

House Bill 107

By: Representatives Scott of the 76th, Davis of the 87th, and Schofield of the 63rd

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 35 of the Official Code of Georgia Annotated, relating to law enforcement
2 officers and agencies, so as to require that certain procedures be followed by peace officers
3 upon and after making contact with individuals for law enforcement purposes; to provide for
4 definitions; to require all law enforcement agencies provide a body-worn camera to each
5 peace officer of the law enforcement agency; to provide requirements for the activation of
6 body-worn cameras by peace officers; to provide for exceptions; to provide for presumptive
7 inadmissibility; to provide for criminal and civil penalties; to provide for public release of
8 certain video and audio recordings captured by body-worn cameras; to provide for the
9 protection of individual privacy interest; to provide for data collection and annual public
10 reporting by the Attorney General regarding use of force, contact, and unannounced entry
11 by peace officers; to provide for the withholding of funding; to provide for civil enforcement
12 by the Attorney General for patterns or practices that deprive persons of rights, privileges,
13 or immunities secured or protected by law; to provide standards for response of peace
14 officers to protests or demonstrations; to amend Article 2 of Chapter 21 of Title 50 of the
15 Official Code of Georgia Annotated, relating to state tort claims, so as to remove certain
16 immunities from the actions of certain law enforcement officers; to provide for a definition;
17 to provide that a law enforcement officer alleged to have committed misconduct or a
18 violation of law while acting within the scope of his or her official duties or employment

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19 shall be subject to lawsuit or liability; to amend Article 2 of Chapter 4 of Title 17 of the
20 Official Code of Georgia Annotated, relating to arrest by law enforcement officers generally,
21 so as to revise use of force standards; to provide for definitions; to prohibit certain tactics and
22 techniques; to provide for a duty to intervene for peace officers to prevent or stop another
23 peace officer from using excessive force; to provide for reports in cases of such intervention;
24 to provide for protection from retaliation; to provide for penalties; to provide for a short title;
25 to provide for related matters; to repeal conflicting laws; and for other purposes.

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

27 **PART I**
28 **SECTION 1-1.**

29 This Act shall be known and may be cited as the "Police Accountability Act."

30 **PART II**
31 **SECTION 2-1.**

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

34 "CHAPTER 1A

35 35-1A-1.

36 As used in this chapter, the term:

37 (1) 'Contact' means an interaction with an individual initiated by a peace officer for the
38 purpose of enforcing the law or investigating possible violations of the law, whether or

39 not the person is in a motor vehicle and whether such interaction is consensual or
40 nonconsensual. Such term shall not include routine interactions with the public at the
41 point of entry or exit from a controlled area.

42 (2) 'Demographic information' means race, ethnicity, sex, and approximate age.

43 (3) 'Law enforcement agency' means any agency, organ, or department of this state, or
44 a subdivision or municipality thereof, whose primary functions include the enforcement
45 of criminal or traffic laws, the preservation of public order, the protection of life and
46 property, or the prevention, detection, or investigation of crime, including, but not limited
47 to, any department or unit organized by a college or university for the purposes of
48 Chapter 8 of Title 20.

49 (4) 'Peace officer' means any person appointed or employed in conformity with
50 Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act.'

51 (5) 'Serious bodily injury' means bodily injury which, either at the time of the actual
52 injury or at a later time, involves a substantial risk of death, a substantial risk of serious
53 permanent disfigurement, a substantial risk of protracted loss or impairment of the
54 function of any part or organ of the body, or breaks, fractures, or second-degree or
55 third-degree burns.

56 35-1A-2.

57 (a) On and after January 1, 2024, every peace officer shall provide, without being asked,
58 the peace officer's business card to any person whom the peace officer has detained in a
59 traffic stop but has not cited or arrested. The business card shall include identifying
60 information about the peace officer, including, but not limited to, the peace officer's name,
61 division, precinct, and badge or other identification number; a telephone number that may
62 be used, if necessary, to report any comments, positive or negative, regarding the traffic
63 stop; and information about how to file a complaint related to the contact.

