

O.C.G.A. Title 35, Ch. 8

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 35 Law Enforcement Officers and Agencies (Chs. 1 — 10) > CHAPTER 8 Employment and Training of Peace Officers (§§ 35-8-1 — 35-8-27)

CHAPTER 8 Employment and Training of Peace Officers

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O.C.G.A. § 35-8-1

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35-8-1. Short title.

This chapter shall be known and may be cited as the “Georgia Peace Officer Standards and Training Act.”

History

Ga. L. 1970, p. 208, § 1.

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O.C.G.A. § 35-8-2

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35-8-2. Definitions.

As used in this chapter, the term:

- (1) “Applicant” means a prospective peace officer who has not commenced employment or service with a law enforcement unit.
- (2) “Candidate” means a peace officer who, having satisfied preemployment requirements, has commenced employment with a law enforcement unit but who has not satisfied the training requirement provided for in this chapter.
- (3) “Council” means the Georgia Peace Officer Standards and Training Council.
- (4) “Department head” means the chief executive or head of a state department or agency, a county, a municipality, or a railroad who is a peace officer and whose responsibilities include the supervision and assignment of one or more employees or the performance of administrative and managerial duties of a police agency or law enforcement unit. Such term does not include the Attorney General, the director of the Georgia Drugs and Narcotics Agency, a district attorney, a solicitor-general, a county or municipal fire chief, or peace officers employed exclusively as investigators of any such offices who do not exercise any law enforcement supervisory or managerial duties. The provisions of this paragraph shall not apply to any sheriff or to any head of any law enforcement unit within the office of sheriff.
- (4.1) “Detention facility” means a municipal or county jail used for the detention of persons charged with or convicted of a felony, a misdemeanor, or a municipal or county ordinance, but shall not include a facility customarily used to hold one or more persons for a period not to exceed eight hours while any such person awaits processing, booking, court appearance, or release.
- (5) “Emergency peace officers” means any peace officers who are employed or appointed to act as peace officers during an emergency or disaster which has been so declared by the chief executive officer of the state and whose status as peace officers is intended to be temporary and for that limited purpose.
- (5.1) “Jail officer” means any person who is employed or appointed by a county or a municipality and who has the responsibility of supervising inmates who are confined in a municipal or county detention facility.
- (5.2) “Juvenile correctional facility” means a facility operated by the Department of Juvenile Justice and used for the detention of youth who are delinquent or who are alleged to be delinquent or a facility operated by the Department of Juvenile Justice used for the care, treatment, and rehabilitation of juvenile offenders.
- (5.3) “Juvenile correctional officer” means any person employed or appointed by the Department of Juvenile Justice who has the primary responsibility for the supervision and control of youth confined in its programs and facilities.
- (6) “Law enforcement support personnel” means persons, other than peace officers, whose primary employment with a law enforcement unit consists of performing functions directly related to the prevention, detection, or investigation of crime.

(7) "Law enforcement unit" means:

(A) Any agency, organ, or department of this state, a subdivision or municipality thereof, or a railroad whose primary functions include the enforcement of criminal or traffic laws, the preservation of public order, the protection of life and property, or the prevention, detection, or investigation of crime;

(B) The Office of Permits and Enforcement of the Department of Transportation, the Department of Juvenile Justice and its institutions and facilities for the purpose of personnel who are authorized to exercise the power of arrest and who are employed or appointed by such department or institutions, and the office or section in the Department of Juvenile Justice in which persons are assigned who have been designated by the commissioner to investigate and apprehend delinquent children and any child with a pending juvenile court case alleging the child to be a child in need of services; and

(C) The Department of Corrections, the Department of Community Supervision, the State Board of Pardons and Paroles, municipal correctional institutions employing 300 or more correctional officers, and county correctional institutions for the purpose of personnel who are authorized to exercise the power of arrest and who are employed or appointed by such department, board, or institutions.

(8) "Peace officer" means, for purposes of this chapter only:

(A) An agent, operative, or officer of this state, a subdivision or municipality thereof, or a railroad who, as an employee for hire or as a volunteer, is vested either expressly by law or by virtue of public employment or service with authority to enforce the criminal or traffic laws through the power of arrest and whose duties include the preservation of public order, the protection of life and property, and the prevention, detection, or investigation of crime;

(B) An enforcement officer who is employed by the Department of Transportation in its Office of Permits and Enforcement and any person employed by the Department of Juvenile Justice who is designated by the commissioner to investigate and apprehend delinquent children and any child with a pending juvenile court case alleging the child to be a child in need of services;

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

(C) Personnel who are authorized to exercise the power of arrest and who are employed or appointed by the Department of Corrections, the Department of Community Supervision, the State Board of Pardons and Paroles, municipal correctional institutions employing 300 or more correctional officers, county probation systems, and county correctional institutions; and

(D) An administrative investigator who is an agent, operative, investigator, or officer of this state whose duties include the prevention, detection, and investigation of violations of law and the enforcement of administrative, regulatory, licensing, or certification requirements of his or her respective employing agency.

Law enforcement support personnel are not peace officers within the meaning of this chapter, but they may be certified upon voluntarily complying with the certification provisions of this chapter.

(8.1) "Requesting entity" means any law enforcement agency or other entity within this state empowered by law to maintain a law enforcement unit.

(8.2) "Retired correctional officer" means any retired correctional officer certified by the council.

(9) "Retired peace officer" means a retired law enforcement officer who, prior to his or her retirement from service with the state or a subdivision or municipality thereof, was a peace officer within the

meaning of such term as defined in paragraph (8) of this Code section. A retired peace officer may be certified or registered upon voluntarily complying with the certification or registration provisions of this chapter. Such term shall also mean a retired law enforcement officer who retired from service with the United States who meets all criteria as specified by the council for such classification; provided, however, that such classification shall not exempt such officer from satisfying the minimum employment and training requirements of this chapter if such officer is appointed or employed as a peace officer by the state or a subdivision or municipality thereof.

(10) “School” means any school, college, university, academy, or training program approved by the council which offers basic law enforcement training and which consists of a combination of a course curriculum, instructors, and facilities.

(10.1) “School resource officer” means a peace officer whose primary employment or assigned duties with a law enforcement unit is assignment or appointment to a public elementary school or secondary school.

(11) “Speed detection device” means that particular device designed to measure the speed or velocity of a motor vehicle and marketed under the name “Vascar,” any device designed to measure the speed or velocity of motor vehicles using the Doppler principle of radio detection and ranging and commonly marketed under the name “radar,” or any similar device, including but not limited to laser, operating under the same or similar principle, which device is approved by the Department of Public Safety for the measurement of speed, including any device for the measurement of speed or velocity based upon the Doppler principle of radar or speed timing principle of laser.

History

Ga. L. 1970, p. 208, §§ 2, 14; Ga. L. 1975, p. 1165, §§ 2, 3, 10; Ga. L. 1976, p. 395, §§ 1-5; Ga. L. 1978, p. 992, §§ 1, 2; Ga. L. 1978, p. 2299, § 1; Ga. L. 1980, p. 979, § 1; Ga. L. 1981, p. 778, § 1; Ga. L. 1982, p. 3, § 35; Ga. L. 1982, p. 2478, §§ 1, 2, 5, 6; Ga. L. 1985, p. 283, § 1; Ga. L. 1987, p. 1141, § 1; Ga. L. 1989, p. 568, § 1; Ga. L. 1993, p. 91, § 35; Ga. L. 1993, p. 966, §§ 1, 2; Ga. L. 1995, p. 880, § 1; Ga. L. 1995, p. 1238, § 1; Ga. L. 1996, p. 1281, § 1; Ga. L. 1997, p. 582, §§ 1, 2; Ga. L. 1997, p. 1453, § 1; Ga. L. 1997, p. 1488, §§ 2A, 2B, 7A, 7B; Ga. L. 1998, p. 128, § 35; Ga. L. 1998, p. 224, § 2; Ga. L. 1999, p. 777, §§ 2, 3; Ga. L. 2012, p. 775, § 35/HB 942; Ga. L. 2013, p. 294, § 4-45/HB 242; Ga. L. 2014, p. 382, § 1/SB 324; Ga. L. 2015, p. 422, § 5-56/HB 310; Ga. L. 2017, p. 673, § 1-1/SB 149; Ga. L. 2020, p. 481, § 1/SB 341.

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O.C.G.A. § 35-8-3

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35-8-3. Establishment of Georgia Peace Officer Standards and Training Council; membership; organization; administrative assignment to Department of Public Safety.

