

House Bill 35 (AS PASSED HOUSE AND SENATE)

By: Representatives Hitchens of the 161st, Stephens of the 164th, Lumsden of the 12th, Jackson of the 165th, and Williams of the 168th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 52 of the Official Code of Georgia Annotated, relating to
2 Georgia Ports Authority, so as to provide for powers of the authority; to expand the arrest
3 authority of officers of the Georgia Ports Authority in certain circumstances; to provide for
4 additional powers and duties of such officers; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 52 of the Official Code of Georgia Annotated, relating to Georgia Ports
9 Authority, is amended in Code Section 52-2-9, relating to powers of authority generally, by
10 revising paragraph (22) as follows:

11 "(22) To appoint and select employees designated as security guards personnel and peace
12 officers who shall have a limited power to make arrests for certain offenses committed
13 on any property under the jurisdiction of the Georgia Ports Authority the responsibility
14 of protecting and preserving the properties or projects of or under the management and
15 control of the authority and, within such properties and projects and within the boundaries
16 of any public street or sidewalk adjacent to any property or project under the management

17 and control of the authority, other than an inland port, or which area is otherwise subject
18 to regulation by the authority, have the powers of protecting persons, of enforcing law
19 and order, of controlling pedestrian and vehicular traffic, and of prevention, detection,
20 and investigation of offenses committed thereon."

21 **SECTION 2.**

22 Said chapter is further amended by revising Code Section 52-2-10, relating to applicability
23 of traffic laws, enforcement by peace officers, traffic citations, issuance of bench warrant
24 upon failure of offender to appear, enforcement of dock related city ordinances, and venue,
25 as follows:

26 "52-2-10.

27 (a)(1) The motor vehicle traffic laws for this state shall apply to all roads within the
28 jurisdiction of the Georgia Ports Authority; provided, however, that the authority may
29 determine and declare reasonable, safe, and lawful speed limits on all roads within its
30 jurisdiction.

31 (2) Those regular employees of the Georgia Ports Authority designated as peace officers
32 shall have the power to arrest for traffic offenses committed and investigate motor vehicle
33 accidents which occurred on any property under the jurisdiction of the Georgia Ports
34 Authority and upon any private or public property within one mile of any port, other than
35 an inland port, under the jurisdiction of the authority.

36 (3) Such arrest may be effected by issuance of a citation, ~~provided the offense is~~
37 ~~committed in the presence of the arresting peace officer.~~

38 ~~(4) A citation issued by a peace officer that~~ shall enumerate the specific charges against
39 the offender and the date on which the offender is to appear and answer the charges.

40 ~~(5)~~(4) If the offender fails to appear as specified in the citation, the judge having
41 jurisdiction of the offense may issue a warrant ordering the apprehension of such person
42 and commanding that he or she be brought before the court to answer the charges

43 contained in the citation and the charge of his or her failure to appear as required. The
44 person shall be allowed to make a reasonable bond to appear on a given date before the
45 court.

46 ~~(6)~~(5) Peace officers shall be subject to Chapter 13 of Title 40, relating to uniform traffic
47 citation and complaint forms.

48 (b) Peace officers of the Georgia Ports Authority may arrest for violations of ~~dock related~~
49 ~~city ordinances where applicable.~~

50 ~~(c) All powers of arrest granted in this Code section shall exist only on state law~~
51 ~~committed upon any property under the jurisdiction of the Georgia Ports Authority or while~~
52 ~~in ~~hot~~ pursuit of one whom the peace officer observed committing an offense upon any~~
53 ~~public or private property within one mile of property, other than an inland port, under the~~
54 ~~jurisdiction of the Georgia Ports Authority commit an offense within the jurisdiction of the~~
55 ~~authority as provided in subsections (a) and (b) of this Code section.~~

56 ~~(d)~~(c) All offenders apprehended for criminal and traffic related offenses committed within
57 the jurisdiction of the Georgia Ports Authority as provided in subsections (a) and (b) of this
58 Code section shall be tried by the appropriate city, county, or state tribunal.

