

Senate Bill 134

By: Senators Rahman of the 5th, Davenport of the 44th, Jackson of the 41st, Merritt of the 9th, Orrock of the 36th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 1 of Title 40 of the Official Code of Georgia Annotated,
2 relating to general provisions relative to identification and regulation of motor vehicles and
3 traffic, so as to require policies that prohibit law enforcement officers from using race or
4 ethnicity in determining whether to stop a motor vehicle; to require annual training of law
5 enforcement officers on such policies; to require officers to document the race, ethnicity, and
6 gender of drivers and passengers under certain circumstances; to provide for related matters;
7 to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 1 of Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to
11 general provisions relative to identification and regulation of motor vehicles and traffic, is
12 amended by adding a new Code section to read as follows:

13 "40-1-9.

14 (a) Law enforcement officers shall not use a person's race or ethnicity to form probable
15 cause or reasonable suspicion to stop a motor vehicle but may use a person's race or
16 ethnicity to confirm a previously obtained description of a suspect.

17 (b)(1) Each state and local law enforcement agency shall adopt a policy and implement
18 an annual training program regarding racial profiling that provides and instructs that a
19 law enforcement officer shall not use a person's race or ethnicity to form probable cause
20 or reasonable suspicion to stop a motor vehicle but may use a person's race or ethnicity
21 to confirm a previously obtained description of a suspect.

22 (2) Except in instances where a motor vehicle is stopped in a fixed road block, each time
23 a state or local law enforcement officer stops a motor vehicle, such officer shall document
24 the following information in a public record, the format of which shall be determined by
25 the Department of Driver Services:

26 (A) The gender of the driver;

27 (B) The race or ethnicity of the driver;

28 (C) The suspected violation that led to the stop;

29 (D) Whether the motor vehicle, personal effects, driver, or any passenger was
30 searched;

31 (E) If there were any passengers, each passenger's gender and race or ethnicity;

32 (F) Whether a search was conducted pursuant to consent, probable cause, or reasonable
33 suspicion to suspect a crime, including the approximate duration of the search and the
34 basis for the request for consent or the circumstances establishing probable cause or
35 reasonable suspicion;

36 (G) Whether contraband was found, the type and approximate amount of contraband,
37 and whether contraband was seized;

38 (H) Whether any arrest, citation, or oral or written warning was issued as a result of the
39 stop;

40 (I) Whether the officer making the stop encountered any physical resistance, whether
41 the officer engaged in the use of force, and whether injuries resulted;

42 (J) Whether the circumstances surrounding the stop were the subject of any
43 investigation and the results of such investigation; and

44 (K) The location of the stop.

45 (3) If a law enforcement officer stops a motor vehicle and no citation or written warning
46 is issued to the driver, then the officer shall provide the driver with a card showing the
47 officer's name, badge number, and name of the officer's law enforcement agency.

48 (4) Law enforcement agencies shall maintain the data required to be collected under
49 paragraph (2) of this subsection for not less than seven years.

50 (5) As part of its personnel review or evaluation procedures, each law enforcement
51 agency shall include complaints filed and other information designed to evaluate whether
52 or not each law enforcement officer employed by such agency is complying with the
53 provisions of paragraph (2) of this subsection. Any officer found not complying with the
54 provisions of paragraph (2) of this subsection shall be required to undergo further training
55 that meets the requirements of paragraph (1) of this subsection.

56 (c) Nothing in this Code section shall be construed to alter the requirements for
57 determining probable cause or reasonable suspicion under the Constitution of the United
58 States or the Constitution of the State of Georgia."

59 **SECTION 2.**

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