- 64 (b) A peace officer shall have a legal basis for making a contact. After making a contact,
65 a peace officer shall report to the law enforcement agency employing such peace officer:
- 66 (1) The demographic information of the person contacted, provided that the
67 identification of these characteristics shall be based on the observation and perception of
68 the peace officer making the contact and any other available data;
- 69 (2) Whether the contact was a traffic stop;
- 70 (3) The time, date, and location of the contact;
- 71 (4) The duration of the contact;
- 72 (5) The reason for the contact;
- 73 (6) The suspected crime; and
- 74 (7) The result of the contact, including, but not limited to:
- 75 (A) No action, warning, citation, property seizure, or arrest;
- 76 (B) If a warning or citation was issued, the warning provided or violation cited;
- 77 (C) If an arrest was made, the offense charged;
- 78 (D) If the contact was a traffic stop, the information collected, which shall be limited
79 to that of the driver; and
- 80 (E) The actions taken by the peace officer during the contact, including, but not limited
81 to, whether:
- 82 (i) The peace officer asked for consent to search the person, and, if so, whether
83 consent was provided;
- 84 (ii) The peace officer searched the person or any property and, if so, the basis for the
85 search and the type of contraband or evidence discovered, if any; and
- 86 (iii) The peace officer seized any property, and, if so, the type of property that was
87 seized and the basis for seizing the property.

88 35-1A-3.

89 (a) On and after July 1, 2025, all law enforcement agencies shall provide a body-worn
90 camera to each peace officer of the law enforcement agency.

91 (b)(1) Except as provided for in paragraph (2) of this subsection, on and after
92 July 1, 2025, every peace officer shall wear and activate a body-worn camera when
93 responding to a call for service or during any contact with the public.

94 (2)(A) A peace officer may turn off a body-worn camera to avoid recording personal
95 information that is not case related, when working on an unrelated assignment, when
96 there is a long break in the contact that is not related to the initial contact, and in
97 administrative, tactical, and management discussions.

98 (B) A peace officer shall not need to wear or activate a body-worn camera if the peace
99 officer is working undercover.

100 (c) If a peace officer fails to activate a body-worn camera as required by this Code section
101 or tampers with body-worn or dashboard camera footage or operation, except as permitted
102 in paragraph (2) of subsection (b) of this Code section, there shall be a permissive inference
103 in any investigation or legal proceeding, excluding criminal proceedings against the peace
104 officer, that the missing footage would have reflected misconduct by the peace officer. If
105 a peace officer fails to activate or reactivate his or her body-worn camera, any statements
106 sought to be introduced in a prosecution related to the contact that were not recorded due
107 to the peace officer's failure to activate or reactivate the body-worn camera as required by
108 this Code section shall be presumptively inadmissible. Notwithstanding any other
109 provision of law, this subsection shall not apply if the body-worn camera was not activated
110 due to a malfunction of the body-worn camera and the peace officer was not aware of the
111 malfunction prior to the contact.

112 (d)(1) In addition to any criminal liability and penalty under the law, if a court,
113 administrative law judge, or final decision in an internal investigation finds that a peace
114 officer intentionally failed to activate a body-worn camera or tampered with any

115 body-worn or dashboard camera footage or operation, except as permitted in paragraph
116 (2) of subsection (b) of this Code section, the law enforcement agency employing such
117 peace officer shall impose discipline up to and including termination.

118 (2) In addition to any criminal liability and penalty under the law, if a court,
119 administrative law judge, or final decision in an internal investigation finds that a peace
120 officer intentionally failed to activate a body-worn camera or tampered with any
121 body-worn or dashboard camera footage or operation, except as permitted in paragraph
122 (2) of subsection (b) of this Code section, with the intent to conceal unlawful or
123 inappropriate actions or obstruct justice, the Georgia Peace Officer Standards and
124 Training Council shall suspend the peace officer's certificate for a period of not less than
125 one year, and the suspension shall only be lifted within the period of the suspension if the
126 peace officer is exonerated by a court.

127 (3) In addition to any criminal liability and penalty under the law, if a court,
128 administrative law judge, or final decision in an internal investigation finds that a peace
129 officer intentionally failed to activate a body-worn camera or tampered with any
130 body-worn or dashboard camera footage or operation, except as permitted in paragraph
131 (2) of subsection (b) of this Code section, with the intent to conceal unlawful or
132 inappropriate actions or obstruct justice in a contact resulting in a civilian death, the
133 Georgia Peace Officer Standards and Training Council shall permanently revoke the
134 peace officer's certificate, and the revocation shall only be overturned if the peace officer
135 is exonerated by a court.

