

Senate Bill 31

By: Senators Rhett of the 33rd, Kirkpatrick of the 32nd and Jackson of the 2nd

AS PASSED

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 regarding law enforcement officers and agencies, so as to clarify that law
3 enforcement officers shall not be liable at law for any action or actions done while
4 performing any duty at the scene of an emergency under certain circumstances; to provide
5 for definitions; to provide for no liability of law enforcement officers for rescuing persons
6 or pets from certain vehicles; to provide for related matters; to repeal conflicting laws; and
7 for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general
11 provisions regarding law enforcement officers and agencies, is amended by revising Code
12 Section 35-1-7, relating to liability of law enforcement officers performing duties at the scene
13 of an emergency, as follows:

14 "35-1-7.

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

16 (1) 'Emergency' means an occurrence involving, or appearing to involve, a clear and
17 imminent danger or threat to life, health, or property, including, but not limited to, the
18 rescuing of a person or pet from a locked vehicle when such person or pet remaining
19 within such vehicle presents a clear and imminent danger to such person's or pet's life or
20 health.

21 (2) 'Law enforcement officer' means any peace officer who is employed by this state or
22 any political subdivision thereof and who is required by the terms of his or her
23 employment, whether by election or appointment, to give his or her full time to the
24 preservation of public order or the protection of life and property or the prevention of
25 crime. Such term shall include sheriffs and deputy sheriffs.

26 (3) 'Pet' means any domesticated animal normally maintained in or near the household
27 of its owner.

28 (b) A law enforcement officer shall not be liable at law for any action or actions done
29 while performing any duty at the scene of an emergency except for gross negligence,
30 willful or wanton misconduct, or malfeasance. ~~As used in this Code section, the term 'law~~
31 ~~enforcement officer' means any peace officer who is employed by this state or any political~~
32 ~~subdivision thereof and who is required by the terms of his employment, whether by~~
33 ~~election or appointment, to give his full time to the preservation of public order or the~~
34 ~~protection of life and property or the prevention of crime. Such term shall include sheriffs~~
35 ~~and deputy sheriffs."~~

36 **SECTION 2.**

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