;
 611 (MMM) Concealing, harboring, or shielding an illegal alien in violation of Code
 612 Section 16-11-201;
 613 (NNN) Inducing, enticing, or assisting an illegal alien to enter the state in violation of
 614 Code Section 16-11-202;
 615 (OOO) Domestic terrorism in violation of Code Section 16-11-221;
 616 (PPP) Contributing to the delinquency or dependency of a minor in violation of Code
 617 Section 16-12-1;
 618 (QQQ) Dogfighting in violation of Code Section 16-12-37;
 619 (RRR) Sexual exploitation of children in violation of Code Section 16-12-100;
 620 (SSS) Obscene telephone contact in violation of Code Section 16-12-100.3;
 621 (TTT) Bus or rail vehicle hijacking or boarding with a concealed weapon in violation
 622 of Code Section 16-12-123;
 623 (UUU) Buying or selling, or offering to buy or sell the human body or parts in
 624 violation of Code Section 16-12-160; and
 625 (VVV) Trafficking in cocaine, marijuana, methamphetamine, or other illegal drugs in
 626 violation of Code Section 16-13-31.
 627 (2) In addition to the qualifications in subsection (a) of this Code section, no person who
 628 has been convicted of a felony involving moral turpitude may register to, remain
 629 registered to, or vote except upon completion of the sentence and no person who has been
 630 judicially determined to be mentally incompetent may register to, remain registered to,
 631 or vote unless the disability has been removed."

632 **PART XIII**

633 **SECTION 13-1.**

634 Article 2 of Chapter 4 of Title 17 of the Official Code of Georgia Annotated, relating to
 635 arrest by law enforcement officers generally, is amended by revising Code Section 17-4-20,
 636 relating to authorization of arrests with and without warrants generally, use of deadly force,
 637 adoption or promulgation of conflicting regulations, policies, ordinances, and resolutions,
 638 and authority of nuclear power facility security officer, as follows:

639 "17-4-20.

640 (a) An arrest for a crime may be made by a law enforcement officer:

641 (1) Under a warrant; or

642 (2) Without a warrant if:

643 (A) The offense is committed in such officer's presence or within such officer's
 644 immediate knowledge;

645 (B) The offender is endeavoring to escape;

646 (C) The officer has probable cause to believe that an act of family violence, as defined
 647 in Code Section 19-13-1, has been committed;

648 (D) The officer has probable cause to believe that the offender has violated a criminal
 649 family violence order, as defined in Code Section 16-5-95; provided, however, that
 650 such officer shall not have any prior or current familial relationship with the alleged
 651 victim or the offender;

652 (E) The officer has probable cause to believe that an offense involving physical abuse
 653 has been committed against a vulnerable adult, who shall be for the purposes of this
 654 subsection a person 18 years ~~old~~ of age or older who is unable to protect himself or
 655 herself from physical or mental abuse because of a physical or mental impairment; or

656 (F) For other cause there is likely to be failure of justice for want of a judicial officer
 657 to issue a warrant.

658 (b) Sheriffs and peace officers who are appointed or employed in conformity with
 659 Chapter 8 of Title 35 may use deadly force to apprehend a suspected felon only when the
 660 officer reasonably believes that the suspect possesses a deadly weapon or any object,
 661 device, or instrument which, when used offensively against a person, is likely to or actually
 662 does result in serious bodily injury; when the officer reasonably believes that the suspect
 663 poses an immediate threat of physical violence to the officer or others; or when there is
 664 probable cause to believe that the suspect has committed a crime involving the infliction
 665 or threatened infliction of serious physical harm. Nothing in this Code section shall be
 666 construed so as to restrict such sheriffs or peace officers from the use of such reasonable

667 nondeadly force as may be necessary to apprehend and arrest a suspected felon or
668 misdemeanor.

669 (c) Nothing in this Code section shall be construed so as to restrict the use of deadly force
670 by employees of state and county correctional institutions, jails, and other places of lawful
671 confinement or by peace officers of any agency in the State of Georgia when reasonably
672 necessary to prevent escapes or apprehend escapees from such institutions.

673 (d) In response to a protest or demonstration or for any other purpose, no sheriff or peace
674 officer who is appointed or employed in conformity with Chapter 8 of Title 35 shall
675 discharge kinetic impact projectiles in any manner upon any person. ~~No law enforcement~~
676 ~~agency of this state or of any political subdivision of this state shall adopt or promulgate~~
677 ~~any rule, regulation, or policy which prohibits a peace officer from using that degree of~~
678 ~~force to apprehend a suspected felon which is allowed by the statutory and case law of this~~
679 ~~state.~~

680 (e) Each sheriff and peace officer who is appointed or employed in conformity with
681 Chapter 8 of Title 35 shall have a duty to intervene and to attempt to stop any use of force
682 by any other sheriff or peace officer that he or she believes or should believe, under the
683 totality of the circumstances, that another reasonable sheriff or peace officer would
684 objectively conclude is excessive.