136 (e) Law enforcement agencies shall establish and follow a retention schedule for
137 body-worn camera recordings in compliance with Article 5 of Chapter 18 of Title 50, the
138 'Georgia Records Act.'

139 (f)(1) Notwithstanding any other provision of law, for any contact in which there is a
140 complaint of peace officer misconduct by another peace officer, a civilian, or a nonprofit
141 organization through notice to the law enforcement agency involved in the alleged

142 misconduct, the law enforcement agency shall release all unedited video and audio
143 recordings of the contact, including those from body-worn or dashboard cameras, or
144 otherwise collected through investigation, to the public within 21 days after the law
145 enforcement agency receives the complaint of misconduct.

146 (2) Notwithstanding any other provision of law, all video and audio recordings depicting
147 a death shall be provided to the decedent's family at least 24 hours prior to the public
148 release of such recordings.

149 (3)(A) Notwithstanding any other provision of this subsection, any video that raises
150 substantial privacy concerns for defendants, victims, witnesses, juveniles, or
151 informants, including, but not limited to, a video depicting nudity; a sexual assault; a
152 medical emergency; a mental health crisis; a victim interview; a minor, including any
153 images or information that might undermine the requirement to keep certain juvenile
154 records confidential; personal information other than the name or license plate of any
155 person not arrested, cited, charged, or issued a written warning, including a
156 government-issued identification number, date of birth, address, or financial
157 information; significantly explicit and gruesome bodily injury, unless the injury was
158 caused by a peace officer; or the interior of a home or treatment facility, shall be
159 redacted or altered to protect the substantial privacy interest while still allowing public
160 release.

161 (B) If redaction or alteration is insufficient to protect the substantial privacy interest,
162 the law enforcement agency shall release the unedited video to the victim or, if the
163 victim is deceased, to the victim's family within 21 days after receipt of the complaint
164 of misconduct.

165 (C) A defendant, victim, witness, or informant may waive in writing the individual
166 privacy interest that may be implicated by public release of a video recording. Upon
167 receipt of a written waiver of the applicable individual privacy interest, accompanied

168 by a request for release, the law enforcement agency shall not redact or alter the video
169 recording or withhold release to protect such individual privacy interest.

170 (4) Any video that would substantially interfere with or jeopardize an active or ongoing
171 investigation may be withheld from the public, except that the video shall be released no
172 later than 30 days from the date of the allegation of misconduct. In all cases when release
173 of a video is delayed pursuant to this paragraph, the prosecuting attorney shall prepare
174 a written explanation of the interference or jeopardy that justifies the delayed release,
175 contemporaneous with the refusal to release the video. Upon release of the video, the
176 prosecuting attorney shall release the written explanation to the public.

177 (5) If criminal charges have been filed against any party to the contact, such party must
178 file any constitutional objection to release of the recording in the pending criminal case
179 before the 21 day period provided for in paragraph (1) of this subsection expires. The
180 court shall hold a hearing on any objection no later than seven days after it is filed and
181 issue a ruling no later than three days after the hearing.

182 35-1A-4.

183 (a) On and after July 1, 2025, the Attorney General shall create an annual report including
184 all of the information that is reported to the Attorney General pursuant to subsection (b) of
185 this Code section, aggregated and broken down for each law enforcement agency that
186 employs peace officers, along with the underlying data.

187 (b) Beginning January 1, 2025, and on January 1 of each year thereafter, each law
188 enforcement agency that employs peace officers shall report to the Attorney General for
189 such year:

190 (1) All contacts involving the use of force by its peace officers that resulted in death or
191 serious bodily injury, including:

192 (A) The date, time, and location of the use of force;

