



House of Representatives

RICH GOLICK
REPRESENTATIVE, DISTRICT 40
2372 SIMPSON FARM WAY
SMYRNA, GEORGIA 30020
(770) 319-0970 (FAX)
E-MAIL: rich.golick@house.ga.gov

STATE CAPITOL, ROOM 218
ATLANTA, GEORGIA 30334
(404) 656-5943
(404) 656-6700 (FAX)

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Dear Colleague,

My sense is that you may have received some contacts on the above referenced Bill, and I wanted to make sure you have the facts on this Bill that you can pass on to constituents in case they have a question or concern.

Under CURRENT LAW, if there is a fatality or serious injury as a result of a law enforcement officer discharging his or her weapon, the officer involved has the right to be present in the grand jury room the entire time the case is being considered, listen to all the testimony, be aware of all evidence, etc.....and then, the officer then has the right to make a statement to the grand jury after having heard and seen everything presented to the grand jury, and is then NOT subject to cross examination as any other citizen would be under the same circumstances. That is, they can say absolutely anything to the grand jury, and it cannot be challenged. This allows for the potential for the officer to tailor his statement according to what he has just seen and heard the entire time in the grand jury room, and therefore the integrity of the grand jury process is threatened. Georgia is the ONLY state in the nation to take this approach.

HB 941 changes that. The Bill would still confer on the officer the right to make a statement to the grand jury to tell his side of the story (an important recognition of the special role law enforcement plays in our society), but if he chooses to exercise that right, then he would be subject to cross examination like any other citizen appearing in front of the grand jury, and he would not be able to hear and see all of the other evidence that the grand jury considers. The Bill also provides for enhanced due process for the officer involved and increased transparency in the form of a written record so that the public can ultimately be aware of what happened, what testimony/evidence was presented, etc. Finally, the Bill does NOT do anything to erode the powers of a grand jury - as a matter of fact the Bill enhances those powers somewhat.

As a result of this measured, balanced approach, this Bill is endorsed by the following organizations representing the spectrum of law enforcement:

GA SHERIFFS ASSOCIATION
GA FRATERNAL ORDER OF POLICE
GA ASSOCIATION OF POLICE CHIEFS
GA POLICE BENEVOLENT ASSOCIATION
GA DISTRICT ATTORNEYS ASSOCIATION

Thank you for your time and attention, and please let me know if you have any questions or concerns.

Rich Golick