- (a) The Georgia Peace Officer Standards and Training Council is established. The council shall consist of 22 voting members and five advisory members.
- (b) The voting members shall consist of:
- (1) An appointee of the Governor who is not the Attorney General, the commissioner of public safety or his or her designee, the director of investigation of the Georgia Bureau of Investigation or his or her designee, the president of the Georgia Association of Chiefs of Police or his or her designee, the president of the Georgia Sheriffs Association or his or her designee, the president of the Georgia Municipal Association or his or her designee, the president of the Association County Commissioners of Georgia or his or her designee, the president of the Peace Officers' Association of Georgia or his or her designee, the commissioner of corrections or his or her designee, the commissioner of community supervision or his or her designee, the chairperson of the State Board of Pardons and Paroles or his or her designee, the president of the Georgia Prison Wardens Association or his or her designee, the commissioner of juvenile justice or his or her designee, and the commissioner of natural resources or his or her designee, who shall be ex officio members of the council;
 - (2) Six members who shall be appointed by the Governor for terms of four years, their initial appointments, however, being two for four-year terms, two for three-year terms, and two for two-year terms. Appointments shall be made so that there are always on the council the following persons who are appointed by the Governor: one chief of police; two municipal police officers other than a chief of police; one county sheriff; one city manager or mayor; and one county commissioner. No person shall serve beyond the time he or she holds the office or employment by reason of which he or she was initially eligible for appointment. Vacancies shall be filled in the same manner as the original appointment, and successors shall serve for the unexpired term. Any member may be appointed for additional terms; and
 - (3) Two members who are peace officers and who shall be appointed by the Governor for terms of four years. Neither person shall serve beyond the time he or she is actively employed or serves as a peace officer. Vacancies shall be filled in the same manner as the original appointment, and successors shall serve for the unexpired term.
- (c) Five advisory members shall be appointed by the council to serve on the council in an advisory capacity only without voting privileges.
- (d) Membership on the council does not constitute public office, and no member shall be disqualified from holding public office by reason of his or her membership.
- (e) The council is assigned to the Department of Public Safety for administrative purposes only, as prescribed in Code Section 50-4-3.

History

Ga. L. 1970, p. 208, § 3; Ga. L. 1972, p. 866, § 1; Ga. L. 1972, p. 1015, § 1606; Ga. L. 1975, p. 1165, § 1; Ga. L. 1976, p. 395, § 6; Ga. L. 1976, p. 1684, §§ 1, 2; Ga. L. 1977, p. 717, §§ 2-4; Ga. L. 1982, p. 3, § 35; Ga. L. 1982, p. 2478, §§ 3, 7, 8; Ga. L. 1983, p. 3, § 26; Ga. L. 1985, p. 283, § 1; Ga. L. 1988, p. 426, § 1; Ga. L. 1997, p. 1488, § 3; Ga. L. 2015, p. 422, § 5-57/HB 310; Ga. L. 2016, p. 247, § 1/SB 279.

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35-8-4. Officers of council; quorum; minutes of meetings and records; reports to Governor and General Assembly.

The business of the council shall be conducted in the following manner:

- (1) The officers of the council, who shall consist of a chairperson, vice chairperson, and secretary-treasurer, shall be elected at the first meeting of each calendar year.
- (2) Eleven members of the council shall constitute a quorum for the transaction of business.
- (3) The council shall maintain minutes of its meetings and such other records as it deems necessary.
- (4) The council shall report at least annually to the Governor and to the General Assembly as to its activities.

History

Ga. L. 1970, p. 208, § 4; Ga. L. 2018, p. 336, § 1/ HB 867.

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35-8-5. Compensation of members of council.

The members of the council shall receive no salary but shall be reimbursed for their reasonable and necessary expenses actually incurred in the performance of their duties.

History

Ga. L. 1970, p. 208, § 5.

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35-8-6. Appointment of executive director of council; contracts for services; personnel; investigators; subpoenas; funding; gifts, grants, or donations.

- (a) The council may appoint an executive director who shall serve at the pleasure of the council. The council shall establish the compensation for the executive director.
- (b) The executive director may contract for such services as may be necessary and authorized in order to carry out the provisions of this chapter and may employ such other professional, technical, and clerical personnel deemed necessary to carry out the purposes of this chapter.
- (c) The executive director is authorized to appoint certain investigators for the purpose of carrying out the provisions of this chapter. The executive director and persons so appointed shall meet all employment and training requirements of this chapter as for all other peace officers and shall have all of the powers of other peace officers. Any investigator of the council shall have access to and may examine any writing, document, or other material which is deemed by the chairperson of the council to be related to the fitness of any peace officer or applicant to practice as a peace officer. The chairperson or executive director of the council may issue subpoenas to compel such access. When a subpoena is disobeyed, the council may apply to the superior court of the county where the person to whom the subpoena is issued resides for an order requiring obedience. Failure to comply with such order shall be punishable as for contempt of court.
- (d) Investigators provided for under subsection (c) of this Code section may retain their weapon and badge upon retirement pursuant to the requirements and procedures provided for under Code Section 35-1-20.
- (e) The funds necessary to carry out this chapter shall come from the funds appropriated to and available to the council and from any other available funds.
- (f) The council is authorized to accept and use gifts, grants, donations, property, both real and personal, and services for the purpose of carrying out this chapter.
- (g) Any funds, property, or services received as gifts, grants, or donations shall be kept separate and apart from any funds appropriated to the council; and the funds, property, or services so received by gifts, grants, or donations shall be the property and funds of the council and, as such, shall not lapse at the end of each fiscal year but shall remain under the control of and subject to the direction of the council for carrying out this chapter.

History

Ga. L. 1970, p. 208, § 7; Ga. L. 1975, p. 1165, § 5; Ga. L. 1988, p. 483, § 1; Ga. L. 1989, p. 514, § 1; Ga. L. 2018, p. 336, § 2/HB 867.

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35-8-7. Powers and duties of council generally.

The council is vested with the following powers and duties:

- (1) To meet at such times and places as it may deem necessary;
- (2) To contract with other agencies, public or private, or persons as it deems necessary for the rendering and affording of such services, facilities, studies, and reports to the council as will best assist it to carry out its duties and responsibilities;
- (3) To cooperate with and secure the cooperation of every department, agency, or instrumentality in the state government or its political subdivisions in the furtherance of the purposes of this chapter;
- (4) To establish criteria to be used in certifying schools authorized to conduct training required by this chapter;
- (5) To certify schools as authorized to conduct training required by this chapter;
- (6) To prescribe minimum qualifications for directors of schools certified to conduct training required by this chapter;
- (7) To certify such school directors;
- (8) To establish minimum qualifications for instructors at schools certified to conduct training required by this chapter;
- (9) To certify instructors authorized to conduct training required by this chapter;
- (10) To reevaluate certified schools annually to determine if such schools shall continue to be certified;
- (11) To withdraw or suspend certification of schools, school directors, and instructors who fail to continue to meet or maintain, at any given time, the criteria and qualifications required for school, school director, or instructor certification;
- (12) To determine whether a candidate has met the requirements of this chapter and is qualified to be employed as a peace officer and to issue a certificate to those so qualified;
- (13) To certify to designated law enforcement units a candidate's successful completion of the course;
- (14) To refuse to grant a certificate to or to discipline a certified peace officer or an exempt peace officer under this chapter or any antecedent law;
- (15) To establish and modify the curriculum, including the methods of instruction, composing the basic training courses and to set the minimum number of hours therefor;
- (16) To establish and recommend curricula for such advanced, in-service, and specialized training courses as the council shall deem advisable and to recognize the completion of such courses by the issuance of certificates;
- (17) To provide technical assistance as requested by law enforcement units;
- (18) To provide for and administer the registration of all exempt peace officers;

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- (19)** To research, plan, and establish policy relative to peace officer training and to develop and coordinate the delivery of peace officer training programs through such agencies and institutions as the council may deem appropriate;
- (20)** To establish as part of the curriculum for basic and in-service training courses for all peace officers training on organized criminal activity and criminal street gangs;
- (21)** To develop, adopt, and issue advanced or professional peace officer certificates based upon the attainment of specified education, advanced or specialized training, and experience as the council may determine;
- (22)** To provide and administer the certification of persons qualified to operate radar speed detection devices and to withdraw or suspend such certificates as provided for in this chapter;
- (23)** To impose administrative fees, as determined by the council, for services provided pursuant to the provisions of this chapter;
- (24)** To adopt in accordance with Chapter 13 of Title 50, the “Georgia Administrative Procedure Act,” such rules and regulations as are necessary to carry out the purposes of this chapter; and
- (25)** To do any and all things necessary or convenient to enable it to perform wholly and adequately its duties and to exercise the power granted to it.