685 (f) No sheriff or peace officer who is appointed or employed in conformity with Chapter 8
686 of Title 35 shall, in the use of force, use any maneuver against a person that restricts blood
687 or oxygen flow to the brain of such person, including, but not limited to, choke holds,
688 strangleholds, neck restraints, neck holds, or carotid artery restraints.

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

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

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

698 (2) Search any person on the premises of the nuclear power facility or the properties
699 adjacent to the facility if the facility is under imminent threat or danger, pursuant to a
700 written agreement entered into with the local law enforcement agency having jurisdiction
701 over the facility, for the purpose of determining if such person possesses unauthorized
702 weapons, explosives, or other similarly prohibited material; provided, however, that if
703 such person objects to any search, he or she shall be detained as provided in paragraph (3)

704 of this subsection or shall be required to immediately vacate the premises. Any person
 705 refusing to submit to a search and refusing to vacate the premises of a facility upon the
 706 request of a security officer as provided for in this Code section shall be guilty of a
 707 misdemeanor; and

708 (3) In accordance with a nuclear security plan approved by the United States Nuclear
 709 Regulatory Commission or other federal agency authorized to regulate nuclear facility
 710 security, detain any person located on the premises of a nuclear power facility or on the
 711 properties adjacent thereto if the facility is under imminent threat or danger pursuant to
 712 a written agreement entered into with the local law enforcement agency having
 713 jurisdiction over the facility, where there is reasonable suspicion to believe that such
 714 person poses a threat to the security of the nuclear power facility, regardless of whether
 715 such prohibited act occurred in the officer's presence. In the event of such detention, the
 716 law enforcement agency having jurisdiction over the facility shall be immediately
 717 contacted. The detention shall not exceed the amount of time reasonably necessary to
 718 allow for law enforcement officers to arrive at the facility."

719 PART XIV

720 SECTION 14-1.

721 Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general
 722 provisions regarding law enforcement officers and agencies, is amended by adding a new
 723 Code section to read as follows:

724 "35-1-24.

725 (a) As used in this Code section, the term 'law enforcement agency' means any agency,
 726 organ, or department of a political subdivision or municipality of this state whose primary
 727 functions include the enforcement of criminal or traffic laws; the preservation of public
 728 order; the protection of life and property; or the prevention, detection, or investigation of
 729 crime, including, but not limited to, any department or unit organized by a college or
 730 university for purposes of Chapter 8 of Title 20.

731 (b) No law enforcement agency shall accept possession of any of the following items from
 732 the United States Department of Defense:

733 (1) Controlled firearms, ammunition, grenades, or explosives, including, but not limited
 734 to, stun grenades and flash-bang grenades;

735 (2) Controlled vehicles, highly mobile multiwheeled vehicles, mine-resistant ambush
 736 protected vehicles, trucks, truck sump, truck utility, or truck carryall;

737 (3) Unmanned aircraft that are armored or weaponized;

738 (4) Controlled aircraft that are combat configured or combat coded or have no
 739 established commercial flight application;
 740 (5) Silencers; or
 741 (6) Long-range acoustic devices.
 742 (c) Law enforcement agencies which do not comply with the requirements of this Code
 743 section shall be subject to the withholding of state funding or state administered federal
 744 funding."

745 **PART XV**

746 **SECTION 15-1.**

747 Article 2 of Chapter 21 of Title 50 of the Official Code of Georgia Annotated, relating to
 748 state tort claims, is amended by revising paragraph (7) of Code Section 50-21-24, relating
 749 to exceptions to state liability, as follows:

750 ~~"(7) Assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of~~
 751 ~~process, libel, slander, or interference with contractual rights~~ Reserved;"

752 **SECTION 15-2.**

753 Said article is further amended by revising subsection (a) of Code Section 50-21-25, relating
 754 to immunity of state officers or employees for acts within scope of official duties or
 755 employment, officer or employee not named in action against state, and settlement or
 756 judgment, as follows:

757 "(a) This article constitutes the exclusive remedy for any tort committed by a state officer
 758 or employee. A state officer or employee who commits a tort while acting within the scope
 759 of his or her official duties or employment is not subject to lawsuit or liability therefor;
 760 provided, however, that a law enforcement officer who is alleged to have committed
 761 misconduct or a violation of law while acting within the scope of his or her official duties
 762 or employment shall be subject to lawsuit or liability. However, nothing in this article shall
 763 be construed to give a state officer or employee immunity from suit and liability if it is
 764 proved that the officer's or employee's conduct was not within the scope of his or her
 765 official duties or employment."

