

House Bill 867 (AS PASSED HOUSE AND SENATE)

By: Representatives Hitchens of the 161st, Lumsden of the 12th, Williams of the 145th, Petrea of the 166th, and Tanner of the 9th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 8 of Title 35 of the Official Code of Georgia Annotated, relating to
2 employment and training of peace officers, so as to revise the quorum for transaction of
3 business by the Georgia Peace Officer Standards and Training Council; to clarify that certain
4 investigators employed by the council may retain their weapon and badge upon retirement;
5 to repeal the requirement that peace officers who do not perform satisfactorily on the job
6 related academy entrance examination be ineligible to retake the examination for a period
7 of 30 days; to repeal requirements for the training and certification of police chaplains; to
8 provide for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 Chapter 8 of Title 35 of the Official Code of Georgia Annotated, relating to employment and
12 training of peace officers, is amended by revising Code Section 35-8-4, relating to officers
13 of council, quorum, minutes of meetings and records, and reports to Governor and General
14 Assembly, as follows:

15 "35-8-4.

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

17 (1) The officers of the council, who shall consist of a ~~chairman, vice-chairman~~
18 chairperson, vice chairperson, and secretary-treasurer, shall be elected at the first meeting
19 of each calendar year.

20 (2) ~~Seven~~ Eleven members of the council shall constitute a quorum for the transaction
21 of business.

22 (3) The council shall maintain minutes of its meetings and such other records as it deems
23 necessary.

24 (4) The council shall report at least annually to the Governor and to the General
25 Assembly as to its activities."

26 **SECTION 2.**

27 Said chapter is further amended by revising Code Section 35-8-6, relating to appointment of
 28 executive director of council, contracts for services, personnel, investigators, subpoenas,
 29 funding, and gifts, grants, or donations, as follows:

30 "35-8-6.

31 (a) The council may appoint an executive director who shall serve at the pleasure of the
 32 council. The council shall establish the compensation for the executive director.

33 (b) The executive director may contract for such services as may be necessary and
 34 authorized in order to carry out the provisions of this chapter and may employ such other
 35 professional, technical, and clerical personnel deemed necessary to carry out the purposes
 36 of this chapter.

37 (c) The executive director is authorized to appoint certain investigators for the purpose of
 38 carrying out the provisions of this chapter. The executive director and persons so
 39 appointed shall meet all employment and training requirements of this chapter as for all
 40 other peace officers and shall have all of the powers of other peace officers. Any
 41 investigator of the council shall have access to and may examine any writing, document,
 42 or other material which is deemed by the ~~chairman~~ chairperson of the council to be related
 43 to the fitness of any peace officer or applicant to practice as a peace officer. The ~~chairman~~
 44 chairperson or executive director of the council may issue subpoenas to compel such
 45 access. When a subpoena is disobeyed, the council may apply to the superior court of the
 46 county where the person to whom the subpoena is issued resides for an order requiring
 47 obedience. Failure to comply with such order shall be punishable as for contempt of court.

48 (d) Investigators provided for under subsection (c) of this Code section may retain their
 49 weapon and badge upon retirement pursuant to the requirements and procedures provided
 50 for under Code Section 35-1-20.

51 (e) The funds necessary to carry out this chapter shall come from the funds appropriated
 52 to and available to the council and from any other available funds.

53 ~~(e)~~(f) The council is authorized to accept and use gifts, grants, donations, property, both
 54 real and personal, and services for the purpose of carrying out this chapter.

55 ~~(f)~~(g) Any funds, property, or services received as gifts, grants, or donations shall be kept
 56 separate and apart from any funds appropriated to the council; and the funds, property, or
 57 services so received by gifts, grants, or donations shall be the property and funds of the
 58 council and, as such, shall not lapse at the end of each fiscal year but shall remain under
 59 the control of and subject to the direction of the council for carrying out this chapter."

60

SECTION 3.

61 Said chapter is further amended by revising paragraph (8) of subsection (a) of Code Section
 62 35-8-8, relating to requirements for appointment or certification of persons as peace officers
 63 and preemployment attendance at basic training course and "employment related
 64 information" defined, as follows:

65 "(8) Successfully complete a job related academy entrance examination provided for and
 66 administered by the council in conformity with state and federal law. Such examination
 67 shall be administered prior to entrance to the basic course provided for in Code Sections
 68 35-8-9 and 35-8-11. The council may change or modify such examination and shall
 69 establish the criteria for determining satisfactory performance on such examination.
 70 ~~Peace officers who do not perform satisfactorily on the examination shall be ineligible~~
 71 ~~to retake such examination for a period of 30 days after an unsuccessful attempt.~~ The
 72 provisions of this paragraph establish only the minimum requirements of academy
 73 entrance examinations for peace officer candidates in this state; each law enforcement
 74 unit is encouraged to provide such additional requirements and any preemployment
 75 examination as it deems necessary and appropriate. Any person with a degree from a
 76 postsecondary institution accredited by a regional accrediting agency recognized by the
 77 United States Department of Education shall be deemed to have met the requirements of
 78 this paragraph."

79

SECTION 4.

80 Said chapter is further amended by revising Code Section 35-8-13, relating to training and
 81 certification of police chaplains, as follows:

82 "35-8-13.

83 ~~(a) In addition to the other powers vested in the council, the council may develop a~~
 84 ~~training program and standards for certification of police chaplains. The council shall issue~~
 85 ~~certificates to qualified police chaplains who desire to be certified and who meet the~~
 86 ~~standards and complete the training program.~~

87 ~~(b) The council may suspend or revoke the certification of any police chaplain who~~
 88 ~~commits an offense or act set forth in paragraph (4) of Code Section 35-8-7.1.~~

89 ~~(c) This Code section shall be optional for police chaplains and a person who is not~~
 90 ~~certified pursuant to this Code section may serve as a police chaplain Reserved.~~"

91

SECTION 5.

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