- 193 (B) The demographic information of the person contacted, provided that the
194 identification of these characteristics shall be based on the observation and perception
195 of the peace officer making the contact and any other available data;
- 196 (C) The names of all peace officers who were at the scene, identified by whether the
197 peace officer was involved in the use of force or not;
- 198 (D) The type of force used, the severity and nature of the injury, whether the peace
199 officer suffered physical injury, and, if so, the severity and nature of the peace officer's
200 injury;
- 201 (E) Whether the peace officer was on duty at the time of the use of force;
- 202 (F) Whether the use of force resulted in a law enforcement agency investigation and,
203 if so, the result of the investigation; and
- 204 (G) Whether the use of force resulted in a citizen complaint and, if so, the result of that
205 complaint;
- 206 (2) All instances when a peace officer resigned while under investigation for violating
207 a policy of the law enforcement agency;
- 208 (3) All data relating to contacts made by its peace officers, including:
- 209 (A) The demographic information of the person contacted, provided that the
210 identification of these characteristics shall be based on the observation and perception
211 of the peace officer making the contact and any other available data;
- 212 (B) Whether the contact was a traffic stop;
- 213 (C) The time, date, and location of the contact;
- 214 (D) The duration of the contact;
- 215 (E) The reason for the contact;
- 216 (F) The suspected crime;
- 217 (G) The result of the contact, including, but not limited to:
- 218 (i) No action, warning, citation, property seizure, or arrest;
- 219 (ii) If a warning or citation was issued, the warning provided or violation cited;

- 220 (iii) If an arrest was made, the offense charged; or
221 (iv) If the contact was a traffic stop, the information collected, which shall be limited
222 to that of the driver; and
223 (H) The actions taken by the peace officer during the contact, including, but not limited
224 to, whether:
225 (i) The peace officer asked for consent to search the person, and, if so, whether
226 consent was provided;
227 (ii) The peace officer searched the person or any property, and, if so, the basis for the
228 search and the type of contraband or evidence discovered, if any; and
229 (iii) The peace officer seized any property and, if so, the type of property that was
230 seized and the basis for seizing the property; and
231 (4) All instances of unannounced entry into a residence, with or without a warrant,
232 including:
233 (A) The date, time, and location of the unannounced entry; and
234 (B) The demographic information of the subject of the unannounced entry, provided
235 that the identification of these characteristics shall be based on the observation and
236 perception of the peace officer making the entry and any other available data.
237 (c) The Attorney General and law enforcement agencies shall not report the name, address,
238 social security number, or other unique personal identifying information of the subject of
239 the use of force, victim of the official misconduct, or persons contacted, searched, or
240 subjected to a property seizure. Notwithstanding any provision of law to the contrary, the
241 data reported pursuant to this Code section shall be available to the public pursuant to
242 subsection (d) of this Code section.
243 (d) The Attorney General shall maintain a state-wide database with data collected pursuant
244 to this Code section, in a searchable format, and publish the database on his or her official
245 website.

246 (e) Law enforcement agencies which do not comply with the requirements of this Code
247 section shall be subject to the withholding of state funding or state administered federal
248 funding.

249 35-1A-5.

250 It shall be unlawful for any governmental authority, any agent thereof, or any person acting
251 on behalf of a governmental authority, to engage in a pattern or practice of conduct by
252 peace officers or by officials or employees of any governmental agency that deprives any
253 person of rights, privileges, or immunities secured or protected by the Constitution or laws
254 of this state or the Constitution or laws of the United States. Whenever the Attorney
255 General has reasonable cause to believe that a violation of this Code section has occurred,
256 the Attorney General, for or in the name of this state, may in a civil action obtain any and
257 all appropriate relief to eliminate the pattern or practice.

258 35-1A-6.

259 Notwithstanding any provision of law and pursuant to the authority provided for under
260 Code Section 35-8-7.1, if any peace officer is convicted of or pleads guilty or nolo
261 contendere to a crime involving the unlawful use or threatened use of physical force, or is
262 found civilly liable for using excessive force, the Georgia Peace Officer Standards and
263 Training Council shall permanently revoke the peace officer's certificate. The Georgia
264 Peace Officer Standards and Training Council shall not, under any circumstances, reinstate
265 the peace officer's certificate or grant a new certificate to the peace officer unless the peace
266 officer is exonerated by a court. The Georgia Peace Officer Standards and Training
267 Council shall record each decertified peace officer in the database created pursuant to Code
268 Section 35-1A-4.

269 35-1A-7.

270 In response to a protest or demonstration, a law enforcement agency or any person acting
 271 on behalf of the law enforcement agency shall not:

272 (1) Discharge kinetic impact projectiles or any other nonlethal or less lethal projectiles
 273 in a manner that targets the head, pelvis, or back;

274 (2) Discharge kinetic impact projectiles indiscriminately into a crowd; or

275 (3) Use chemical agents or irritants, including pepper spray and tear gas, prior to issuing
 276 an order to disperse in a sufficient manner to ensure the order is heard and repeated if
 277 necessary, followed by sufficient time and space to allow compliance with the order."

