

House Bill 1046

By: Representatives Scott of the 76th, Davis of the 87th, Schofield of the 60th, Hutchinson of the 107th, and Mitchell of the 106th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 8 of Title 35 of the Official Code of Georgia Annotated, relating to
2 employment and training of peace officers, so as to provide for implicit bias training for law
3 enforcement officers; to update related cross-references; to provide for related matters; to
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 8 of Title 35 of the Official Code of Georgia Annotated, relating to employment and
8 training of peace officers, is amended by revising subsection (a) of Code Section 35-8-8,
9 relating to requirements for appointment or certification of persons as peace officers and
10 preemployment attendance at basic training course and "employment related information"
11 defined, as follows:

12 "(a) Any person employed or certified as a peace officer shall:

- 13 (1) Be at least 18 years of age;
- 14 (2) Be a citizen of the United States;
- 15 (3) Have a high school diploma or its recognized equivalent;

16 (4) Not have been convicted by any state or by the federal government of any crime the
17 punishment for which could have been imprisonment in the federal or state prison or
18 institution nor have been convicted of sufficient misdemeanors to establish a pattern of
19 disregard for the law, provided that, for the purposes of this paragraph, violations of
20 traffic laws and other offenses involving the operation of motor vehicles when the
21 applicant has received a pardon shall not be considered;

22 (5) Be fingerprinted for the purpose of conducting a fingerprint based search at the
23 Georgia Bureau of Investigation and the Federal Bureau of Investigation to determine the
24 existence of any criminal record;

25 (6) Possess good moral character as determined by investigation under procedure
26 established by the council and fully cooperate during the course of such investigation;

27 (7) Successfully complete training on implicit biases regarding race, gender, age,
28 disability, religion, and sexual orientation;

29 (8) Be found, after examination by a licensed physician or surgeon, to be free from any
30 physical, emotional, or mental conditions which might adversely affect his or her exercise
31 of the powers or duties of a peace officer; and

32 ~~(8)~~(9) Successfully complete a job related academy entrance examination provided for
33 and administered by the council in conformity with state and federal law. Such
34 examination shall be administered prior to entrance to the basic course provided for in
35 Code Sections 35-8-9 and 35-8-11. The council may change or modify such examination
36 and shall establish the criteria for determining satisfactory performance on such
37 examination. The provisions of this paragraph establish only the minimum requirements
38 of academy entrance examinations for peace officer candidates in this state; each law
39 enforcement unit is encouraged to provide such additional requirements and any
40 preemployment examination as it deems necessary and appropriate. Any person with a
41 degree from a postsecondary institution accredited by a regional accrediting agency

42 recognized by the United States Department of Education shall be deemed to have met
43 the requirements of this paragraph."

44 **SECTION 2.**

45 Said chapter is further amended by revising subsections (b) and (i) of Code Section 35-8-10,
46 relating to applicability and effect of certification requirements generally and requirements
47 as to exempt persons, as follows:

48 "(b) Peace officers commencing any employment or service on any terms with the
49 Department of Public Safety, counties, municipalities, the Georgia Bureau of Investigation,
50 the Department of Natural Resources, the Department of Revenue, Alcohol and Tobacco
51 Tax Unit, the Secretary of State's investigative section, the Office of the Commissioner of
52 Insurance and Safety Fire Commissioner, or a railroad after July 1, 1975, are required to
53 comply with the certification provisions of this chapter. Peace officers commencing such
54 employment or service prior to July 1, 1975, and whose employment continues on July 1,
55 1975, are exempt and excused from compliance with the certification provisions of this
56 chapter except as provided in this Code section so long as the registration provided for in
57 subsections (d) and (e) of this Code section remains in effect. Any peace officer otherwise
58 exempt from the certification provisions of this chapter must meet the qualifications and
59 requirements specified in paragraphs (2), (4), (5), and ~~(8)~~ (9) of subsection (a) of Code
60 Section 35-8-8."

61 "(i) A retired peace officer may be voluntarily registered by the council as an exempt peace
62 officer without meeting the qualifications and requirements specified in paragraphs (2), (4),
63 (5), and ~~(8)~~ (9) of subsection (a) of Code Section 35-8-8. Such registration of a retired
64 peace officer shall not terminate, as provided for in subsection (e) of this Code section.
65 Nothing in this subsection shall be deemed to grant an exemption to persons required to be
66 certified or registered by this chapter."

67

SECTION 3.

68 Said chapter is further amended by revising subsection (c) of Code Section 35-8-24, relating
69 to training requirements for jail officers and juvenile correctional officers, as follows:

70 "(c) Applicants and persons certified under this Code section shall be subject to the powers
71 and authority of the Georgia Peace Officer Standards and Training Council applicable to
72 peace officers as defined in this chapter and shall be required to fulfill all requirements of
73 a peace officer, except the requirements of paragraph ~~(8)~~ (9) of subsection (a) of Code
74 Section 35-8-8 and peace officer training requirements applicable to peace officers only."

75

SECTION 4.

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