History

Ga. L. 1970, p. 208, § 6; Ga. L. 1975, p. 1165, § 4; Ga. L. 1976, p. 395, § 7; Ga. L. 1977, p. 713, §§ 1, 2; Ga. L. 1977, p. 717, § 1; Ga. L. 1978, p. 1680, § 1; Ga. L. 1980, p. 979, § 2; Ga. L. 1985, p. 539, § 1; Ga. L. 1987, p. 3, § 35; Ga. L. 1997, p. 1488, § 4; Ga. L. 1998, p. 270, § 12; Ga. L. 2010, p. 212, § 1/SB 324.

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35-8-7.1. Authority of council to refuse certificate to applicant or to discipline council certified officer or exempt officer; grounds; restoration of certificate; emergency suspension of certification; notice of investigation; retention of records.

- (a) The council shall have authority to refuse to grant a certificate to an applicant or to discipline a council certified officer or exempt officer under this chapter or any antecedent law upon a determination by the council that the applicant, council certified officer, or exempt officer has:
- (1) Failed to demonstrate the qualifications or standards for a certificate provided in this chapter or in the rules and regulations of the council. It shall be incumbent upon the applicant to demonstrate to the satisfaction of the council that he or she meets all requirements for the issuance of a certificate;
 - (2) Knowingly made misleading, deceptive, untrue, or fraudulent representations in the practice of being an officer or in any document connected therewith or practiced fraud or deceit or intentionally made any false statement in obtaining a certificate to practice as an officer;
 - (3) Been convicted of a felony in the courts of this state or any other state, territory, country, or of the United States. As used in this paragraph, the term “conviction of a felony” shall include a conviction of an offense which if committed in this state would be deemed a felony under either state or federal law without regard to its designation elsewhere. As used in this paragraph, the term “conviction” shall include a finding or a verdict of guilt, a plea of guilty, or a plea of nolo contendere in a criminal proceeding, regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon. However, the council may not deny a certificate to an applicant with a conviction if the adjudication of guilt or sentence is withheld or not entered thereon;
 - (4) Committed a crime involving moral turpitude, without regard to conviction. The conviction of a crime involving moral turpitude shall be conclusive of the commission of such crime. As used in this paragraph, the term “conviction” shall have the meaning prescribed in paragraph (3) of this subsection;
 - (5) Had his or her certificate or license to practice as an officer revoked, suspended, or annulled by any lawful certifying or licensing authority; had other disciplinary action taken against him or her by any lawful certifying or licensing authority; or was denied a certificate or license by any lawful certifying or licensing authority;
 - (6) Engaged in any unprofessional, unethical, deceptive, or deleterious conduct or practice harmful to the public; such conduct or practice need not have resulted in actual injury to any person. As used in this paragraph, the term “unprofessional conduct” shall include any departure from, or failure to conform to, the minimal standards of acceptable and prevailing practice of an officer;
 - (7) Violated or attempted to violate a law, rule, or regulation of this state, any other state, the council, the United States, or any other lawful authority without regard to whether the violation is criminally punishable, so long as such law, rule, or regulation relates to or in part regulates the practice of an officer;
 - (8) Committed any act or omission which is indicative of bad moral character or untrustworthiness;

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(9) Been adjudged mentally incompetent by a court of competent jurisdiction, within or outside this state;

(10) Become unable to perform as an officer with reasonable skill and safety to citizens by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition; or

(11) Been suspended or discharged by the officer's employing law enforcement unit for disciplinary reasons.

(b)

(1) When the council finds that any person is unqualified to be granted a certificate or finds that any person should be disciplined pursuant to subsection (a) of this Code section, the council may take any one or more of the following actions:

(A) Refuse to grant a certificate to an applicant;

(B) Administer a public or private reprimand, provided that a private reprimand shall not be disclosed to any person except the officer;

(C) Suspend any certificate for a definite period;

(D) Limit or restrict any certificate;

(E) Revoke any certificate; or

(F) Condition the penalty, or withhold formal disposition, upon the officer's completing such care, counseling, or treatment, as directed by the council.

(2) In addition to and in conjunction with the foregoing actions, the council may make a finding adverse to the applicant or officer but withhold imposition of judgment and penalty or it may impose the judgment and penalty but suspend enforcement thereof and place the officer on probation, which may be vacated upon noncompliance with such reasonable terms as the council may impose.

(c) In its discretion, the council may restore and reissue a certificate issued under this chapter or any antecedent law to an officer and, as a condition thereof, may impose any disciplinary or corrective measure provided in this chapter.

(d) Upon arrest or indictment of an officer for any crime which is punishable as a felony, the executive director of the council shall order the emergency suspension of such officer's certification upon the executive director's determination that the suspension is in the best interest of the health, safety, or welfare of the public. The order of emergency suspension shall be made in writing and shall specify the basis for the executive director's determination. Following the issuance of an emergency suspension order, proceedings of the council in the exercise of its authority to discipline any officer shall be promptly scheduled as provided for in Code Section 35-8-7.2. The emergency suspension order of the executive director shall continue in effect until issuance of the final decision of the council or such order is withdrawn by the executive director.

(e) Upon initiating an investigation of an officer for possible disciplinary action or upon disciplining an officer pursuant to this Code section, the council shall notify the head of the law enforcement agency that employs such officer of the investigation or disciplinary action. In the case of an investigation, it shall be sufficient to identify the officer and state that a disciplinary investigation has been opened. Notice of the initiation of an investigation shall be sent by priority mail. If the investigation is completed without any further action, notice of the termination of such investigation shall also be provided to the head of the employing agency. In the case of disciplinary action, the notice shall identify the officer and state the nature of the disciplinary action taken. The notice of disposition shall be sent only after the action of the council is deemed final. Such notice shall be sent by priority mail.

(f) If the certification of an officer is suspended or revoked by either the executive director or council, then the council shall notify the head of the law enforcement agency that employs the officer; the district attorney

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of the judicial circuit in which such law enforcement agency is located; and the solicitor of the state court, if any, of the county in which such law enforcement agency is located. It shall be sufficient for this notice to identify the officer and state the length of time, if known, that the officer will not have powers of arrest. Such notice shall be sent by priority mail.

(g) Notwithstanding Article 5 of Chapter 18 of Title 50, records of an investigation of an officer by the council, including, but not limited to, records used to investigate complaints against an officer and polygraph case files containing official polygraph reports, shall be retained for 30 years following the date that such investigation is deemed concluded by the council and then such records may be destroyed; provided, however, that the council shall have the authority to destroy such records prior to such 30 years where such officer is deceased and no action upon the complaint was taken by the council beyond the council's initial intake of such complaint.

History

Code 1981, § 35-8-7.1, enacted by Ga. L. 1985, p. 539, § 2; Ga. L. 1987, p. 3, § 35; Ga. L. 1993, p. 91, § 35; Ga. L. 2008, p. 237, § 1/SB 373; Ga. L. 2011, p. 506, § 1/HB 203; Ga. L. 2013, p. 864, § 1/HB 366; Ga. L. 2019, p. 305, § 1/HB 325.

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35-8-7.2. Administrative procedure; hearings; review.

(a) Except as otherwise provided in subsection (b) of this Code section, proceedings of the council in the exercise of its authority to issue any certificate or discipline any peace officer under the terms of this chapter shall be conducted in accordance with Chapter 13 of Title 50, the “Georgia Administrative Procedure Act.” In all such proceedings the council shall have authority to compel the attendance of witnesses and the production of any book, writing, or document upon the issuance of a subpoena therefor. In any hearing in which the fitness of a peace officer or applicant is in question, the council may exclude all persons from its deliberation of the appropriate action and may, when it deems necessary, speak to the peace officer or applicant in private. All final determinations, findings, and conclusions of the council under this chapter are final and conclusive decisions of the matters involved.

(b) Proceedings for review of a final decision of the council shall be instituted by filing a petition within 30 days after the service of the final decision of the council or, if a rehearing is requested, within 30 days after the decision thereon. The petition shall be filed in the superior court of the county of residence of the petitioner.

History

Code 1981, § 35-8-7.2, enacted by Ga. L. 1985, p. 539, § 2.

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O.C.G.A. § 35-8-7.3

Current through the 2022 Regular Session of the General Assembly.

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35-8-7.3. Civil suits by peace officers.

A peace officer shall have the right to bring a civil suit against any person, group of persons, organization, or corporation, or the head of an organization or corporation, for damages, either pecuniary or otherwise, suffered during the officer's performance of official duties, for abridgment of the officer's civil rights arising out of the officer's performance of official duties, or for filing a complaint against the officer which the person knew was false when it was filed.

History

Code 1981, § 35-8-7.3, enacted by Ga. L. 2020, p. 671, § 5/HB 838.

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35-8-7.4. Bias motivated intimidation of first responders; prosecution and penalty.

(a) As used in this Code section, the term “first responder” means any firefighter of a municipal, county, or volunteer fire department, a peace officer as defined in Code Section 35-8-2, and an emergency medical technician as defined in Code Section 16-10-24.2.

