

House Bill 335

By: Representatives Waites of the 60<sup>th</sup>, Scott of the 76<sup>th</sup>, and Jones of the 53<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to  
2 general provisions relative to law enforcement officers and agencies, so as to provide a  
3 standard by which certain local law enforcement agencies shall authorize the engagement of  
4 vehicular pursuits; to provide for related matters; to repeal conflicting laws; and for other  
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general  
9 provisions relative to law enforcement officers and agencies, is amended by revising Code  
10 Section 35-1-14, relating to written policies for emergency pursuits, as follows:

11 "35-1-14.

12 (a) On and after January 1, 2004, each state, county, and local law enforcement agency  
13 that conducts emergency response and vehicular pursuits shall adopt written policies,  
14 consistent with this Code section, that set forth the manner in which these operations shall  
15 be conducted. Except as provided for in subsection (b) of this Code section, each ~~Each~~ law  
16 enforcement agency may create its own such policies or adopt an existing model. All  
17 pursuit policies created or adopted by any law enforcement agency pursuant to this  
18 subsection must address situations in which police pursuits cross over into other  
19 jurisdictions.

20 (b) No county or local law enforcement agency with jurisdiction within any county or  
21 municipality having a population of more than 100,000 according to the United States  
22 decennial census of 2010 or any future census shall authorize the engagement of a  
23 vehicular pursuit unless:

24 (1) The requirements of Code Section 40-6-6 are met; and

25 (2) Probable cause exists to believe that the person or persons being pursued committed,  
26 or are committing, murder as provided for in Article 1 of Chapter 5 of Title 16;

27 aggravated battery as provided for in Article 2 of Chapter 5 of Title 16; kidnapping, false  
28 imprisonment, or any other offense as provided for in Article 3 of Chapter 5 of Title 16;  
29 rape as provided for in Chapter 6 of Title 16; armed robbery as provided for in Article 2  
30 of Chapter 8 of Title 16; or any offense that creates an immediate threat of death or  
31 serious bodily injury to another person or a substantial threat to the safety of another  
32 person.

33 (c) Law enforcement agencies ~~which~~ that do not comply with the requirements of this  
34 Code section are subject to the withholding of any state funding or state administered  
35 federal funding."

36 **SECTION 2.**

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