

House Bill 145

By: Representatives Boddie of the 62nd, Thomas of the 65th, Hutchinson of the 107th, Clark of the 108th, Dreyer of the 59th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 17-4-20 of the Official Code of Georgia Annotated, relating to
2 authorization of arrests, use of deadly force, adoption or promulgation of conflicting
3 regulations, policies, ordinances, and resolutions, and authority of nuclear power facility
4 security officer, so as to provide for standards for use of force by law enforcement; to
5 prohibit the use of chokeholds by law enforcement officers; to provide for a definition; to
6 provide for related matters; to provide for an effective date; to repeal conflicting laws; and
7 for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 17-4-20 of the Official Code of Georgia Annotated, relating to authorization
11 of arrests, use of deadly force, adoption or promulgation of conflicting regulations, policies,
12 ordinances, and resolutions, and authority of nuclear power facility security officer, is
13 amended by revising subsections (b) and (c) as follows:

14 ~~"(b) Sheriffs and peace officers who are appointed or employed in conformity with~~
15 ~~Chapter 8 of Title 35 may use deadly force to apprehend a suspected felon only when the~~
16 ~~officer reasonably believes that the suspect possesses a deadly weapon or any object,~~

H. B. 145

17 ~~device, or instrument which, when used offensively against a person, is likely to or actually~~
18 ~~does result in serious bodily injury; when the officer reasonably believes that the suspect~~
19 ~~poses an immediate threat of physical violence to the officer or others, or when there is~~
20 ~~probable cause to believe that the suspect has committed a crime involving the infliction~~
21 ~~or threatened infliction of serious physical harm. Nothing in this Code section shall be~~
22 ~~construed so as to restrict such sheriffs or peace officers from the use of such reasonable~~
23 ~~nondeadly force as may be necessary to apprehend and arrest a suspected felon or~~
24 ~~misdemeanant.~~

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

29 (b)(1) A law enforcement officer shall apply nonviolent means, when possible, before
30 resorting to the use of physical force in carrying out his or her duties. A law enforcement
31 officer may use physical force only if nonviolent means would be ineffective in effecting
32 an arrest, preventing an escape, or preventing an imminent threat of serious bodily injury
33 or death to the law enforcement officer or another person.

34 (2) When physical force is used, a law enforcement officer shall:

35 (A) Not use deadly physical force to apprehend a person who is suspected of only a
36 misdemeanor or nonviolent felony offense;

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

38 (C) Ensure that assistance and medical aid are rendered to any injured or affected
39 persons as soon as practicable; and

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

42 (3) A law enforcement officer may use deadly physical force to make an arrest only
43 when all other means of apprehension are unreasonable given the circumstances and:

44 (A) The arrest is for a felony involving conduct including the use or threatened use of
45 deadly physical force;

46 (B) The suspect poses an immediate threat to the law enforcement officer or another
47 person;

48 (C) The force employed does not create a substantial risk of injury to other persons; or

49 (D) The law enforcement officer has an objectively reasonable belief that a lesser
50 degree of force is inadequate and has objectively reasonable grounds to believe that he
51 or she or another person is in imminent danger of receiving serious bodily injury or of
52 being killed.

53 (4) Prior to the use of deadly force, a law enforcement officer shall identify himself or
54 herself as a law enforcement officer and give a clear verbal warning of his or her intent
55 to use firearms or other deadly physical force, with sufficient time for such warning to
56 be observed, unless to do so would unduly place such law enforcement officer at risk of
57 injury or would create a risk of injury or death to other persons.

58 (c)(1) For purposes of this subsection, the term 'chokehold' means:

59 (A) A method by which a person applies sufficient pressure to another person to make
60 breathing difficult or impossible and includes, but is not limited to, any pressure to the
61 neck, throat, or windpipe that may prevent or hinder breathing or reduce intake of air;
62 or

63 (B) A method of applying pressure to a person's neck on either side of the windpipe,
64 but not to the windpipe itself, which results in stopping the flow of blood to the brain
65 via the carotid arteries.

66 (2) No law enforcement officer shall use a chokehold upon another person."

67 **SECTION 2.**

68 This Act shall become effective upon its approval by the Governor or upon its becoming law
69 without such approval.

70

SECTION 3.

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