

Senate Bill 42

By: Senators Davenport of the 44th, James of the 35th, Butler of the 55th, Tate of the 38th, Fort of the 39th and others

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 state, county, and local law enforcement agencies authorize the
4 engagement of vehicular pursuits; to provide for related matters; to repeal conflicting laws;
5 and for other 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) Each ~~On and after January 1, 2004, each~~ state, county, and local law enforcement
13 agency that conducts emergency response and vehicular pursuits shall adopt written
14 policies, consistent with this Code section, that set forth the manner in which these
15 operations shall be conducted. Each law enforcement agency may create its own such
16 policies or adopt an existing model, consistent with this Code section. All pursuit policies
17 created or adopted by any law enforcement agency must address situations in which police
18 pursuits cross over into other jurisdictions. Law enforcement agencies which do not
19 comply with the requirements of this Code section are subject to the withholding of any
20 state funding or state administered federal funding.

21 (b) No state, county, or local law enforcement agency shall authorize the engagement of
22 a vehicular pursuit unless:

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

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

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

32 **SECTION 2.**

33 All laws and parts of laws in conflict with this Act are repealed.