(b) A person commits the offense of bias motivated intimidation when such person maliciously and with the specific intent to intimidate, harass, or terrorize another person because of that person’s actual or perceived employment as a first responder:

(1) Causes death or serious bodily harm to another person; or

(2) Causes damage to or destroys any real or personal property of a person because of actual or perceived employment as a first responder without permission and the amount of the damage exceeds \$500.00 or the value of the property destroyed exceeds \$500.00.

(c) Any person that violates subsection (b) of this Code section shall be guilty of the offense of bias motivated intimidation and, upon conviction thereof, shall be punished by imprisonment of not less than one nor more than five years, a fine of not more than \$5,000.00, or both.

(d) Each violation of this Code section shall constitute a separate offense and shall not merge with any other crime.

(e) A sentence imposed under this Code section shall run consecutively to any sentence for any other offense related to the act or acts establishing an offense under this Code section.

(f) Charges of violating subsection (b) of this Code section shall not be prosecuted by way of an accusation but only by indictment or special presentment by a grand jury.

History

Code 1981, § 35-8-7.4, enacted by Ga. L. 2020, p. 671, § 6/HB 838.

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O.C.G.A. § 35-8-8

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35-8-8. Requirements for appointment or certification of persons as peace officers and preemployment attendance at basic training course; “employment related information” defined.

- (a) Any person employed or certified as a peace officer shall:
- (1) Be at least 18 years of age;
 - (2) Be a citizen of the United States;
 - (3) Have a high school diploma or its recognized equivalent;
 - (4) Not have been convicted by any state or by the federal government of any crime the punishment for which could have been imprisonment in the federal or state prison or institution nor have been convicted of sufficient misdemeanors to establish a pattern of disregard for the law, provided that, for the purposes of this paragraph, violations of traffic laws and other offenses involving the operation of motor vehicles when the applicant has received a pardon shall not be considered;
 - (5) Be fingerprinted for the purpose of conducting a fingerprint based search at the Georgia Bureau of Investigation and the Federal Bureau of Investigation to determine the existence of any criminal record;
 - (6) Possess good moral character as determined by investigation under procedure established by the council and fully cooperate during the course of such investigation;
 - (7) Be found, after examination by a licensed physician or surgeon, to be free from any physical, emotional, or mental conditions which might adversely affect his or her exercise of the powers or duties of a peace officer; and
 - (8) Successfully complete a job related academy entrance examination provided for and administered by the council in conformity with state and federal law. Such examination shall be administered prior to entrance to the basic course provided for in Code Sections 35-8-9 and 35-8-11. The council may change or modify such examination and shall establish the criteria for determining satisfactory performance on such examination. The provisions of this paragraph establish only the minimum requirements of academy entrance examinations for peace officer candidates in this state; each law enforcement unit is encouraged to provide such additional requirements and any preemployment examination as it deems necessary and appropriate. Any person with a degree from a postsecondary institution accredited by a regional accrediting agency recognized by the United States Department of Education shall be deemed to have met the requirements of this paragraph.
- (b) Any person authorized to attend the basic training course prior to employment as a peace officer shall meet the requirements of subsection (a) of this Code section.
- (c)
- (1) For purposes of this subsection, the term “employment related information” means written information contained in a prior employer’s records or personnel files that relates to an applicant’s, candidate’s, or peace officer’s performance or behavior while employed by such prior employer, including performance evaluations, records of disciplinary actions, and eligibility for rehire. Such term

shall not include information prohibited from disclosure by federal law or any document not in the possession of the employer at the time a request for such information is received.

(2) Where an investigation is conducted for the purpose of hiring, certifying, or continuing the certification of a peace officer, an employer shall disclose employment related information to the investigating law enforcement agency upon receiving a written request from such agency. Disclosure shall only be required under this subsection if the law enforcement agency's request is accompanied by a copy of a signed, notarized statement from the applicant, candidate, or peace officer releasing and holding harmless such employer from any and all liability for disclosing complete and accurate information to the law enforcement agency.

(3) An employer may charge a reasonable fee to cover actual costs incurred in copying and furnishing documents to a requesting law enforcement agency, including retrieving and redacting costs, provided such amount shall not exceed \$25.00 or 25¢ per page, whichever is greater. No employer shall be required to prepare or create any document not already in the employer's possession at the time a request for employment related information is received. Any employment related information provided pursuant to this subsection that is not subject to public disclosure while in the possession of a prior employer shall continue to be privileged and protected from public disclosure as a record of the requesting law enforcement agency.

(4) No employer or law enforcement agency shall be subject to any civil liability for any cause of action by virtue of disclosing complete and accurate information to a law enforcement agency in good faith and without malice pursuant to this subsection. In any such cause of action, malice or bad faith shall only be demonstrated by clear and convincing evidence. Nothing contained in this subsection shall be construed so as to affect or limit rights or remedies provided by federal law.

(5) Before taking final action on an application for employment based, in whole or in part, on any unfavorable employment related information received from a previous employer, a law enforcement agency shall inform the applicant, candidate, or peace officer that it has received such employment related information and that the applicant, candidate, or peace officer may inspect and respond in writing to such information. Upon the applicant's, candidate's, or peace officer's request, the law enforcement agency shall allow him or her to inspect the employment related information and to submit a written response to such information. The request for inspection shall be made within five business days from the date that the applicant, candidate, or peace officer is notified of the law enforcement agency's receipt of such employment related information. The inspection shall occur not later than ten business days after said notification. Any response to the employment related information shall be made by the applicant, candidate, or peace officer not later than three business days after his or her inspection.

(6) Nothing contained in this Code section shall be construed so as to require any person to provide self-incriminating information or otherwise to compel any person to act in violation of his or her right guaranteed by the Fifth Amendment of the United States Constitution and Article I, Section I, Paragraph XVI of the Georgia Constitution. It shall not be a violation of this Code section for a person to fail to provide requested information based on a claim that such information is self-incriminating provided that notice of such claim is served in lieu of the requested information. An action against such person to require disclosure on the grounds that the claim of self-incrimination is not substantiated may be brought in the superior court of the county of such party's residence or where such information is located.

History

Ga. L. 1970, p. 208, § 8; Ga. L. 1973, p. 539, § 1; Ga. L. 1976, p. 1563, § 1; Ga. L. 1976, p. 1684, §§ 3, 4; Ga. L. 1977, p. 712, § 1; Ga. L. 1977, p. 1180, §§ 1, 2; Ga. L. 1982, p. 3, § 35; Ga. L. 1987, p. 3, § 35; Ga. L. 2004, p. 986, § 2; Ga. L. 2008, p. 237, § 2/SB 373; Ga. L. 2011, p. 545, § 1/SB 95; Ga. L. 2013, p. 864, § 2/HB 366; Ga. L. 2017, p. 774, § 35/HB 323; Ga. L. 2018, p. 336, § 3/HB 867.

O.C.G.A. § 35-8-8

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O.C.G.A. § 35-8-9

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35-8-9. Completion of basic training course required; acceptance of other instruction; effect of failure to complete basic training requirements; limitation.

- (a) In addition to complying with the preemployment standards as set forth in Code Section 35-8-8, each and every candidate shall satisfactorily complete a basic training course prior to his or her appointment as a peace officer.
- (b) The council shall have the authority to recognize instruction received by a candidate if, in the determination of the council, such instruction is at least equivalent to that required by this chapter. If such instruction is recognized, then it shall be in lieu of part or parts of the minimum hours of instruction required for certification by this chapter.
- (c) Should any candidate fail to complete successfully the basic training requirements specified in this Code section, he or she shall not perform any of the duties of a peace officer involving the power of arrest until such training shall have been successfully completed.
- (d) A municipal correctional institution covered under the provisions of subparagraph (C) of paragraph (7) and subparagraph (C) of paragraph (8) of Code Section 35-8-2 shall not be permitted to have more than ten correctional officers in any 12 month period take the basic training course necessary to become a certified peace officer.

History

Ga. L. 1970, p. 208, § 9; Ga. L. 1975, p. 1165, § 6; Ga. L. 1992, p. 1004, § 1; Ga. L. 1994, p. 1355, § 1; Ga. L. 1997, p. 1488, § 4A.

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O.C.G.A. § 35-8-10

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35-8-10. Applicability and effect of certification requirements generally; requirements as to exempt persons.

(a) No person required to comply with the certification provisions of this chapter shall be employed or appointed by any law enforcement unit without certification from the council that the applicant has met the preemployment requirements established in this chapter, and no candidate shall perform any of the duties of a peace officer involving the power of arrest until such training shall have been successfully completed.