766 **SECTION 15-3.**

767 Said article is further amended by adding a new Code section to read as follows:

768 "50-21-25.1.

769 (a) As used in this Code section, the term 'law enforcement officer' means any agent or
 770 officer of this state, a political subdivision or municipality of this state, an authority of this

771 state, or a college or university who, as a full-time or part-time employee, is vested either
 772 expressly by law or by virtue of public employment or service with authority to enforce the
 773 criminal or traffic laws through the power of arrest and whose duties include the
 774 preservation of public order, the protection of life and property, or the prevention,
 775 detection, or investigation of crime.

776 (b) A law enforcement officer who, under color of law, subjects or causes to be subjected,
 777 including, but not limited to, by failing to intervene, any other person to the deprivation of
 778 any individual rights secured by the Constitution of this state or the Constitution of the
 779 United States shall be liable to the injured party for legal or equitable relief or any other
 780 appropriate relief.

781 (c) No statutory immunities or immunities at law, including, but not limited to, qualified
 782 immunity, shall be a defense to liability pursuant to this Code section.

783 (d) To the extent necessary for any actions to proceed under this Code section, the defense
 784 of sovereign immunity is waived as to any claim, counterclaim, cross-claim, or third-party
 785 claim brought in the courts of this state by an aggrieved person seeking legal or equitable
 786 relief or any other appropriate relief, including, but not limited to, reasonable attorney fees,
 787 pursuant to this Code section."

788

PART XVI

789

SECTION 16-1.

790 Article 4 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to
 791 perjury and related offenses, is amended by revising Code Section 16-10-70, relating to
 792 perjury, as follows:

793 "16-10-70.

794 (a) A person to whom a lawful oath or affirmation has been administered commits the
 795 offense of perjury when, in a judicial proceeding, he or she knowingly and willfully makes
 796 a false statement material to the issue or point in question.

797 (b) A peace officer commits the offense of perjury when, in any report filed with his or her
 798 employing law enforcement agency or college or university regarding the commission of
 799 any crime or the investigation of any crime, he or she knowingly and intentionally makes
 800 any statement regarding any material matter in the report which the officer knows to be
 801 false, whether or not the statement is certified or otherwise expressly reported as true.

802 ~~(b)~~(c) A person convicted of the offense of perjury shall be punished by a fine of not more
 803 than \$1,000.00 or by imprisonment for not less than one nor more than ten years, or both.

804 A person convicted of the offense of perjury that was a cause of another's being imprisoned
 805 shall be sentenced to a term not to exceed the sentence provided for the crime for which

806 the other person was convicted. A person convicted of the offense of perjury that was a
807 cause of another's being punished by death shall be punished by life imprisonment."

808 **PART XVII**
809 **SECTION 17-1.**

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

812 "CHAPTER 11

813 35-11-1.

814 (a) There is created the Georgia Law Enforcement Citizen Review Council for the purpose
815 of investigating any instance where an officer is fired for cause or where there has been an
816 officer involved shooting and investigating citizen complaints regarding inappropriate use
817 of force by law enforcement.

818 (b) As used in this chapter, the term 'council' means the Georgia Law Enforcement Citizen
819 Review Council.

820 35-11-2.

821 (a) The council shall have a board of nine members which shall be composed of the
822 commissioner of public safety, one member to be appointed by the Governor based upon
823 recommendations from the Georgia Municipal Association, one member to be appointed
824 by the Governor based upon recommendations from the Association County
825 Commissioners of Georgia, and one member each to be selected by:

826 (1) The majority leader of the House of Representatives;

827 (2) The minority leader of the House of Representatives;

828 (3) The majority leader of the Senate;

829 (4) The minority leader of the Senate;

830 (5) The Chief Justice of the Supreme Court; and

831 (6) The Chief Judge of the Court of Appeals.

832 (b) Each member of the council shall serve for a term of four years or until his or her
833 successor is duly appointed, except that appointees who are also members of the General
834 Assembly shall serve until completion of their current terms of office as members of the
835 General Assembly. A member may be appointed to succeed himself or herself on the
836 council. If a member of the council is an elected or appointed official, the member shall

837 be removed from the council if the member no longer serves as such elected or appointed
 838 official.

