

House Bill 313

By: Representatives Park of the 101st, Bennett of the 94th, McLeod of the 105th, Davis of the 87th, Kennard of the 102nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to law enforcement officers and agencies, so as to create a
3 Georgia State Law Enforcement Citizen Review Council; to provide for membership of such
4 council; to provide for qualifications of members; to provide for reimbursement and
5 compensation; to provide for responsibilities and access to certain information; to provide
6 for related matters; to provide for an effective date; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

13 "35-1-23.

14 (a) There is hereby created the Georgia State Law Enforcement Citizen Review Council
15 within the department. The council shall be composed of nine members as follows:

- 16 (1) The chairperson of the House Committee on Judiciary, Non-Civil, or his or her
17 designee;
- 18 (2) The chairperson of the Senate Judiciary Committee, or his or her designee;
- 19 (3) Two members appointed by the Speaker of the House of Representatives;
- 20 (4) Two members appointed by the President of the Senate; and
- 21 (5) Three members appointed by the Governor.
- 22 (b) Appointed councilmembers shall be at least 25 years of age and have resided in this
23 state for at least five years.
- 24 (c) Appointed councilmembers shall serve for a period of three years. The members shall
25 elect a chairperson and vice chairperson from among their membership whose duties shall
26 be established by the council. The appointing authorities are encouraged to coordinate
27 their appointments so that the council includes a representation of the state's diversity.
- 28 (d) The department shall fix a time and place for regular meetings of the council, which
29 shall meet at least twice yearly.
- 30 (e) Councilmembers shall receive no compensation for their services but shall be allowed
31 actual and necessary expenses in the performance of their duties. Any legislative members
32 of the council shall receive the allowances provided for in Code Section 28-1-8. Citizen
33 members shall receive a daily expense allowance in the amount specified in subsection (b)
34 of Code Section 45-7-21 as well as the mileage or transportation allowance authorized for
35 state employees. If any members selected to serve on the council are state officials, other
36 than legislative members, or are state employees, they shall receive no compensation for
37 their services on the council but shall be reimbursed for expenses incurred in the
38 performance of their duties as members of the council in the same manner as
39 reimbursements are made in their capacity as state officials or state employees. The funds
40 necessary for the reimbursement of the expenses of state officials, other than legislative
41 members, and state employees shall come from funds appropriated to or otherwise
42 available to their respective departments.

43 (f) The council shall receive complaints from the public regarding alleged misconduct
44 relating to sworn officers of the Georgia State Patrol, the Motor Carrier Compliance
45 Enforcement Section of the department, and the Capitol Police Division of the department.
46 The council shall consult with and advise the department on matters related to discipline
47 for officer misconduct.
48 (g) The council shall have access to relevant department personnel to conduct interviews
49 and any department files, reports, and complaints necessary in order to conduct an
50 investigation of alleged misconduct."

51 **SECTION 2.**

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

54 **SECTION 3.**

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