(b) Peace officers commencing any employment or service on any terms with the Department of Public Safety, counties, municipalities, the Georgia Bureau of Investigation, the Department of Natural Resources, the Department of Revenue, Alcohol and Tobacco Tax Unit, the Secretary of State's investigative section, the Office of the Commissioner of Insurance and Safety Fire Commissioner, or a railroad after July 1, 1975, are required to comply with the certification provisions of this chapter. Peace officers commencing such employment or service prior to July 1, 1975, and whose employment continues on July 1, 1975, are exempt and excused from compliance with the certification provisions of this chapter except as provided in this Code section so long as the registration provided for in subsections (d) and (e) of this Code section remains in effect. Any peace officer otherwise exempt from the certification provisions of this chapter must meet the qualifications and requirements specified in paragraphs (2), (4), (5), and (8) of subsection (a) of Code Section 35-8-8.

(c) If, after July 1, 1975, any other employment or service is conditioned on compliance with this chapter, persons so employed or serving shall be required to comply with the certification provisions established in this chapter, except that persons so employed or serving whose employment or service commenced prior to and continues upon the effective date of the peace officer's law enforcement unit becoming subject to the provisions of this chapter shall be exempt and excused from compliance so long as registration provided for in subsections (d) and (e) of this Code section remains in effect. Notwithstanding this subsection, the effective date of requirements for certification or registration shall be determined by the council based upon identification of the applicability of this chapter to particular peace officers. Nothing in this subsection shall be deemed to grant an exemption to persons required to be certified by subsections (a) and (b) of this Code section.

(d) Peace officers exempt from the certification provisions of this chapter are required to register with the council. The registration shall remain in effect for the period of time said person is employed as a peace officer.

(e) Any registration granted in this Code section shall not terminate upon a subsequent employment or appointment as a peace officer, provided that subsequent employment or appointment as a peace officer is recognized by the council to be substantially the same or similar to the employment or appointment by virtue of which said peace officer was exempted and registered as such; provided, further, that such subsequent employment or appointment is commenced within 12 months of such prior termination as a peace officer.

(f) Except as otherwise provided by subsection (b) of this Code section, nothing in this subsection or in subsection (d) shall be deemed to require any exempt peace officer to comply with Code Sections 35-8-8 and 35-8-9 for the period of time the registration shall remain in effect.

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(g) A peace officer excused from mandatory compliance with this chapter by this Code section may choose to be certified under this chapter. If so, the council shall have the authority to recognize instruction received by such a peace officer as equivalent to all or part of the instruction required for certification under this chapter.

(h) Any person who was serving as a sheriff on July 1, 1970, and who subsequently becomes a peace officer shall not be required to comply with this chapter.

(i) A retired peace officer may be voluntarily registered by the council as an exempt peace officer without meeting the qualifications and requirements specified in paragraphs (2), (4), (5), and (8) of subsection (a) of Code Section 35-8-8. Such registration of a retired peace officer shall not terminate, as provided for in subsection (e) of this Code section. Nothing in this subsection shall be deemed to grant an exemption to persons required to be certified or registered by this chapter.

History

Ga. L. 1970, p. 208, § 13; Ga. L. 1975, p. 1165, § 9; Ga. L. 1976, p. 395, § 8; Ga. L. 1977, p. 713, §§ 3-7; Ga. L. 1978, p. 1680, § 2; Ga. L. 1978, p. 2299, §§ 2-6; Ga. L. 1981, p. 778, §§ 2, 3; Ga. L. 1994, p. 1355, § 2; Ga. L. 2003, p. 331, § 2.

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35-8-11. Basic course to be completed at schools certified by council.

The basic course provided for in Code Section 35-8-9 shall be completed at any school certified by the council which provides the course requirements and methods of instruction established by the council.

History

Ga. L. 1970, p. 208, § 10; Ga. L. 1975, p. 567, § 5; Ga. L. 1975, p. 1165, § 7.

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O.C.G.A. § 35-8-12

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35-8-12. Certification to use speed detection devices; withdrawal or suspension of certificate.

(a) Persons employed or appointed by any agency, organ, or department of this state or a subdivision or municipality thereof authorized to use speed detection devices shall be required to be certified by the council as qualified speed detection device operators. Each person operating radar speed or laser detection devices shall satisfactorily complete a course of instruction in the theory and application of speed detection device operation as a condition for certification. The council shall establish and modify the curriculum for the course of instruction, including a minimum number of hours. Persons authorized and qualified to conduct the course of instruction required by this Code section shall be certified by the council as speed detection device operator instructors upon complying with requirements prescribed by the council. The council shall have the authority to recognize instruction received by persons subject to the requirements of this Code section if, in the determination of the council, the instruction is at least equivalent to that required by this chapter. If the instruction is recognized, then it shall be accepted in lieu of part or parts of the minimum hours of instruction required for speed detection device certification by this chapter. Should any person fail to complete successfully the training requirements for operation of speed detection devices, he or she shall not perform any functions related to the use of the devices until such training shall have been successfully completed and until such time as the council shall issue appropriate certification. All persons certified to use speed detection devices shall complete an update or refresher training course of such duration and at such time as may be prescribed by the council in order for their speed detection device operators' certifications to remain in force and effect. The council is authorized to withdraw or suspend the certification of any person for failure to meet the update or refresher requirements specified in this Code section or for violation of any portion of this chapter relating to conditions which may lead to the withdrawal or suspension of peace officer certification to operate radar or laser speed detection devices.

(b) Upon the withdrawal or suspension of any certificate to operate speed detection devices for the reasons set forth in this Code section, the executive director of the council shall notify the commissioner. The notification shall contain the officer's name and employing law enforcement agency.

(c) Upon receipt from the commissioner that a speed detection device permit has been suspended or revoked pursuant to Code Section 40-14-11, the council shall withdraw or suspend the certification to operate speed detection devices for every certified operator employed by the agency whose permit has been suspended or revoked. The period of withdrawal or suspension shall be consistent with the action taken by the department.

History

Ga. L. 1980, p. 979, § 3; Ga. L. 1996, p. 1281, § 2.

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35-8-13. [Reserved] Training and certification of police chaplains.

History

Ga. L. 1980, p. 1127, § 1; Ga. L. 1991, p. 94, § 35; repealed by Ga. L. 2018, p. 336, § 4/HB 867, effective July 1, 2018.

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35-8-13.1. Training and certification of municipal probation officers.

(a) Any person employed or appointed as a municipal probation officer on or after July 1, 2017, shall not be authorized to exercise the power of arrest as a municipal probation officer unless such person has successfully completed a training course and received certification for municipal probation officers approved by the Georgia Peace Officer Standards and Training Council; provided, however, that such person shall only exercise the power of arrest upon individuals whom he or she is supervising under Article 6 of Chapter 8 of Title 42, unless such person is certified as a peace officer by the Georgia Peace Officer Standards and Training Council.

(b) Persons applying for certification and persons certified by the council under this Code section shall be subject to the powers and authority of the Georgia Peace Officer Standards and Training Council applicable to peace officers as defined in this chapter and shall be required to fulfill all of the requirements of a peace officer, except peace officer training requirements applicable to peace officers only. Such persons shall be required to register with the council. Such registration shall remain in effect for the period of time such person is employed as a municipal probation officer.

(c) Any person who registers with the council pursuant to this Code section shall not have such registration invalidated upon termination of employment or appointment as a municipal probation officer if subsequent employment or appointment as a municipal probation officer is commenced within 12 months of such prior termination of employment or appointment as a municipal probation officer.

(d) Any municipal probation officer exempted from mandatory compliance with this Code section may choose to be certified under this Code section. If so, the council shall have the authority to recognize instruction received by such municipal probation officer as equivalent to all or part of the instruction required for certification under this Code section.

(e) The term “municipal probation officer” as used in this Code section means only municipal probation officers employed directly by a municipality or consolidated government and shall not include employees of private probation providers which contract with municipalities or consolidated governments in accordance with the provisions of Article 6 of Chapter 8 of Title 42; provided, however, that the term “municipal probation officer” shall not include probation officers of any municipal corporation which conducts a training course for such officers if such training course is approved by the Georgia Peace Officer Standards and Training Council.

(f) Any person who has completed the peace officer basic training course and is certified as a peace officer by the Georgia Peace Officer Standards and Training Council may serve as a municipal probation officer without obtaining the municipal probation officer training and certification required by this Code section.

History

Code 1981, § 35-8-13.1, enacted by Ga. L. 1998, p. 192, § 1; Ga. L. 2017, p. 673, § 2-1/SB 149.

O.C.G.A. § 35-8-13.1

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O.C.G.A. § 35-8-14

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35-8-14. [Reserved] Board of Corrections and State Board of Pardons and Paroles to establish training program for employees authorized to make arrests.

History

Repealed by Ga. L. 1982, p. 2478, § 9, effective November 1, 1982.