839 (c) The Governor shall designate the chairperson of the council. The council may elect
 840 other officers as it deems necessary. The chairperson of the council may designate and
 841 appoint committees from among the membership of the council, as well as appoint other
 842 persons to perform such functions as he or she may determine to be necessary as relevant
 843 to and consistent with this chapter. The chairperson shall vote only to break a tie.

844 (d) The council shall be attached for administrative support only to the Criminal Justice
 845 Coordinating Council. The Criminal Justice Coordinating Council shall provide staff
 846 support for the council and shall use any funds specifically appropriated to the council for
 847 its work.

848 35-11-3.

849 (a) The council may conduct meetings at such places and times as it deems necessary or
 850 convenient to enable it to exercise fully and effectively its powers, perform its duties, and
 851 accomplish the objectives and purposes of this chapter. The council shall hold meetings
 852 at the call of the chairperson. The council shall meet not less than twice every year.

853 (b) A quorum for transacting business shall be a majority of the members of the council.

854 (c) Any legislative members of the council shall receive the allowances provided for in
 855 Code Section 28-1-8. Citizen members shall receive a daily expense allowance in the
 856 amount specified in subsection (b) of Code Section 45-7-21 as well as the mileage or
 857 transportation allowance authorized for state employees. Members of the council who are
 858 state officials, other than legislative members, or state employees shall receive no
 859 compensation for their services on the council, but they shall be reimbursed for expenses
 860 incurred by them in the performance of their duties as members of the council in the same
 861 manner as they are reimbursed for expenses in their capacities as state officials or state
 862 employees. The funds necessary for the reimbursement of the expenses of state officials,
 863 other than legislative members, and state employees shall come from funds appropriated
 864 to or otherwise available to their respective departments. All other funds necessary to carry
 865 out the provisions of this chapter shall come from funds appropriated to the Senate and the
 866 House of Representatives.

867 35-11-4.

868 (a) The council shall have the following duties:

869 (1) To periodically, and at least every two years, review the conditions, needs, issues,
 870 and problems related to the use of excessive force by law enforcement officers; issue a
 871 report on the same to the executive counsel of the Governor, the Office of Planning and

872 Budget, and the chairpersons of the House Committee on Appropriations, the Senate
873 Appropriations Committee, the House Committee on Judiciary, and the Senate Judiciary
874 Committee; and recommend any action or proposed legislation which the council deems
875 necessary or appropriate. Nothing contained in the council's report shall be considered
876 to authorize or require a change in any law without action by the General Assembly;
877 (2) To evaluate and consider the best practices, experiences, and results of legislation in
878 other states with regard to persons who have reported the use of excessive force by law
879 enforcement; and
880 (3) To identify and recommend whether and when any state law should be modified to
881 conform, whenever desirable, to federal legislation.

882 (b) The council shall have the power to:

883 (1) Evaluate how the laws and programs regarding the use of excessive force in law
884 enforcement in this state are working;
885 (2) Request and receive data from and review the records of appropriate state agencies
886 and courts to the greatest extent allowed by state and federal law;
887 (3) Accept public or private grants, devises, and bequests;
888 (4) Enter into contracts or agreements through the council's chairperson as are necessary
889 or incidental to the performance of its duties;
890 (5) Establish rules and procedures for conducting the business of the council; and
891 (6) Conduct studies, hold public meetings, collect data, or take any other action the
892 council deems necessary to fulfill its responsibilities.

893 (c)(1) For the purpose of conducting any examination or investigation as provided in this
894 Code section, the council shall have the power to administer oaths, to call any party to
895 testify under oath in the course of such examination or investigation, to require the
896 attendance of witnesses, to require the production of books, accounts, records,
897 documents, and papers, and to take the depositions of witnesses; and for such purposes
898 the council is authorized to issue a subpoena for any witness or for the production of
899 documentary evidence. Such subpoenas may be served by certified mail or statutory
900 overnight delivery, return receipt requested, to the addressee's business mailing address
901 or by examiners appointed by the council or shall be directed for service to the sheriff of
902 the county where such witness resides or is found or where the person in custody of any
903 books, accounts, records, documents, or papers resides or is found.

904 (2) In case of refusal to obey a subpoena issued under this chapter to any person, a
905 superior court of appropriate jurisdiction, upon application by the council, may issue to
906 the person an order requiring him or her to appear before the court to show cause why he
907 or she should not be held in contempt for refusal to obey the subpoena. Failure to obey
908 a subpoena may be punished as contempt by the court.

909 (d) The council shall be authorized to retain the services of attorneys, consultants, subject
910 matter experts, economists, budget analysts, data analysts, statisticians, and other
911 individuals or organizations as determined appropriate by the council."

912

PART XVIII

913

SECTION 18-1.

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