



**Prepared Remarks: House Bill 479
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American Civil Liberties Union of Georgia
Senate Committee on Judiciary
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4:45PM**

Good Afternoon, my name is Christopher Bruce, and I am here on behalf of the American Civil Liberties Union of Georgia and our members and our supporters throughout the state of Georgia. The ACLU of Georgia is an organization dedicated to protecting the civil liberties of all Georgians, and Georgia's current law which allows private persons to make arrests puts those civil liberties at grave risk. Thank you to this committee for the opportunity to speak to you today in favor of House Bill 479, which would fully repeal citizens' arrest and make Georgia the first state in the nation to do so.

Georgia's law which allows private persons to make arrests was codified over 250 years ago. This law was enacted shortly after Georgia seceded from the Union and was fighting to preserve slavery during the Civil War. It was enacted to give greater power to lynch mobs and slave patrols- we may never know all the names of the Black Americans who have been brutally murdered as a result of this law. But what we do know today, is that citizens arrest continues to permit people to weaponize their own racial biases and deprive innocent Georgians of their most basic liberties - freedom and life- which we saw with the horrendous murder of Ahmaud Arbery.

We are grateful to the bill sponsors for putting forth a full repeal of Georgia's citizens arrest law and we hope this committee will see the great benefit of a full repeal as well. Along with the full repeal of citizens arrest, the bill also makes an important change to law by permitting certain individuals to effectuate detainments instead of arrests.

The legal distinction between arrest and detain is an important one. To detain is to prevent from proceeding, while to arrest is to use legal authority to deprive a person of their freedom. Detainment is meant to be brief and cursory, a pause while the detaining party works out a situation. In the case of shopkeepers' detainment, this can mean holding the suspected shoplifter at the store until the police arrive.

An arrest heightens the stakes of the interaction: From the moment an individual is placed "under arrest," confusion and noncompliance can turn into charges of "obstruction" and "resisting arrest," or worse, it can lead to unnecessary and potentially deadly escalation. Another important distinction between these two terms are the legal consequences; an arrest has graver legal consequences than a detainment. The standard to effectuate a detainment is also lower than that to effectuate an arrest: Detaining someone requires reasonable suspicion, while arrest requires the higher bar of probable cause.



Further, permitting private persons to make arrests is even more unnecessary today, as law enforcement officials have an immense amount of resources. In fact, our state spends an astronomical amount of money to fund law enforcement, spending nearly 5 billion dollars annually. I'd imagine it'd be hard, even for law enforcement, to justify a need for private citizens to take on their duties.

In the year since Ahmaud Arbery's murder, his family and the Brunswick community have demonstrated their strength and their perseverance. The community came together to oust a dishonest and dangerous District Attorney. The community came together to elect a new District Attorney who has committed to ending the corruption that has run rampant in that office for years. The community has been pushing for much needed law enforcement reform, and just a few weeks ago the efforts of Ahmaud's family and the Brunswick community led to the introduction of HB 479, and the committee hearing we're at today.

The ACLU of Georgia supports House Bill 479, because it fully repeals the antiquated, racist, and dangerous citizens' arrest law in Georgia. We believe it is in the best interest of this state and all Georgians to remove the ability for any private person to conduct an arrest.

For the constitutional promise of "We the people" to truly mean all people, we must dismantle and revise laws that contribute to systematic racism and that are overall harmful and unnecessary. House Bill 479 is a step in the right direction. We must act now to ensure that nothing like Ahmaud Arbery's murder ever happens again in our state and in ensuring justice for Ahmaud.

Thank you.