

Senate Bill 330

By: Senators Hecht of the 34th and Starr of the 44th

A BILL TO BE ENTITLED
AN ACT

1 To provide a short title; to amend Article 2 of Chapter 3 of Title 6 of the Official Code of
2 Georgia Annotated, relating to powers of local governments as to air facilities, so as to
3 provide that law enforcement officers of counties containing an airport or landing strip
4 controlled by another political subdivision shall have jurisdiction within such facility for the
5 purpose of acquiring, establishing, developing, operating, maintaining, or controlling airports
6 or landing fields; to amend Title 16 of the Official Code of Georgia Annotated, relating to
7 crimes and offenses, so as to provide that it shall be unlawful to carry certain items to a
8 public gathering; to change a short title; to define certain terms; to provide that it shall be
9 unlawful to avoid or interfere with a security control device; to provide that it shall be
10 unlawful to place an item on the person of or in the possession of any bus, rail, or air
11 passenger; to provide that it shall be unlawful to disable or inhibit the operation or
12 effectiveness of a safety device; to provide affirmative defenses; to provide penalties; to
13 provide for related matters; to make editorial revisions; to repeal conflicting laws; and for
14 other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 **SECTION 1.**

17 This Act shall be known and may be cited as the "Transportation Security Act of 2002."
18

19 **SECTION 2.**

20 Article 2 of Chapter 3 of Title 6 of the Official Code of Georgia Annotated, relating to
21 powers of local governments as to air facilities, is amended by striking in its entirety Code
22 Section 6-3-27, relating to powers and duties of counties, municipalities, and political
23 subdivisions as to airports generally and enforcement of police regulations, and inserting in
24 lieu thereof the following:

1 "6-3-27.

2 Counties, municipalities, or other political subdivisions acquiring, establishing, developing,
3 operating, maintaining, or controlling airports or landing fields under this article ~~without~~
4 outside the geographical limits of such subdivisions are specifically granted the right to
5 enforce police regulations on such airports or landing fields. Law enforcement officers of
6 the political subdivision in which any such airport or landing field is located shall have the
7 same police powers as law enforcement officers of the political subdivision in acquiring,
8 establishing, developing, operating, maintaining, or controlling the airport or landing field
9 if so authorized by the governing authority of such political subdivision."

10 SECTION 3.

11 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
12 amended by inserting at the end of Code Section 16-10-28, relating to transmitting a false
13 public alarm, the following:

14 "(c) In addition to any other penalty imposed by law for a violation of this Code section,
15 the court shall require the defendant to make restitution to the state and to any affected
16 political subdivision for the reasonable costs of activities associated with the offense.
17 Restitution made pursuant to this subsection shall not preclude any party from obtaining
18 any other civil or criminal remedy available under any other provision of law. The
19 restitution authorized by this subsection is supplemental and not exclusive."

20 SECTION 4.

21 Said title is further amended by striking in their entirety subsections (a) and (b) of Code
22 Section 16-11-37, relating to terroristic threats and acts and related penalties, and inserting
23 in lieu thereof the following:

24 "(a) A person commits the offense of a terroristic threat when he or she threatens to
25 commit any crime of violence, to release any hazardous substance, or to burn or damage
26 property with the purpose of terrorizing another or of causing the evacuation of a building,
27 place of assembly, or facility of public transportation or otherwise causing serious public
28 inconvenience, or in reckless disregard of the risk of causing such terror or inconvenience.
29 No person shall be convicted under this subsection on the uncorroborated testimony of the
30 party to whom the threat is communicated.

31 (b) A person commits the offense of a terroristic act when:

32 (1) He or she uses a burning or flaming cross or other burning or flaming symbol or
33 flambeau with the intent to terrorize another or another's household; ~~or~~

34 (2) While not in the commission of a lawful act, he or she shoots at or throws an object
35 at a conveyance which is being operated or which is occupied by passengers; or

1 (3) He or she releases any hazardous substance, for the purpose of terrorizing another or
2 of causing the evacuation of a building, place of assembly, or facility of public
3 transportation or otherwise causing serious public inconvenience, or in reckless disregard
4 of the risk of causing such terror or inconvenience."

5 **SECTION 5.**

6 Said title is further amended by striking in their entirety subsections (a) and (b) of Code
7 Section 16-11-127, relating to carrying deadly weapons to or at public gatherings, and
8 inserting in lieu thereof the following:

9 "(a) Except as provided in Code Section 16-11-127.1, a person is guilty of a misdemeanor
10 when he or she carries to or while at a public gathering any explosive compound, firearm,
11 or knife or other device designed for the purpose of offense and defense or modified for
12 such purpose. It shall be the duty of a person attending a public gathering to ensure that
13 any garment, baggage, or container of any description does not contain an item prohibited
14 by this subsection. It shall be an affirmative defense to a violation of this subsection if the
15 person notifies a law enforcement officer or other person employed to provide security for
16 a public gathering of the presence of such prohibited item as soon as possible after learning
17 of its presence.

