

House Bill 1383

By: Representatives Reeves of the 99<sup>th</sup>, Hitchens of the 161<sup>st</sup>, Gunter of the 8<sup>th</sup>, Crowe of the 118<sup>th</sup>, Smith of the 18<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 4 of Title 17 of the Official Code of Georgia Annotated,  
2 relating to arrest by law enforcement officers generally, so as to revise authority for arrests  
3 without warrant; to authorize federal law enforcement officers; to detain persons under  
4 certain circumstances; to provide for revocation of such authority; to provide for a definition;  
5 to make conforming changes; to provide for related matters; to repeal conflicting laws; and  
6 for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 4 of Title 17 of the Official Code of Georgia Annotated, relating to  
10 arrest by law enforcement officers generally, is amended by revising Code Section 17-4-20,  
11 relating to authorization of arrests with and without warrants generally, use of deadly force,  
12 adoption or promulgation of conflicting regulations, policies, ordinances, and resolutions,  
13 and authority of nuclear power facility security officer, as follows:

14 "17-4-20.

15 (a)(1) ~~An arrest for a crime may be made by a~~ A law enforcement officer of this state or  
16 of any county, municipality, or other political subdivision of this state may arrest a person  
17 accused of violating the penal laws of this state:

18 (A) Under a warrant; ~~or~~

19 (B) Without a warrant if for an offense alleged to have been committed within the  
20 jurisdiction of the law enforcement agency by which he or she is employed when:

21 (i) The offense is committed in such officer's presence or within such officer's  
22 immediate knowledge;

23 (ii) The offender is endeavoring to escape;

24 (iii) The officer has probable cause to believe that an act of family violence, as  
25 defined in Code Section 19-13-1, has been committed;

26 (iv) The officer has probable cause to believe that the offender has violated a criminal  
27 family violence order, as defined in Code Section 16-5-95; provided, however, that  
28 such officer shall not have any prior or current familial relationship with the alleged  
29 victim or the offender;

30 (v) The officer has probable cause to believe that an offense involving physical abuse  
31 has been committed against a vulnerable adult, who shall be for the purposes of this  
32 subsection a person 18 years old or older who is unable to protect himself or herself  
33 from physical or mental abuse because of a physical or mental impairment; or

34 (vi) For other cause there is likely to be failure of justice for want of a judicial officer  
35 to issue a warrant; or

36 ~~(2)(C)~~ (C) Except where otherwise provided by law with respect to a law enforcement  
37 officer's jurisdictional duties and limitations, ~~a law enforcement officer may make an~~  
38 ~~arrest~~ without a warrant for an offense alleged to have been committed outside of the  
39 jurisdiction of the law enforcement agency by which he or she is employed ~~without a~~  
40 ~~warrant~~ when:

41 ~~(A)(i)~~ ~~The~~ If the offense is committed in such officer's presence or within such  
 42 officer's immediate knowledge;

43 ~~(B)(ii)~~ ~~In~~ ~~When~~ in immediate pursuit of an offender for an offense committed within  
 44 the jurisdiction of the law enforcement agency that employs such law enforcement  
 45 officer; or

46 ~~(C)(iii)~~ ~~Aiding~~ ~~While~~ aiding or assisting another law enforcement officer in the  
 47 jurisdiction of the law enforcement agency employing such other law enforcement  
 48 officer.

49 ~~(3)(2)~~ Nothing in subparagraph (C) of paragraph (2) (1) of this subsection shall be  
 50 construed as limiting sheriffs or deputy sheriffs in the performance of the duties and  
 51 responsibilities imposed on them by the Constitution and laws of this state.

52 (b)(1) For purposes of this subsection, the term 'federal law enforcement officer' means  
 53 a person:

54 (A) Employed by the United States government as a full-time sworn criminal law  
 55 enforcement officer or agent;

56 (B) In good standing with his or her employing federal agency;

57 (C) Authorized to carry a firearm in the performance of his or her official duties; and

58 (D) Empowered to arrest persons for criminal violations of the United States Code.