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O.C.G.A. § 35-8-15

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35-8-15. Preparation and maintenance of employment records by law enforcement units and council; release of records.

(a) Each law enforcement unit shall prepare duplicate records on any candidate or peace officer employed under this chapter as may be prescribed by the rules and regulations of the council. One copy of the records shall be maintained in the headquarters of the law enforcement unit; the second copy shall be forwarded to the council and shall be maintained by the council.

(b) The contents of the records provided for in subsection (a) of this Code section, except for court proceedings, shall be considered as confidential and shall be released only to the candidate or peace officer to whom they pertain or to a law enforcement unit considering the candidate or peace officer for employment.

History

Ga. L. 1970, p. 208, § 12; Ga. L. 1975, p. 1165, § 1.

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O.C.G.A. § 35-8-16

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35-8-16. Effect of standards and training requirements provided in chapter; adoption of additional requirements by law enforcement units.

This chapter establishes only the minimum qualification standards and training requirements for peace officers in this state; each law enforcement unit is encouraged to prescribe such additional requirements as it deems necessary and appropriate.

History

Ga. L. 1970, p. 208, § 11.

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O.C.G.A. § 35-8-17

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35-8-17. Effect of peace officer's failure to comply with chapter generally; civil actions against noncomplying peace officers and law enforcement units.

- (a) Any peace officer so employed who does not comply with this chapter shall not be authorized to exercise the powers of a law enforcement officer generally and particularly shall not be authorized to exercise the power of arrest.
- (b) The council is authorized to bring a civil action against any peace officer who does not comply with this chapter to enjoin the peace officer from performing any and all functions of a peace officer, including the power of arrest, until the officer shall meet the certification or registration requirements of this chapter.
- (c) The council is authorized to bring a civil action against any law enforcement unit which employs or appoints any peace officer who fails to meet the certification or registration requirements of this chapter to enjoin the law enforcement unit from allowing the peace officer to perform any and all peace officer functions, including exercising the power of arrest, until such time as the peace officer shall comply with the certification or registration requirements of this chapter.

History

Ga. L. 1970, p. 208, § 15; Ga. L. 1975, p. 1165, § 11; Ga. L. 1977, p. 713, § 8; Ga. L. 1977, p. 1180, § 3.

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O.C.G.A. § 35-8-18

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35-8-18. Applicability of chapter to emergency peace officers.

This chapter shall not apply to emergency peace officers.

History

Ga. L. 1970, p. 208, § 14; Ga. L. 1975, p. 1165, § 10.

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O.C.G.A. § 35-8-19

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35-8-19. Appointment of citizen of adjoining state as peace officer.

In each city of this state adjacent to the State of Georgia boundary line, the sheriff, mayor, or other person authorized to appoint peace officers may appoint as special deputy, special constable, marshal, policeman, or other peace officer a person who is not a citizen of Georgia but who is a citizen of an adjoining state, provided such appointed person is otherwise qualified to serve as a peace officer.

History

Code 1981, § 35-8-19, enacted by Ga. L. 1982, p. 2107, § 29; Ga. L. 1992, p. 1325, § 1.

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35-8-20. Training requirements for police chiefs, department heads, and wardens; effect of failure to fulfill training requirement; waiver of requirements.

- (a) During calendar year 1985 and during each calendar year thereafter, the chief of police or department head of each law enforcement unit and wardens of state institutions shall complete 20 hours of training as provided in this Code section.
- (b) The training required by subsection (a) of this Code section shall be completed in sessions as selected and provided or approved by the Georgia Association of Chiefs of Police or the Georgia Prison Wardens Association and which have been recognized by the Georgia Peace Officer Standards and Training Council.
- (c) The salary and travel expenses of a chief of police or department head of a law enforcement unit or a warden of a state institution taking the required training shall be paid by the law enforcement unit by which he or she is employed.
- (d) Any chief of police or department head of a law enforcement unit or a warden of a state institution who does not fulfill the training requirement of this Code section shall lose his or her power of arrest.
- (e) A waiver of the requirement of training provided in this Code section may be granted by the Georgia Peace Officer Standards and Training Council, in its discretion, upon the presentation of evidence by a chief of police or department head of a law enforcement unit or a warden of a state institution that he or she was unable to complete such training due to medical disability, providential cause, or other reason deemed sufficient by the council.

History

Code 1981, § 35-8-20, enacted by Ga. L. 1984, p. 1210, § 1; Ga. L. 1985, p. 149, § 35; Ga. L. 1993, p. 91, § 35; Ga. L. 1997, p. 542, § 1; Ga. L. 1997, p. 1488, § 5.

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O.C.G.A. § 35-8-20.1

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35-8-20.1. Training for police chiefs and department heads appointed after June 30, 1999; waivers.

- (a)** Any newly appointed chief of police or department head of a law enforcement unit whose term of employment commences after June 30, 1999, shall successfully complete a minimum of 60 hours of law enforcement chief executive training at the next scheduled law enforcement chief executive training class sponsored by the Georgia Association of Chiefs of Police following his or her appointment. Such training shall be in addition to the basic training required of peace officers in Code Section 35-8-9. A sworn employee acting in the capacity of a department head of a law enforcement unit for more than 60 days shall be required to attend training specified under this Code section and Code Section 35-8-20. The provisions of this subsection shall not apply to any sheriff or to any head of any law enforcement unit within the office of sheriff.
- (b)** The training required by subsection (a) of this Code section shall be completed in sessions as selected and provided by the Georgia Association of Chiefs of Police which have been recognized by the Georgia Peace Officer Standards and Training Council.
- (c)** Reserved.
- (d)** The salary and travel expenses of a chief of police or department head of a law enforcement unit taking the required training shall be paid by the law enforcement unit by which he is employed.
- (e)** Any newly appointed chief of police or department head of a law enforcement unit who does not fulfill the training requirement of this Code section shall lose his power of arrest.
- (f)** Any newly appointed chief of police or department head of a law enforcement unit who satisfactorily completes the training required by subsection (a) of this Code section shall be exempted for the year in which he completes such training from the training required by subsection (a) of Code Section 35-8-20.
- (g)** A chief of police or head of a law enforcement department who successfully completes the training required by subsection (a) of this Code section will not be required to repeat such training if he terminates an appointment and is subsequently reappointed to the same or another department.
- (h)** A waiver of the requirement of training provided in this Code section may be granted by the Georgia Peace Officer Standards and Training Council, in its discretion, upon the presentation of evidence by a newly appointed chief of police or department head of a law enforcement unit that he or she has served as an appointed chief of police or head of a law enforcement unit since December 31, 1992, without more than a 60 day break in service, that he or she has satisfactorily completed training or education deemed by the council to be equivalent to the training required by this Code section, or that he or she was unable to complete such training due to medical disability, providential cause, or other reason deemed sufficient by the council.
- (i)** Any chief of police or department head of a law enforcement unit who is exempted from the training required by subsection (a) of this Code section may choose to attend such training in lieu of the training required by Code Section 35-8-20 for any year.

History

Code 1981, § 35-8-20.1, enacted by Ga. L. 1989, p. 1637, § 1; Ga. L. 1993, p. 1780, § 1; Ga. L. 1997, p. 542, § 2; Ga. L. 1997, p. 1488, § 6; Ga. L. 1999, p. 777, § 4.

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35-8-21. Training requirements for peace officers; waiver; exemption for retired peace officers; confirmation of training.

- (a) During calendar year 1999 and during each calendar year thereafter, any person employed or appointed as a peace officer shall complete 20 hours of training as provided in this Code section; provided, however, that any peace officer serving with the Department of Public Safety who is a commissioned officer shall receive annual training as specified by the commissioner of public safety.
- (b) The training required by subsection (a) of this Code section shall be completed in sessions approved or recognized by the Georgia Peace Officer Standards and Training Council.
- (c) Peace officers who satisfactorily complete the basic course of training in accordance with the provisions of this chapter shall be excused from the minimum annual training requirement for the calendar year during which the basic course is completed.
- (d) Any peace officer who does not fulfill the training requirements of this Code section shall lose his or her power of arrest.
- (e) A waiver of the requirement of training provided in this Code section may be granted by the Georgia Peace Officer Standards and Training Council, in its discretion, upon the presentation of evidence by a peace officer that he or she was unable to complete such training due to medical disability, providential cause, or other reason deemed sufficient by the council.
- (f) Any person who is registered or certified with the council as a retired peace officer is excused and exempt from compliance with this Code section for the year in which he or she retires. A retired peace officer may voluntarily comply with the requirements of this Code section and, in that event, such retired peace officer shall receive such minimal annual training without payment of any fees or costs, but only if sufficient class space is available. Nothing in this subsection shall be deemed to grant an exemption to persons required to complete the annual training requirement of this Code section.
- (g) Any person required to comply with this Code section shall provide confirmation of his or her training for the previous year to the council in a manner required by the council. Failure to provide the council with confirmation of training in a timely manner or failure to obtain required training in a timely manner shall result in an emergency suspension of the officer's certification by the executive director. The order of emergency suspension issued by the executive director shall be made in writing and shall specify the basis for the determination. The emergency suspension order shall continue in effect until the training requirements are confirmed or a waiver is issued pursuant to subsection (e) of this Code section. An emergency suspension issued pursuant to this subsection shall be automatically withdrawn upon confirmation of required training or the issuance of a waiver by the council.

