

House Bill 74

By: Representatives Turner of the 21st, Stover of the 71st, Tarvin of the 2nd, Spencer of the 180th, Caldwell of the 20th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to
2 general provisions regarding state government, so as to prohibit any agency of this state, any
3 political subdivision of this state, any employee of any agency of this state or any political
4 subdivision of this state, or any member of the Georgia National Guard from assisting an
5 agency of the armed forces of the United States in the investigation, prosecution, or
6 detainment of any citizen of the United States under certain circumstances; to provide for
7 related matters; 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 50 of the Official Code of Georgia Annotated, relating to general
11 provisions regarding state government, is amended by adding a new Code section to read as
12 follows:

13 "50-1-10.

14 (a) Subject to subsection (b) of this Code section, notwithstanding any provision of law
15 to the contrary, no agency of this state, no political subdivision of this state, no employee
16 of any agency of this state or any political subdivision of this state acting in his or her
17 official capacity, and no member of the Georgia National Guard on active state service
18 shall aid an agency of the armed forces of the United States in any investigation,
19 prosecution, or detention of any person pursuant to Section 1021 of the federal National
20 Defense Authorization Act for Fiscal Year 2012, if such aid would place that state agency,
21 political subdivision, employee, or member of the Georgia National Guard in violation of
22 the United States Constitution, the Constitution of this state, or any law of this state.

23 (b) Subsection (a) of this Code section shall not apply to participation by state or local law
24 enforcement or the Georgia National Guard in a joint task force, partnership, or other
25 similar cooperative agreement with federal law enforcement if that joint task force,
26 partnership, or similar cooperative agreement is not for the purpose of investigating,

27 prosecuting, or detaining any person pursuant to Section 1021 of the federal National
28 Defense Authorization Act for Fiscal Year 2012."

29 **SECTION 2.**

30 All laws and parts of laws in conflict with this Act are repealed.