



Honorable Nathan Deal
Governor

Department of Public Safety

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Colonel Mark W. McDonough
Commissioner

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE THAT on August 10, 2015 at 10:00 a.m. in the Media Room at the Department of Public Safety, 959 East Confederate Avenue, S.E, Atlanta, Georgia, a public hearing will be held for the presenting of the proposed administrative rule changes which are attached and incorporated by reference.

The chapter affected by the proposed rule and regulation is listed below:

RULE OF THE DEPARTMENT OF PUBLIC SAFETY Chapter 570-32 RETENTION OF WEAPON AND BADGE

All interested persons are hereby advised of the opportunity to submit data, views, or arguments, orally or in writing. Oral comments will be limited to ten minutes per person. Anyone needing more than ten minutes should request additional time by contacting Legal Services, Post Office Box 1456, Atlanta, Georgia 30371, in writing, or calling 404-624-7423, 24 hours prior to the hearing.*

Citizens wishing to comment in writing on any of the proposed changes should do so on or before September 10, 2015. Comments may be faxed to 404-624-7788, emailed to ccalloway@gsp.net or mailed to the following address:

Legal Services
Georgia Department of Public Safety
Post Office Box 1456
Atlanta, Georgia 30371

Comments from written and public testimony will be provided to the Board of Public Safety prior to September 10, 2015. The Board will vote on the proposed changes on September 10, 2015.

This 14th day of July 2015.

Colonel Mark W. McDonough
Commissioner

*Anyone with a disability needing assistance should contact Amy Stancil, ADA Coordinator, at 404-624-7850, three days prior to the hearing.

Attachment

**SYNOPSIS OF PROPOSED GEORGIA DEPARTMENT OF PUBLIC SAFETY RULE
570-32 RETENTION OF WEAPON AND BADGE.**

Purpose: To update and amend the Rule.

Main Features: The proposed Rule amendments include:

In Rule 570-32, paragraph .01 is revised to include retirement and retirement situations as another defined condition of separation under other than honorable conditions.

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RULES OF THE DEPARTMENT OF PUBLIC SAFETY

570-32

RETENTION OF WEAPON AND BADGE

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570-32-.01 Definitions

570-32-.02 Retention of Weapon and Badge After 15 Years Service

570-32-.03 Retention of Badge by Radio Operators After 15 Years Service

570-32-.01 Definitions.

- (1) "Disability" as used in this Chapter is defined in O.C.G.A. § 35-2-49.1.
- (2) "Disability Arising in the Line of Duty" means:
 - (a) Disabled as the result of a physical injury incurred in the line of duty and caused by a willful act of a violator, or
 - (b) Disabled as the result of a physical injury incurred in the line of duty while engaged in the active pursuit of someone believed to be in violation of the law.
- (3) "Leaving the Department under Honorable Conditions" means any condition other than:
 - (a) Dismissal from employment,
 - (b) Resignation or retirement in lieu of dismissal, or
 - (c) Resignation during an investigation into misconduct, or
 - (d) Retirement during an investigation into misconduct in which any of the allegations are determined to be sustained.

Authority O.C.G.A. Secs. 35-2-49, 35-2-49.1. **History.** Original Rule entitled "Definitions" adopted. F.Aug. 10, 2006; eff. Aug. 30, 2006.

570-32-.02 Retention of Weapon and Badge After 15 Years Service.

- (1) Any sworn member eligible to retain his or her badge and gun shall submit a request to the appropriate Division Director for approval.
- (2) Prior to approval, the Human Resources Division shall verify that the member meets the service requirements of O.C.G.A. §§ 35-2-49.

(3) A sworn member will be ineligible to retain his or her badge or weapon under the following circumstances:

- (a) When the member left the Department under other than honorable conditions, or
- (b) When the member has submitted an application for disability retirement on the basis of any psychological or mental disability or impairment. This prohibition shall apply without regard to the decision of the Employees' Retirement System regarding the disability retirement application.

Authority O.C.G.A. Secs. 35-2-49, 35-2-49.1. **History.** Original Rule entitled "Retention of Weapon and Badge After 15 Years Service" adopted. F. Aug. 10, 2006; eff. Aug. 30, 2006.

570-32-.03 Retention of Badge by Radio Operators After 15 Years Service.

- (1) Any radio operator eligible to retain his or her badge shall submit a request to the appropriate Division Director for approval.
- (2) Prior to approval, the Human Resources Division shall verify that the member meets the service requirements of O.C.G.A. §§ 35-2-49.

Authority O.C.G.A. Secs. 35-2-49, 35-2-49.1. **History.** Original Rule entitled "Retention of Badge by Radio Operators After 15 Years Service" adopted. F. Aug. 10, 2006; eff. Aug. 30, 2006.