History

Code 1981, § 35-8-21, enacted by Ga. L. 1988, p. 1063, § 1; Ga. L. 1999, p. 777, § 5; Ga. L. 2004, p. 986, § 2A; Ga. L. 2013, p. 864, § 3/HB 366.

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35-8-21.1. Use of retired peace and correctional officers in emergency or disaster; training; immunities; compensation; power of arrest.

- (a) Any law enforcement unit in this state may supplement its workforce as necessary with qualified, retired peace officers or correctional officers when a disaster or emergency has been declared by a county sheriff, a public safety director, or the Governor or when there is a national emergency.
- (b) Retired peace officers and retired correctional officers assisting law enforcement units under the provisions of this Code section shall be in compliance with the annual training and qualification standards for peace officers established under this chapter.
- (c) Any retired peace officer or retired correctional officer assisting the requesting entity shall have the same immunities and powers of arrest as he or she has in his or her own jurisdiction, and the same powers of arrest as officers of the requesting entity, including sovereign immunity, official immunity, and the public duty doctrine, for the duration of the declared disaster or emergency. Such powers shall be limited to the location where the retired officer's services are requested to be provided, for the duration of the specific event, and while acting under the direction of the requesting entity's chief law enforcement officer or his or her designee.
- (d) Any retired peace officer or correctional officer assisting a requesting entity shall be deemed an employee of the requesting entity for the duration of the declared disaster or emergency and shall be subject to the workers' compensation, overtime, and expense reimbursement provisions provided to him or her as an employee of the requesting entity.
- (e) Any compensation awarded to retirees for service under this Code section shall be paid by the requesting entity.
- (f) Nothing in this Code section shall be construed to limit the powers of arrest provided to a law enforcement officer by any other law.

History

Code 1981, § 35-8-21.1, enacted by Ga. L. 2020, p. 481, § 2/SB 341.

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O.C.G.A. § 35-8-22

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35-8-22. Reimbursement of training expenses by subsequent employer of peace officer; collection procedure; required documentation.

(a) Unless otherwise provided by an employment contract to the contrary, if the State of Georgia or any county or municipality thereof employs a peace officer and said peace officer is hired by another agency within 15 months after completing mandated or formalized training requirements, then the total expense of training, including salary paid during training, shall be reimbursed by the hiring agency to the State of Georgia or any county or municipality thereof which initially paid for such training. If said officer is hired by another agency during a period of 15 to 24 months after mandated or formalized training requirements are completed, then one-half of the total expense of training, including salary paid during training, shall be reimbursed by the hiring agency to the State of Georgia or any county or municipality thereof which initially paid for such training. The council shall set standards for reimbursement by hiring agencies based upon actual expenses incurred in mandated or formalized training by individual departments.

(b) The State of Georgia or any county or municipality thereof which initially paid for the training of a peace officer shall submit an itemized, sworn statement to the new employer of the peace officer and shall demand payment thereof and may enforce collection of such obligation through civil remedies and procedures.

(c) Effective July 1, 2003, in order for the State of Georgia or any county or municipality thereof to demand reimbursement, the demanding governmental unit must be able to document that the peace officer in question signed an acknowledgment of the terms of this Code section or an employment contract specifying the provisions of this Code section prior to such peace officer's employment with the demanding governmental unit. Otherwise, this Code section shall not apply to such demand for reimbursement.

History

Code 1981, § 35-8-22, enacted by Ga. L. 1992, p. 1325, § 2; Ga. L. 2003, p. 327, § 1.

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35-8-23. Basic training course for communications officers; certification requirements; duties of council; rules and regulations.

- (a) As used in this Code section, the term “communications officer” means and includes any person employed by the state or a local governmental agency to receive, process, or transmit public safety information and dispatch law enforcement officers, firefighters, medical personnel, or emergency management personnel.
- (b) Any person employed on or after July 1, 1995, as a communications officer shall satisfactorily complete a basic training course approved by the council. Persons who are employed on July 1, 1994, shall register with the council and may be certified by voluntarily complying with the certification process. Any person who fails to comply with the registration or certification process of the council shall not perform any duties of a communications officer and may have his or her certificate sanctioned or revoked.
- (c) The council shall conduct administrative compliance reviews with respect to the requirements of this Code section. The council, in coordination with the Georgia Emergency Communications Authority, shall be authorized to promulgate rules and regulations to facilitate the administration and coordination of standards, certification, and compliance reviews consistent with the provisions of this Code section.
- (d) On and after July 1, 1998, the basic training course for communications officers shall include training in the use of telecommunications devices for the deaf (TDD’s), and no person shall on or after that date be certified by the council under this Code section unless such person has satisfactorily completed such training.
- (e)
- (1) On and after January 1, 2024, communications officers shall be required to successfully complete training in the delivery of high-quality telephone cardiopulmonary resuscitation (T-CPR) in addition to the basic training otherwise required by this Code section, and on or after that date no person shall be certified by the council under this Code section unless such person has satisfactorily completed such training; provided, however, that the requirements of this subsection shall be satisfied by any communications officer who is certified in emergency medical dispatch, as such term is defined in Code Section 38-3-181. Such training shall follow the most current evidence based nationally recognized guidelines for high-quality telephone cardiopulmonary resuscitation which incorporate recognition protocols for out-of-hospital cardiac arrest, compression-only cardiopulmonary resuscitation, and continuing education.
- (2) The council shall conduct administrative compliance reviews with respect to the requirements of this subsection, including adherence by communications officers and local government agencies, and may adjust state assistance grants issued pursuant to Code Section 46-5-134.2 based on failure to comply with the requirements of this subsection.
- (f) By January 1, 2024, the council, in coordination with the Georgia Emergency Communications Authority, shall establish an amount of continuing education units to be annually completed by communications officers. On or after January 1, 2025, no person shall be certified by the council under this Code section unless such person has satisfactorily completed such training.

History

Code 1981, § 35-8-23, enacted by Ga. L. 1994, p. 1355, § 2.1; Ga. L. 1997, p. 1488, § 7; Ga. L. 1998, p. 540, § 1; Ga. L. 2018, p. 689, § 3-1/HB 751; Ga. L. 2022, p. 413, § 1/SB 505.

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35-8-24. Training requirements for jail officers and juvenile correctional officers.

(a)

(1) Any person employed or appointed as a jail officer six months after January 1, 1999, shall not be authorized to serve as a jail officer in any detention facility after a certain date as provided in subsection (b) of this Code section unless such person has successfully completed a training course for jail officers approved by the Georgia Peace Officer Standards and Training Council.

(2) Any person employed or appointed as a juvenile correctional officer six months after January 1, 1999, shall not be authorized to serve as a juvenile correctional officer in any juvenile correctional facility after a certain date as provided in subsection (b) of this Code section unless such person has successfully completed a training course for juvenile correctional officers approved by the Georgia Peace Officer Standards and Training Council.

(b) Any person employed or appointed as a jail officer or juvenile correctional officer six months after January 1, 1999, shall have a period of six months from the date of initial employment to complete the required training course successfully. Any person who fails to complete such training course successfully within six months of the date of initial employment or appointment as a jail officer or as a juvenile correctional officer shall be prohibited from working as a jail officer in a detention facility or as a juvenile correctional officer in a juvenile correctional facility.

(c) Applicants and persons certified under this Code section shall be subject to the powers and authority of the Georgia Peace Officer Standards and Training Council applicable to peace officers as defined in this chapter and shall be required to fulfill all requirements of a peace officer, except the requirements of paragraph (8) of subsection (a) of Code Section 35-8-8 and peace officer training requirements applicable to peace officers only.

(d) Persons employed or serving as jail officers or juvenile correctional officers whose employment or service commences prior to and continues on January 1, 1999, are exempt and excused from compliance with the certification provisions of this Code section.

(e) Jail officers or juvenile correctional officers exempt from the certification provisions of this Code section are required to register with the council. The registration shall remain in effect for the period of time said person is employed as a jail officer or as a juvenile correctional officer.

