

Senate Bill 18

By: Senators Harper of the 7th, Albers of the 56th, Dugan of the 30th, Hill of the 6th, Anderson of the 24th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-11-130 of the Official Code of Georgia Annotated, relating to
2 exemptions from Code Sections 16-11-126 through 16-11-127.2, so as to authorize certain
3 persons who are citizens of this state and have retired with at least ten years of aggregate
4 service as a law enforcement officer with powers of arrest under the laws of any state of the
5 United States or of the United States to carry a handgun anywhere within this state; to require
6 such persons to possess and to meet the standards for issuance of an identification card for
7 retired law enforcement officers as issued by the Georgia Peace Officer Standards and
8 Training Council; to amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated,
9 relating to general provisions regarding law enforcement officers and agencies, so as to
10 provide that police officers employed by a state entity shall be entitled to retain the weapon
11 and badge issued to them upon their retirement or upon leaving such employment as a result
12 of disability arising in the line of duty; to provide for definitions; to provide for exceptions
13 and conditions; to provide for rules, regulations, and policies; to provide for related matters;
14 to repeal conflicting laws; and for other purposes.

15 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

16 **SECTION 1.**

17 Code Section 16-11-130 of the Official Code of Georgia Annotated, relating to exemptions
18 from Code Sections 16-11-126 through 16-11-127.2, is amended by revising subsection (c)
19 as follows:

20 "(c) Code Sections 16-11-126 through 16-11-127.2 shall not apply to or affect any:

21 (1) Sheriff, retired sheriff, deputy sheriff, or retired deputy sheriff if such retired sheriff
22 or deputy sheriff is eligible to receive or is receiving benefits under the Peace Officers'
23 Annuity and Benefit Fund provided under Chapter 17 of Title 47, the Sheriffs' Retirement
24 Fund of Georgia provided under Chapter 16 of Title 47, or any other public retirement
25 system established under the laws of this state for service as a law enforcement officer;

26 (2) Member of the Georgia State Patrol, ~~or~~ agent of the Georgia Bureau of Investigation,
 27 ~~or~~ retired member of the Georgia State Patrol, or retired agent of the Georgia Bureau of
 28 Investigation if such retired member or agent is receiving benefits under the Employees'
 29 Retirement System;

30 (3) Full-time law enforcement chief executive engaging in the management of a county,
 31 municipal, state, state authority, or federal law enforcement agency in the State of
 32 Georgia, including any college or university law enforcement chief executive ~~that~~ who
 33 is registered or certified by the Georgia Peace Officer Standards and Training Council;
 34 or retired law enforcement chief executive ~~that~~ who formerly managed a county,
 35 municipal, state, state authority, or federal law enforcement agency in the State of
 36 Georgia, including any college or university law enforcement chief executive ~~that~~ who
 37 was registered or certified at the time of his or her retirement by the Georgia Peace
 38 Officer Standards and Training Council, if such retired law enforcement chief executive
 39 is receiving benefits under the Peace Officers' Annuity and Benefit Fund provided under
 40 Chapter 17 of Title 47 or is retired in good standing and receiving benefits from a county,
 41 municipal, State of Georgia, state authority, or federal retirement system; ~~or~~

42 (4) Police officer of any county, municipal, state, state authority, or federal law
 43 enforcement agency in the State of Georgia, including any college or university police
 44 officer ~~that~~ who is registered or certified by the Georgia Peace Officer Standards and
 45 Training Council, or retired police officer of any county, municipal, state, state authority,
 46 or federal law enforcement agency in the State of Georgia, including any college or
 47 university police officer ~~that~~ who was registered or certified at the time of his or her
 48 retirement by the Georgia Peace Officer Standards and Training Council, if such retired
 49 ~~employee~~ police officer is receiving benefits under the Peace Officers' Annuity and
 50 Benefit Fund provided under Chapter 17 of Title 47 or is retired in good standing and
 51 receiving benefits from a county, municipal, State of Georgia, state authority, or federal
 52 retirement system; or

53 (5) Person who is a citizen of this state and:

54 (A) Has retired with at least ten years of aggregate service as a law enforcement officer
 55 with powers of arrest under the laws of any state of the United States or of the United
 56 States;

57 (B) Separated from service in good standing, as determined by criteria established by
 58 the Georgia Peace Officer Standards and Training Council, from employment with his
 59 or her most recent law enforcement agency; and

60 (C) Possesses on his or her person an identification card for retired law enforcement
 61 officers as issued by the Georgia Peace Officer Standards and Training Council;
 62 provided, however, that such person meets the standards for the issuance of such card

63 as provided for by the council, including, but not limited to, maintenance of
 64 qualification in firearms training.

65 In addition, any such sheriff, retired sheriff, deputy sheriff, retired deputy sheriff, member
 66 of the Georgia State Patrol, retired member of the Georgia State Patrol, agent of the
 67 Georgia Bureau of Investigation, retired agent of the Georgia Bureau of Investigation,
 68 active or retired law enforcement chief executive, person who is a retired law enforcement
 69 officer as provided for in paragraph (5) of this subsection, or other law enforcement officer
 70 referred to in this subsection shall be authorized to carry a handgun on or off duty
 71 anywhere within ~~the~~ this state and the provisions of Code Sections 16-11-126 through
 72 16-11-127.2 shall not apply to the carrying of such firearms."

73 **SECTION 2.**

74 Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general
 75 provisions regarding law enforcement officers and agencies, is amended by revising Code
 76 Section 35-1-20, relating to retention of weapons by officers following employment, as
 77 follows:

78 "35-1-20.

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

80 (1) 'Honorable conditions' means conditions of having satisfied, met, or exceeded the
 81 conduct and performance standards established by the state entity for sworn police
 82 officers.

83 (2) 'State entity' means any state department, agency, board, bureau, office, commission,
 84 public corporation, system, or authority.

85 (b) The governing authority of each municipality and county in this state and each board
 86 of education which employs sworn police officers who are certified by the Georgia Peace
 87 Officer Standards and Training Council may adopt policies under which such sworn police
 88 officers, upon their retirement from employment by such municipality, county, or board
 89 of education or upon leaving such employment as a result of a disability arising in the line
 90 of duty, shall be entitled, as part of his or her their compensation, to retain his or her their
 91 weapon and badge.

92 (c) Except where otherwise provided for by law for a state entity, each state entity which
 93 employs sworn police officers who are certified by the Georgia Peace Officer Standards
 94 and Training Council shall adopt rules, regulations, or policies under which such sworn
 95 police officers, upon their retirement from employment by such state entity or upon leaving
 96 such employment as a result of a disability arising in the line of duty, shall be entitled, as
 97 part of their compensation, to retain their weapon and badge; provided, however, that such
 98 sworn police officers retire or leave under honorable conditions."

99

SECTION 3.

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