59 (2) A federal law enforcement officer may detain a person upon request of a law  
 60 enforcement officer of this state or of any county, municipality, or other political  
 61 subdivision of this state for purposes of aiding or assisting such law enforcement officer  
 62 for an offense alleged to have been committed within the jurisdiction of such officer  
 63 under a warrant or without a warrant. Such request may be retracted by the requesting  
 64 law enforcement officer at any time and the authority to detain provided by this paragraph  
 65 shall cease upon such retraction.

66 ~~(b)(c)~~ Sheriffs and law enforcement officers employed or appointed as peace officers who  
 67 are appointed or employed in conformity with Chapter 8 of Title 35 may use deadly force

68 to apprehend a suspected felon only when the officer reasonably believes that the suspect  
69 possesses a deadly weapon or any object, device, or instrument which, when used  
70 offensively against a person, is likely to or actually does result in serious bodily injury;  
71 when the officer reasonably believes that the suspect poses an immediate threat of physical  
72 violence to the officer or others; or when there is probable cause to believe that the suspect  
73 has committed a crime involving the infliction or threatened infliction of serious physical  
74 harm. Nothing in this ~~Code section~~ subsection shall be construed so as to restrict such  
75 sheriffs or peace officers from the use of such reasonable nondeadly force as may be  
76 necessary to apprehend and arrest a suspected felon or misdemeanor.

77 ~~(c)~~(d) Nothing in this Code section shall be construed so as to restrict the use of deadly  
78 force by employees of state and county correctional institutions, jails, and other places of  
79 lawful confinement or by peace law enforcement officers of any agency in ~~the State of~~  
80 Georgia this state when reasonably necessary to prevent escapes or apprehend escapees  
81 from such institutions.

82 ~~(d)~~(e) No law enforcement agency of this state or of any political subdivision of this state  
83 shall adopt or promulgate any rule, regulation, or policy which prohibits a peace law  
84 enforcement officer from using that degree of force to apprehend a suspected felon which  
85 is allowed by the statutory and case law of this state.

86 ~~(e)~~(f) Each peace law enforcement officer shall be provided with a copy of this Code  
87 section. Training regarding elder abuse, abuse of vulnerable adults, and the requirements  
88 of this Code section should be offered as part of at least one in-service training program  
89 each year conducted by or on behalf of each law enforcement department and agency in  
90 this state.

91 ~~(f)~~(g) A nuclear power facility security officer, including a contract security officer,  
92 employed by a federally licensed nuclear power facility or licensee thereof for the purpose  
93 of securing that facility shall have the authority to:

94 (1) Threaten or use force against another in defense of a federally licensed nuclear power  
95 facility and the persons therein as provided for under Code Sections 16-3-21 and 16-3-23;  
96 (2) Search any person on the premises of the nuclear power facility or the properties  
97 adjacent to the facility if the facility is under imminent threat or danger pursuant to a  
98 written agreement entered into with the local enforcement agency having jurisdiction  
99 over the facility for the purpose of determining if such person possesses unauthorized  
100 weapons, explosives, or other similarly prohibited material; provided, however, that if  
101 such person objects to any search, he or she shall be detained as provided in paragraph (3)  
102 of this subsection or shall be required to immediately vacate the premises. Any person  
103 refusing to submit to a search and refusing to vacate the premises of a facility upon the  
104 request of a security officer as provided for in this Code section shall be guilty of a  
105 misdemeanor; and  
106 (3) In accordance with a nuclear security plan approved by the United States Nuclear  
107 Regulatory Commission or other federal agency authorized to regulate nuclear facility  
108 security, detain any person located on the premises of a nuclear power facility or on the  
109 properties adjacent thereto if the facility is under imminent threat or danger pursuant to  
110 a written agreement entered into with the local law enforcement agency having  
111 jurisdiction over the facility, where there is reasonable suspicion to believe that such  
112 person poses a threat to the security of the nuclear power facility, regardless of whether  
113 such prohibited act occurred in the officer's presence. In the event of such detention, the  
114 law enforcement agency having jurisdiction over the facility shall be immediately  
115 contacted. The detention shall not exceed the amount of time reasonably necessary to  
116 allow for law enforcement officers to arrive at the facility."

117 **SECTION 2.**

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