

Senate Bill 128

By: Senators Merritt of the 9th, Butler of the 55th, Halpern of the 39th, Jackson of the 41st,  
Orrock of the 36th and others

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 create the Georgia Law Enforcement Citizen Review Council;  
3 to provide for its membership, officers, committees, staff, funding, duties, and powers; to  
4 provide for administrative support; to provide for a definition; to provide for related matters;  
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

10 "CHAPTER 11

11 35-11-1.

12 (a) There is created the Georgia Law Enforcement Citizen Review Council for the purpose  
13 of investigating any instance where an officer is fired for cause or where there has been an

14 officer involved shooting and for investigating citizen complaints regarding inappropriate  
15 use of force by law enforcement.

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

18 35-11-2.

19 (a) The council shall have a board of nine members which shall be composed of the  
20 commissioner of public safety, one member to be appointed by the Governor based upon  
21 recommendations from the Georgia Municipal Association, one member to be appointed  
22 by the Governor based upon recommendations from the Association County  
23 Commissioners of Georgia, and one member each to be selected by:

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

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

26 (3) The majority leader of the Senate;

27 (4) The minority leader of the Senate;

28 (5) The Chief Justice of the Supreme Court: and

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

30 (b) Each member of the council shall serve for a term of four years or until his or her  
31 successor is duly appointed, except that appointees who are also members of the General  
32 Assembly shall serve until completion of their current terms of office as members of the  
33 General Assembly. A member may be appointed to succeed himself or herself on the  
34 council. If a member of the council is an elected or appointed official, the member shall  
35 be removed from the council if the member no longer serves as such elected or appointed  
36 official.

37 (c) The Governor shall designate the chairperson of the council. The council may elect  
38 other officers as it deems necessary. The chairperson of the council may designate and  
39 appoint committees from among the membership of the council, as well as appoint other

40 persons to perform such functions as he or she may determine to be necessary as relevant  
41 to and consistent with this chapter. The chairperson shall vote only to break a tie.

42 (d) The council shall be attached for administrative support only to the Criminal Justice  
43 Coordinating Council. The Criminal Justice Coordinating Council shall provide staff  
44 support for the council and shall use any funds specifically appropriated to the council for  
45 its work.

46 35-11-3.

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

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

52 (c) Any legislative members of the council shall receive the allowances provided for in  
53 Code Section 28-1-8. Citizen members shall receive a daily expense allowance in the  
54 amount specified in subsection (b) of Code Section 45-7-21 as well as the mileage or  
55 transportation allowance authorized for state employees. Members of the council who are  
56 state officials, other than legislative members, or state employees shall receive no  
57 compensation for their services on the council, but they shall be reimbursed for expenses  
58 incurred by them in the performance of their duties as members of the council in the same  
59 manner as they are reimbursed for expenses in their capacities as state officials or state  
60 employees. The funds necessary for the reimbursement of the expenses of state officials,  
61 other than legislative members, and state employees shall come from funds appropriated  
62 to or otherwise available to their respective departments. All other funds necessary to carry  
63 out the provisions of this chapter shall come from funds appropriated to the Senate and the  
64 House of Representatives.

65 35-11-4.

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

67 (1) To periodically, and at least every two years, review the conditions, needs, issues,  
68 and problems related to the use of excessive force by law enforcement officers; issue a  
69 report on the same to the executive counsel of the Governor, the Office of Planning and  
70 Budget, and the chairpersons of the House Committee on Appropriations, the Senate  
71 Appropriations Committee, the House Committee on Judiciary, and the Senate Judiciary  
72 Committee; and recommend any action or proposed legislation which the council deems  
73 necessary or appropriate. Nothing contained in the council's report shall be considered  
74 to authorize or require a change in any law without action by the General Assembly;

75 (2) To evaluate and consider the best practices, experiences, and results of legislation in  
76 other states with regard to persons who have reported the use of excessive force by law  
77 enforcement; and

78 (3) To identify and recommend whether and when any state law should be modified to  
79 conform, whenever desirable, to federal legislation.

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

81 (1) Evaluate how the laws and programs regarding the use of excessive force in law  
82 enforcement in this state are working;

83 (2) Request and receive data from and review the records of appropriate state agencies  
84 and courts to the greatest extent allowed by state and federal law;

85 (3) Accept public or private grants, devises, and bequests;

86 (4) Enter into contracts or agreements through the council's chairperson as are necessary  
87 or incidental to the performance of its duties;

88 (5) Establish rules and procedures for conducting the business of the council; and

89 (6) Conduct studies, hold public meetings, collect data, or take any other action the  
90 council deems necessary to fulfill its responsibilities.

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

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

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

110

## **SECTION 2.**

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