(f) Any registration granted in this Code section shall not become invalid upon termination of employment or appointment as a jail officer or juvenile correctional officer if subsequent employment or appointment as a jail officer or juvenile correctional officer is commenced within 12 months of such prior termination as a jail officer or a juvenile correctional officer.

(g) Any jail officer or juvenile correctional officer exempted from mandatory compliance with this Code section may choose to be certified under this Code section. If so, the council shall have the authority to recognize instruction received by such jail officer or juvenile correctional officer as equivalent to all or part of the instruction required for certification under this Code section.

History

Code 1981, § 35-8-24, enacted by Ga. L. 1995, p. 880, § 2; Ga. L. 2008, p. 237, § 3/SB 373.

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O.C.G.A. § 35-8-25

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35-8-25. Training and certification of bomb technicians, explosive ordnance disposal technicians, and animal handlers; intergovernmental assistance agreements.

(a)

(1) Any person who is employed by an agency or authority of this state or an agency or authority of a political subdivision of this state as a bomb technician, explosive ordnance disposal technician, handler of an animal trained to detect explosives, or any person who is assigned to such duties shall be required to complete successfully a training program prescribed by the council which shall consist of an initial training program, an apprenticeship, and annual recertification.

(2) The council is authorized to award a distinctive device to any person certified as an explosive ordnance disposal technician or as a handler of an animal trained to detect explosives upon completion of the initial training program and apprenticeship period. The council may also establish and award distinctive devices for certified explosive ordnance disposal technicians who qualify as senior or master explosive ordnance disposal technicians. Such devices may be worn on any law enforcement officer's or fire official's uniform.

(b)

(1) The head of any agency which employs one or more certified bomb technicians, explosive ordnance disposal technicians, handlers of animals trained to detect explosives, or emergency medical technicians or emergency medical professionals who provide medical support of explosive ordnance disposal operations may establish a mutual aid agreement with any other agency for the purpose of assisting with the detection, rendering safe, and disposal of destructive devices as such term is defined by Code Section 16-7-80. Any such mutual aid agreement shall be subject to approval of the governing authority of such agency.

(2) A political subdivision which is aided pursuant to this subsection shall reimburse the political subdivision providing the aid for any loss or damage to equipment other than fair wear and tear and shall pay any expenses incurred in the operation and maintenance of such equipment; provided, however, that no such claim shall be allowed unless, within 60 days after the same is sustained or incurred, the political subdivision providing the aid provides to the chief financial officer of the political subdivision receiving the aid an itemized notice of the claim made under oath. The political subdivision which received the aid shall also pay and reimburse the political subdivision furnishing the aid for any overtime compensation paid to any employee furnished under this Code section during the time of the rendering of the aid and shall defray the actual traveling and maintenance expenses of any employee while such employee was engaged in rendering the aid. Such reimbursement shall include any amounts paid or due for compensation due to personal injury or death while such employee was engaged in rendering the aid.

(3) Unless otherwise expressly provided by its terms, a mutual aid agreement established pursuant to this subsection shall not be construed as superseding or amending any mutual aid agreement adopted pursuant to Chapter 6 of Title 25, Chapter 69 of Title 36, or Chapter 3 of Title 38 which applies to emergencies involving explosives or destructive devices.

(c)

(1) Whenever a bomb technician, explosive ordnance disposal technician, handler of an animal trained to detect explosive devices, or an emergency medical technician or emergency medical professional who provides medical support of explosive ordnance disposal operations employed by an agency or authority of local government provides assistance at the request of a state agency or authority, such person shall be considered an employee of this state for the purposes of Code Section 50-21-22, paragraph (3) of Code Section 34-9-1, and Code Section 45-9-3. Such person shall also be entitled to reimbursement by the requesting agency or authority for actual expenses incurred in the same manner as other employees of the agency or authority.

(2) A state agency or authority receiving assistance from an agency or authority of a local government shall reimburse such political subdivision for any loss or damage, other than fair wear and tear, to any equipment owned by such political subdivision. No claim for the loss, damage, or expense shall be allowed unless, within 60 days after the same is sustained or incurred, the local government submits an itemized notice of the claim under oath to the fiscal officer of the state agency or authority.

(3) A state agency or authority which receives aid from a local government shall also pay and reimburse such political subdivision for any overtime compensation paid to an employee furnished under this Code section during the time of the rendering of the aid. Such reimbursement shall include any amounts paid or due for compensation due to personal injury or death while such employee was engaged in rendering the aid.

(d) An employee of a political subdivision or agency or authority thereof who is engaged in the rendering of outside aid pursuant to a mutual aid agreement adopted pursuant to this Code section shall have the same powers, duties, rights, privileges, and immunities as if such employee was engaged in the performing of his or her duties in the political subdivisions in which he or she is normally employed.

(e) Any other provision of law to the contrary notwithstanding, any records, books, or documents, as such terms are defined by subsection (e) of Code Section 45-11-1, which are prepared for use in any training program conducted pursuant to the provisions of this Code section and any rules or regulations relating to such training which contain or may disclose techniques and procedures for the manufacture or rendering safe of any destructive device, as such term is defined by Code Section 16-7-80, or would disclose guidelines for law enforcement investigations or prosecutions of violations of the laws of this state or of the United States relating to destructive devices, explosives, or chemical, biological, or nuclear materials shall not be subject to public disclosure pursuant to Article 5 of Chapter 11 of Title 9 or Chapter 16 of Title 17 or Article 4 of Chapter 18 of Title 50 unless the request for disclosure is served on the Attorney General as provided by Code Section 9-10-2 and a judge of the superior court finds that such disclosure is required to prevent a manifest injustice and that the information is not available from any other source. Any such order requiring disclosure shall impose such restrictions on access or copying of the material as will ensure that such material is not disclosed beyond that required to preserve the rights of the parties. Any order requiring disclosure of such material may be appealed by the district attorney of the circuit in which such order is entered or by the Attorney General.

History

Code 1981, § 35-8-25, enacted by Ga. L. 1996, p. 416, § 10; Ga. L. 1997, p. 160, § 1.

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O.C.G.A. § 35-8-26

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35-8-26. [For effective date, see note.] TASER and electronic control weapons; requirements for use; establishment of policies; training.

- (a) This Code section shall be known and may be cited as the “TASER and Electronic Control Weapons Act.”
- (b) It is the intent and purpose of the Georgia General Assembly to establish legal requirements for the official use of electronic control weapons and similar devices by law enforcement officers, including those officers employed in detention facilities, which requirements shall be consistent with generally accepted industry practices. It is the further intent of the General Assembly to require that such devices, commonly referred to as TASERs or stun-guns, which disrupt the central nervous system of the human body, be used for law enforcement purposes in a manner consistent with established standards and with federal and state constitutional provisions.
- (c) A law enforcement unit authorizing the use of electronic control weapons or similar devices shall establish lawful written policies and directives providing for the use and deployment of such weapons and devices that are consistent with the training requirements established by the Georgia Peace Officer Standards and Training Council. The policies and directives required by this subsection shall be issued prior to the issuance of such devices.
- (d) (For effective date, see note.) Prior to the official use of electronic control weapons or similar devices, peace officers authorized by the officer’s law enforcement unit to use such devices shall be required to satisfactorily complete a course of instruction and certification requirements approved by the council. All persons certified to use electronic control weapons shall complete an update or refresher training course of such duration and at such time as may be prescribed by the council in order for their electronic control weapons certification to remain in force and effect.
- (e) A department head authorizing the use of an electronic control weapon or similar device or a peace officer using an electronic control weapon or similar device in violation of this Code section shall be subject to disciplinary action as provided for in this chapter. The council is authorized to withdraw or suspend the certification to operate an electronic control weapon of any person for failure to meet the update or refresher requirements specified in this Code section or for violation of any portion of this chapter relating to conditions which may lead to the withdrawal, suspension, or probation of a peace officer’s certification.
- (f) (For effective date, see note.) The Georgia Public Safety Training Center shall provide council approved training to peace officers for the use of electronic control weapons and similar devices.

History

Code 1981, § 35-8-26, enacted by Ga. L. 2006, p. 666, § 1/ HB 1019.

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35-8-27. Training requirements for school resource officers.

- (a)** It is the best practice for any person assigned or appointed as a school resource officer to successfully complete a training course for school resource officers approved by the council.
- (b)** For purposes of subsection (a) of this Code section, the council shall maintain a training course consisting of 40 hours of training for school resource officers. Such training course shall, at a minimum, provide training in the role of a peace officer assigned to an elementary or secondary school, search and seizure in elementary and secondary schools, criminal offenses, gang awareness, drug awareness, interviews and interrogations, emergency preparedness, and interpersonal interactions with adolescents, including the encountering of mental health issues.

History

Code 1981, § 35-8-27, enacted by Ga. L. 2017, p. 673, § 1-2/SB 149.

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