

House Bill 1118

By: Representatives Hugley of the 133rd, Williams of the 165th, Watson of the 91st, Smyre of the 132nd, Thomas of the 55th, 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 define certain
3 terms; to provide that a law enforcement agency may receive and investigate complaints
4 from any peace officer concerning the possibility of unlawful activity on the part of another
5 peace officer; to prohibit the disclosure of identity; to provide that no law enforcement
6 agency shall retaliate against a peace officer for disclosing suspected unlawful activity; to
7 provide for legal remedy; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general
11 provisions relative to law enforcement officers and agencies, is amended by adding a new
12 Code section to read as follows:

13 "35-1-15.

14 (a) As used in this Code section, the term:

15 (1) 'Law enforcement agency' means any agency, organ, or department of this state or a
16 subdivision or municipality thereof whose primary functions include the enforcement of
17 criminal or traffic laws, the preservation of public order, the protection of life and
18 property, or the prevention, detection, or investigation of crime.

19 (2) 'Peace officer' means an agent, operative, or officer of this state or a subdivision or
20 municipality thereof who, as an employee for hire, is vested either expressly by law or
21 by virtue of public employment or service with the authority to enforce criminal or traffic
22 laws through the power of arrest and whose duties include the preservation of public
23 order, the protection of life and property, and the prevention, detection, or investigation
24 of crime.

25 (3) 'Retaliate' or 'retaliation' means the discharge, suspension, or demotion by a law
26 enforcement agency of a peace officer or any other adverse employment action taken by

1 a law enforcement agency against a peace officer in the terms or conditions of
2 employment as a result of such peace officer reporting suspected unlawful activity on the
3 part of another peace officer.

4 (b) A law enforcement agency may receive and investigate complaints or information from
5 any peace officer concerning the possibility of any unlawful activity on the part of another
6 peace officer.

7 (c) Notwithstanding any other law to the contrary, such law enforcement agency shall not,
8 after receipt of a complaint or information from a peace officer, disclose the identity of that
9 peace officer without the written consent of such peace officer, unless the law enforcement
10 agency determines such disclosure is necessary and unavoidable during the course of its
11 investigation. In such event, such peace officer shall be notified in writing at least seven
12 days prior to such disclosure.

13 (d) No law enforcement agency shall retaliate against a peace officer for disclosing
14 suspected unlawful activity to either a supervisor or a government agency, unless the
15 disclosure was made with knowledge that such disclosure was false or with reckless
16 disregard for its truth or falsity.

17 (e)(1) A peace officer who has been the object of retaliation in violation of this Code
18 section may institute a civil action in superior court for relief as set forth in paragraph (2)
19 of this subsection within one year after discovering the retaliation or within three years
20 after the retaliation, whichever is earlier.

21 (2) In any action brought pursuant to this subsection, the court may order any or all of
22 the following relief:

23 (A) An injunction restraining continued violation of this Code section;

24 (B) Reinstatement of the peace officer to the same position held before the retaliation
25 or to an equivalent position;

26 (C) Reinstatement of full fringe benefits and seniority rights;

27 (D) Compensation for lost wages, benefits, and other remuneration; and

28 (E) Any other compensatory damages allowable by law.

29 (f) A court may award reasonable attorney's fees, court costs, and expenses to a prevailing
30 peace officer."

31 **SECTION 2.**

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