278

PART III

279

SECTION 3-1.

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

283 "(7) Assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of
 284 process, libel Libel, slander, or interference with contractual rights;"

285

SECTION 3-2.

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

290 "(a) This article constitutes the exclusive remedy for any tort committed by a state officer
 291 or employee. A state officer or employee who commits a tort while acting within the scope
 292 of his or her official duties or employment is not subject to lawsuit or liability therefor;

293 provided, however, that a law enforcement officer who is alleged to have committed
294 misconduct or a violation of law while acting within the scope of his or her official duties
295 or employment shall be subject to lawsuit or liability. However, nothing Nothing in this
296 article shall be construed to give a state officer or employee immunity from suit and
297 liability if it is proved that the officer's or employee's conduct was not within the scope of
298 his or her official duties or employment."

299 **SECTION 3-3.**

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

301 "50-21-25.1.

302 (a) As used in this Code section, the term 'law enforcement officer' means any agent or
303 officer of this state, a political subdivision or municipality of this state, an authority of this
304 state, or a college or university in this state who, as a full-time or part-time employee, is
305 vested either expressly by law or by virtue of public employment or service with the
306 authority to enforce criminal or traffic laws through the power of arrest and whose duties
307 include the preservation of public order, the protection of life and property, or the
308 prevention, detection, or investigation of crime.

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

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

316 (d) To the extent necessary for any actions to proceed under this Code section, the defense
317 of sovereign immunity is waived as to any claim, counterclaim, cross-claim, or third-party
318 claim brought in the courts of this state by an aggrieved person seeking legal or equitable

319 relief or any other appropriate relief, including, but not limited to, reasonable attorney fees,
320 pursuant to this Code section."

321 **PART IV**
322 **SECTION 4-1.**

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

328 "17-4-20.

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

330 (A) Under a warrant; or

331 (B) Without a warrant if:

332 (i) The offense is committed in such officer's presence or within such officer's
333 immediate knowledge;

334 (ii) The offender is endeavoring to escape;

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

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

341 (v) The officer has probable cause to believe that an offense involving physical abuse
342 has been committed against a vulnerable adult, who shall be for the purposes of this

343 subsection a person 18 years old or older who is unable to protect himself or herself
344 from physical or mental abuse because of a physical or mental impairment; or
345 (vi) For other cause there is likely to be failure of justice for want of a judicial officer
346 to issue a warrant.

347 (2) Except where otherwise provided by law with respect to a law enforcement officer's
348 jurisdictional duties and limitations, a law enforcement officer may make an arrest for an
349 offense outside of the jurisdiction of the law enforcement agency by which he or she is
350 employed without a warrant:

351 (A) If the offense is committed in such officer's presence or within such officer's
352 immediate knowledge;

353 (B) When in immediate pursuit of an offender for an offense committed within the
354 jurisdiction of the law enforcement agency that employs such law enforcement officer;
355 or

356 (C) While aiding or assisting another law enforcement officer in the jurisdiction of the
357 law enforcement agency employing such other law enforcement officer.

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

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

370 ~~nondeadly force as may be necessary to apprehend and arrest a suspected felon or~~
371 ~~misdemeanant.~~

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

376 ~~(d) No law enforcement agency of this state or of any political subdivision of this state~~
377 ~~shall adopt or promulgate any rule, regulation, or policy which prohibits a peace officer~~
378 ~~from using that degree of force to apprehend a suspected felon which is allowed by the~~
379 ~~statutory and case law of this state.~~

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

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

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

389 (2) Search any person on the premises of the nuclear power facility or the properties
390 adjacent to the facility if the facility is under imminent threat or danger pursuant to a
391 written agreement entered into with the local enforcement agency having jurisdiction
392 over the facility for the purpose of determining if such person possesses unauthorized
393 weapons, explosives, or other similarly prohibited material; provided, however, that, if
394 such person objects to any search, he or she shall be detained as provided in paragraph (3)
395 of this subsection or shall be required to immediately vacate the premises. Any person
396 refusing to submit to a search and refusing to vacate the premises of a facility upon the

397 request of a security officer as provided for in this Code section shall be guilty of a
398 misdemeanor; and

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

410 **SECTION 4-2.**

411 Said article is further amended by adding two new Code sections to read as follows:

412 "17-4-20.3.