18 (b) For the purpose of this Code section, 'public gathering' shall include, but shall not be
19 limited to, athletic or sporting events, churches or church functions, political rallies or
20 functions, publicly owned or operated buildings, terminals as such term is defined in Code
21 Section 16-12-122, or establishments at which alcoholic beverages are sold for
22 consumption on the premises. Nothing in this Code section shall otherwise prohibit the
23 carrying of a firearm in any other public place by a person licensed or permitted to carry
24 such firearm by this part."

25 **SECTION 6.**

26 Said title is further amended by striking in its entirety Code Section 16-12-121, relating to
27 a short title relative to the "Bus and Rail Vehicle Passenger Safety Act," and inserting in lieu
28 thereof the following:

29 "16-12-121.

30 This part shall be known and may be cited as the 'Bus, ~~and Rail, Vehicle~~ and Air Passenger
31 Safety Act."

SECTION 7.

Said title is further amended by striking in their entirety paragraphs (2) and (5) of Code Section 16-12-122, relating to definitions relative to the "Bus and Rail Vehicle Passenger Safety Act," and inserting in lieu thereof the following:

"(2) 'Charter' means a group of persons, pursuant to a common purpose and under a single contract and at a fixed charge for the vehicle in accordance with a transportation company's tariff, who have acquired the exclusive use of an aircraft or a bus or rail vehicle to travel together as a group to a specified destination."

"(5) 'Terminal' means an airport or a bus or rail vehicle station, depot, or any facility operated by a transportation company or governmental entity or a public authority. This term includes a reasonable area immediately adjacent to any airport or any bus or rail vehicle station, any designated stop along the route traveled by any coach or rail vehicle operated by a transportation company, governmental entity, or public authority, and parking lots or parking areas adjacent to a terminal."

SECTION 8.

Said title is further amended by inserting immediately following Code Section 16-12-125 two new Code sections to read as follows:

"16-12-126.

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

(1) 'Avoid a security measure' means any action intended to result in the movement of any person, baggage, container, or item into a secure area without being subjected to security measures, or the assembly of items that have that have passed through a security measure into a secure area to form an object or substance that is legally prohibited.

(2) 'Interfere with a security measure' means any action that is intended to defeat, disable, or prevent the full operation of a security measure, including, but not limited to, the disabling of any device so that it cannot function fully, the creation of any diversion intended to defeat a security measure, or the packaging of any item or substance so as to avoid detection by a security measure.

(3) 'Secure area' means any area, either enclosed or unenclosed, in which the possession of items subject to security measures is prohibited, exclusive of items possessed by employees or contractors of transportation companies in the course of their duties.

(4) 'Security measures' means any process or procedure by which passengers, persons accompanying passengers, or containers, baggage, or possessions of passengers are screened, inspected, or examined by any means for the purpose of ensuring the safety and welfare of passengers and cargo of any transportation company. Security measures may

be operated by or under the authority of any governmental entity or transportation company or any entity contracting with a governmental entity or transportation company.

(b) It shall be unlawful for any person to avoid or interfere with a security measure.

(c) The offense of avoiding or interfering with a security measure shall not be merged with any other offense arising out of the same conduct. A person violating the provisions of this Code section shall be guilty of a felony and shall, upon conviction, be sentenced to imprisonment for not less than one year nor more than 20 years. A conviction under this Code section shall not preclude the imposition of any civil penalty imposed by any governmental entity for such conduct.

16-12-127.

(a) It shall be unlawful to place any item:

(1) In a container;

(2) Upon the person of any passenger of any transportation company or in his or her baggage or possessions; or

(3) In the cargo of a transportation company without the knowledge of the passenger or transportation company with the intention of introducing such item into a terminal. It shall be an affirmative defense to a prosecution under this Code section that the act was performed with the intention of restoring lost, stolen, or mislaid property to its lawful owner or proper container.

(b) It shall be unlawful intentionally to disable or inhibit the operation or effectiveness of any safety device of any description or to render any item or substance less safe when said item or substance is in cargo of a transportation company, is in the baggage or possessions of a passenger, or is in or will be entering a terminal.

(c) A person violating the provisions of this Code section shall be guilty of a felony and shall, upon conviction, be sentenced to imprisonment for not less than one year nor more than 20 years. A prosecution under this Code section shall not be barred by the imposition of a civil penalty imposed by any governmental entity."

SECTION 9.

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