59 ~~(e)~~(d) All peace officers of the Georgia Ports Authority shall be subject to the requirements
60 of Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act.'

61 ~~(f)~~(e) While in the performance of their duties, peace officers of the Georgia Ports
62 Authority shall have the same powers of arrest and the same powers to enforce law and
63 order as the sheriff of the county and the chief of police of the county or municipality in
64 this state wherein any such peace officer is performing his or her duty. While in the
65 performance of their duties, any such peace officers shall be authorized to exercise such
66 powers and duties as are authorized by law for members of the Uniform Division of the
67 Department of Public Safety. ~~Such peace officers shall be subject to the requirements of~~
68 ~~Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act,' and are~~
69 ~~specifically required to complete the training required for peace officers by that chapter.~~

70 ~~(g)~~(f) While in the performance of their duties, peace officers of the Georgia Ports
71 Authority shall have the right to issue citations to vehicles parked in areas not specifically
72 designated for the parking of vehicles while on ~~the~~ properties under the jurisdiction of the
73 Georgia Ports ~~Authority's terminals~~ Authority. The issuance of any such parking citation
74 shall require the person who parked said vehicle to respond by the payment of a fine ~~in the~~
75 ~~amount of \$25.00~~ or by appearing in the court which handles misdemeanor traffic offenses
76 for the county in which the ~~terminal~~ property under the jurisdiction of the Georgia Ports
77 Authority is located, in which event the amount of the fine shall be fixed at the discretion
78 of the judge of said court, ~~but in no event shall the fine exceed \$25.00~~. In addition to the
79 right to issue parking citations, peace officers of the Georgia Ports Authority shall have the
80 right to remove improperly parked cars or vehicles in accordance with the provisions of
81 Code Section 44-1-13.

82 (g) Peace officers of the Georgia Ports Authority shall have the following additional duties
83 and powers:

84 (1) Maintain peace and order and enforce laws and regulations relating to controlling
85 access to any building or property under the control or operation of the Georgia Ports
86 Authority;

87 (2) Investigate criminal incidents and activity occurring on Georgia Ports Authority
88 property or having a nexus to Georgia Ports Authority interests relative to ports other than
89 inland ports;

90 (3) Apprehend and arrest any person upon property under the jurisdiction of the Georgia
91 Ports Authority who is a fugitive from justice;

92 (4) Serve and execute warrants upon property under the jurisdiction of the Georgia Ports
93 Authority;

94 (5) Take reasonable steps necessary to prevent or dispel acts of disorderly conduct upon
95 property under the jurisdiction of the Georgia Ports Authority, upon any public or private

96 property within one mile of property, other than an inland port, which is under the
97 jurisdiction of the authority, or at the direction of the Governor;
98 (6) Provide security protection services, or transportation or escort services, or both, to
99 officials in connection with Georgia Ports Authority matters and at special events,
100 regardless of whether the event takes place on property under the jurisdiction of the
101 Georgia Ports Authority, when such security protection services, or transportation or
102 escort services, or both, are necessary or appropriate to deter actual or potential threats
103 to the safety of such officials; and
104 (7) While working within an official capacity, make initial inquiries into any situation
105 under circumstances where reasonable grounds exist to believe a criminal law has been,
106 is being, or is about to be violated upon property under the jurisdiction of the Georgia
107 Ports Authority or on any public or private property within one mile of property, other
108 than an inland port, under the jurisdiction of the authority. Any initial inquiry or arrest
109 made shall be initiated only if a local law enforcement officer having primary jurisdiction
110 is not readily available and the officer of the Georgia Ports Authority reasonably believes
111 that a failure to act could result in the commission of a criminal act or the escape of a
112 person who has committed a criminal act. In any action taken by an officer of the
113 Georgia Ports Authority pursuant to this paragraph, such officer shall relinquish
114 jurisdiction to the local law enforcement agency when feasible and as soon as
115 practicable."

116 **SECTION 3.**

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