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

414 (1) 'Chokehold' means a method by which a person applies sufficient pressure to another
415 person to make breathing difficult or impossible and includes, but is not limited to, any
416 pressure to the neck, throat, or windpipe that may prevent or hinder breathing or reduce
417 intake of air.

418 (2) 'Peace officer' shall have the same meaning as provided for under Code
419 Section 35-1A-1.

420 (b) Every peace officer, in carrying out his or her duties, shall apply nonviolent means
421 when possible before resorting to the use of physical force. A peace officer shall use
422 physical force only if nonviolent means would be ineffective in effecting an arrest,

423 preventing an escape, or preventing an imminent threat of serious bodily injury or death
424 to the peace officer or another person.

425 (c) When physical force is used, peace officers shall:

426 (1) Not use deadly physical force to apprehend a person who is suspected of only a
427 minor or nonviolent offense;

428 (2) Use only a degree of force consistent with the minimization of injury to others;

429 (3) Ensure that assistance and medical aid are rendered to any injured or affected persons
430 as soon as practicable; and

431 (4) Ensure that any identified relatives or next of kin of persons who have sustained
432 serious bodily injury or death are notified as soon as practicable.

433 (d) A peace officer who is appointed or employed in conformity with Chapter 8 of
434 Title 35, the 'Georgia Peace Officer Standards and Training Act,' shall be prohibited from
435 using a chokehold upon any person in the performance of his or her official duties.

436 (e) Peace officers shall be justified in using deadly physical force to make an arrest only
437 when:

438 (1) All other means of apprehension are impractical given the circumstances;

439 (2) The arrest is for a felony involving conduct that includes the use or threatened use
440 of deadly physical force;

441 (3) There is substantial risk that the person to be arrested will cause death or serious
442 bodily injury to other persons if his or her apprehension is delayed; and

443 (4) The force employed does not create a substantial risk of injury to innocent persons.

444 (f) A peace officer shall identify himself or herself as a peace officer and give a clear
445 verbal warning of his or her intent to use a firearm or other deadly physical force, with
446 sufficient time for the warning to be observed, unless to do so would unduly place peace
447 officers at risk of injury, would create a risk of death or injury to other persons, or would
448 be clearly inappropriate or ineffective under the circumstances.

449 (g) The defenses under Article 2 of Chapter 3 of Title 16 shall apply to any person who
450 is subject to use of force by a peace officer that is not in conformity with this Code section.

451 17-4-20.4.

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

453 (1) 'Law enforcement agency' shall have the same meaning as provided for under Code
454 Section 35-1A-1.

455 (2) 'Peace officer' shall have the same meaning as provided for under Code
456 Section 35-1A-1.

457 (b) A peace officer shall intervene to prevent or stop another peace officer from using
458 physical force that exceeds the degree of force permitted, if any, pursuant to Code
459 Section 17-4-20.3, in pursuance of official duties in carrying out an arrest of any person,
460 placing any person under detention, taking any person into custody, or booking any person
461 or in the process of crowd control or riot control, without regard for chain of command.

462 (c)(1) Such peace officer shall report the intervention to his or her immediate supervisor.

463 (2) At a minimum, the report required by this subsection shall include the date, time, and
464 place of the occurrence; the identities, if known, and a description of the participants; and
465 a description of the actions taken to intervene. Such report shall be made in writing
466 within ten days of the occurrence of the use of such force and shall be appended to all
467 other reports of the incident.

468 (d) No member of a law enforcement agency shall discipline or retaliate in any way
469 against a peace officer for intervening as required by this Code section, for reporting
470 unconstitutional or unlawful conduct, or for failing to follow what the peace officer
471 reasonably believes is an unconstitutional directive.

472 (e) In addition to any criminal liability or penalty under the law, when a court,
473 administrative law judge, or final decision in an internal investigation finds that a peace
474 officer failed to intervene as required by this Code section in an incident resulting in

475 serious bodily injury or death to any person, the law enforcement agency employing the
476 peace officer shall subject the peace officer to discipline, up to and including termination,
477 and, notwithstanding any other provision of law, the Georgia Peace Officer Standards and
478 Training Council shall permanently decertify the peace officer upon receipt of notice of the
479 peace officer's discipline. The peace officer may only be recertified if he or she is found
480 not guilty by a court of law."

481

PART V

482

SECTION 5-1.

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