

Senate Bill 324

By: Senators Stone of the 23rd, Wilkinson of the 50th, Ginn of the 47th, Hufstetler of the 52nd, Jeffares of the 17th and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Code Sections 35-8-2, 45-9-81, 45-9-101, and 49-4A-8 of the Official Code of
2 Georgia Annotated, relating to definitions for employing and training of peace officers,
3 definitions for the Georgia State Indemnification Fund, definitions for the Temporary
4 Disability Compensation Program, and commitment of delinquent children, respectively, so
5 as to harmonize definitions relating to peace officers employed or appointed by the
6 Department of Juvenile Justice regarding their duties; to provide for related matters; to repeal
7 conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Code Section 35-8-2 of the Official Code of Georgia Annotated, relating to definitions for
11 employing and training of peace officers, is amended by revising subparagraph (B.1) of
12 paragraph (8) as follows:

13 "(B.1) Personnel who are authorized to exercise the power of arrest, who are employed
14 or appointed by the Department of Juvenile Justice, and whose full-time duties include
15 the preservation of public order, the protection of life and property, the detection of
16 crime, ~~or~~ the supervision of delinquent children in the department's institutions,
17 facilities, or programs, or the supervision of delinquent children under intensive
18 supervision in the community;"

19 **SECTION 2.**

20 Code Section 45-9-81 of the Official Code of Georgia Annotated, relating to definitions for
21 the Georgia State Indemnification Fund, is amended by revising paragraph (7) as follows:

22 "(7) 'Law enforcement officer' means any agent or officer of this state, a political
23 subdivision or municipality of this state, or an authority of this state or a political
24 subdivision of this state who, as a full-time or part-time employee, is vested either
25 expressly by law or by virtue of public employment or service with authority to enforce

26 the criminal or traffic laws with the power of arrest and whose duties include the
 27 preservation of public order, the protection of life and property, or the prevention,
 28 detection, or investigation of crime. Such term also includes the employees designated
 29 by the commissioner of juvenile justice pursuant to paragraph (2) of subsection (i) of
 30 Code Section 49-4A-8 who have the duty to investigate and apprehend delinquent
 31 children, or the supervision of delinquent children under intensive supervision in the
 32 community, and any child with a pending juvenile court case alleging the child to be a
 33 child in need of services who has escaped from a facility under the jurisdiction of the
 34 Department of Juvenile Justice or who has broken the conditions of supervision. Such
 35 term also includes members of the Georgia National Guard, the composition of which is
 36 set forth in Code Section 38-2-3, who have been called into active state service by the
 37 Governor."

38 **SECTION 3.**

39 Code Section 45-9-101 of the Official Code of Georgia Annotated, relating to definitions for
 40 the Temporary Disability Compensation Program, is amended by revising paragraph (7) as
 41 follows:

42 "(7) 'Law enforcement officer' means any agent or officer of this state, or a political
 43 subdivision or municipality thereof, who, as a full-time or part-time employee, is vested
 44 either expressly by law or by virtue of public employment or service with authority to
 45 enforce the criminal or traffic laws and whose duties include the preservation of public
 46 order, the protection of life and property, or the prevention, detection, or investigation of
 47 crime. Such term also includes the employees designated by the commissioner of
 48 juvenile justice pursuant to paragraph (2) of subsection (i) of Code Section 49-4A-8 who
 49 have the duty to investigate and apprehend delinquent children, or the supervision of
 50 delinquent children under intensive supervision in the community, and any child with a
 51 pending juvenile court case alleging the child to be a child in need of services who has
 52 escaped from a facility under the jurisdiction of the Department of Juvenile Justice or
 53 who has broken the conditions of supervision. Such term also includes members of the
 54 Georgia National Guard, the composition of which is set forth in Code Section 38-2-3,
 55 who have been called into active state service by the Governor."

56 **SECTION 4.**

57 Code Section 49-4A-8 of the Official Code of Georgia Annotated, relating to commitment
 58 of delinquent children, is amended by revising paragraph (2) of subsection (i) as follows:

59 "(2) The commissioner may designate as a peace officer who is authorized to exercise
 60 the power of arrest any employee of the department whose full-time duties include the

61 preservation of public order, the protection of life and property, the detection of crime,
 62 or the supervision of delinquent children or children in need of services in its institutions,
 63 facilities, or programs, the supervision of delinquent children or children in need of
 64 services under intensive supervision in the community, or any employee who is a line
 65 supervisor of any such employee. The commissioner also may designate as a peace
 66 officer who is authorized to exercise the power of arrest any employee of a person or
 67 organization which contracts with the department pertaining to the management, custody,
 68 care, and control of delinquent children or children in need of services retained by the
 69 person or organization if that employee's full-time duties include the preservation of
 70 public order, the protection of life and property, the detection of crime, or the supervision
 71 of delinquent children in the department's institutions, facilities, or programs, or any
 72 employee who is a line supervisor of such employee. The commissioner may designate
 73 one or more employees of the department to investigate and apprehend children who have
 74 escaped from a juvenile detention facility or who have broken the conditions of
 75 supervision; provided, however, that the employees so designated shall only be those with
 76 primary responsibility for the security functions of such facilities or whose primary duty
 77 consists of the apprehension of youths who have escaped from such facilities or who have
 78 broken the conditions of supervision. An employee of the department so designated shall
 79 have the police power to investigate, to apprehend such children, and to arrest any person
 80 physically interfering with the proper apprehension of such children. An employee of the
 81 department so designated in the investigative section of the department shall have the
 82 power to obtain a search warrant for the purpose of locating and apprehending such
 83 children. Additionally, such employee, while on the grounds or in the buildings of the
 84 department's institutions or facilities, shall have the same law enforcement powers,
 85 including the power of arrest, as a law enforcement officer of the local government with
 86 police jurisdiction over such institutions or facilities. Such employee shall be authorized
 87 to carry weapons, upon written approval of the commissioner, notwithstanding Code
 88 Sections 16-11-126 and 16-11-129. The commissioner shall also be authorized to
 89 designate any person or organization with whom the department contracts for services
 90 pertaining to the management, custody, care, and control of delinquent children or
 91 children in need of services detained by the person or organization as a law enforcement
 92 unit under paragraph (7) of Code Section 35-8-2. Any employee or person designated
 93 under this subsection shall be considered to be a peace officer within the meaning of
 94 Chapter 8 of Title 35 and shall be certified under that chapter."

95 SECTION 5.

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