

Senate Bill 330

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

AS PASSED SENATE

**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 or municipalities operating an airport or
4 landing field located in another political subdivision shall have jurisdiction within such
5 facility; to amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and
6 offenses, so as to change the penalty for the offense of transmitting a false public alarm; to
7 provide for restitution for damages caused by such offense; to change the definition of the
8 offense of a terroristic threat; to change the penalty for making a terroristic threat; to amend
9 the "Bus and Rail Vehicle Passenger Act"; to change a short title; to define certain terms; to
10 provide that it shall be unlawful to enter an aircraft, a bus, or a rail vehicle with certain items;
11 to provide exceptions; to prohibit the secreting of certain items on the person or in the
12 baggage of another; to provide a penalty; to prohibit the removal of baggage and similar
13 items from certain public vehicles; to provide that it shall be unlawful to avoid or interfere
14 with a security control device; to provide for restitution; to provide that it shall be unlawful
15 to place an item on the person of or in the possession of any bus, rail, or air passenger; to
16 provide penalties; to provide for related matters; to provide for an effective date; to repeal
17 conflicting laws; and for other purposes.

18 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

19 **SECTION 1.**

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

21 **SECTION 2.**

22 Article 2 of Chapter 3 of Title 6 of the Official Code of Georgia Annotated, relating to the
23 powers of local governments as to airports, is amended by striking Code Section 6-3-27 in
24 its entirety and inserting in lieu thereof the following:

1 "6-3-27.

2 (a) Counties, municipalities, or other political subdivisions acquiring, establishing,
 3 developing, operating, maintaining, or controlling airports or landing fields under this
 4 article without outside the geographical limits of such subdivisions are specifically granted
 5 the right to enforce police regulations on such airports or landing fields.

6 (b) A law enforcement officer of the county, municipality, or other political subdivision
 7 operating an airport or landing field outside the geographical limits of such political
 8 subdivision shall, when authorized by the county, municipality, or other political
 9 subdivision operating said airport or landing field, have the same law enforcement powers,
 10 including the powers of arrest, within such airport or landing field and on any public
 11 property within one-quarter mile of such airport or landing field as a law enforcement
 12 officer of the political subdivision in which such airport or landing field is located.

13 (c) Nothing in this Code section shall be construed as limiting the authority of any law
 14 enforcement agency of the county, municipality, or other political subdivision in which
 15 such airport or landing field is located."

16 **SECTION 3.**

17 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
 18 amended by striking subsection (b) of Code Section 16-10-28, relating to transmitting a false
 19 public alarm, and inserting in lieu thereof the following:

20 "(b) A person who transmits in any manner a false alarm to the effect that a destructive
 21 device or hazardous substance of any nature is concealed in such place that its explosion,
 22 detonation, or release would endanger human life or cause injury or damage to property,
 23 knowing at the time that there is no reasonable ground for believing that such a destructive
 24 device or hazardous substance is concealed in such place, commits the offense of
 25 transmitting a false public alarm and, upon conviction thereof, shall be punished by
 26 imprisonment for not less than one nor more than five years or by a fine of not less than
 27 \$1,000.00, or both.

28 (c) In addition to any other penalty imposed by law for a violation of this Code section,
 29 the court may require the defendant to make restitution to any affected public or private
 30 entity for the reasonable costs or damages associated with the offense including, without
 31 limitation, the actual value of any goods, services, or income lost as a result of such
 32 violation. Restitution made pursuant to this subsection shall not preclude any party from
 33 obtaining any other civil or criminal remedy available under any other provision of law.
 34 The restitution authorized by this subsection is supplemental and not exclusive."

1 commission of an offense under the laws of this state or of the United States or a
 2 violation of conditions of bail, pretrial release, probation, or parole
 3 shall be guilty of the offense of a terroristic threat or act and, upon conviction thereof, shall
 4 be punished, for a terroristic threat, by imprisonment for not less than five nor more than
 5 ten years or by a fine of not less than \$50,000.00, or both, and, for a terroristic act, by
 6 imprisonment for not less than five nor more than 20 years or by a fine of not less than
 7 \$100,000.00, or both."

8 **SECTION 5.**

9 Said title is further amended in Part 2 of Article 4 of Chapter 12, known as the "Bus and Rail
 10 Vehicle Passenger Safety Act," by striking said Part 2 in its entirety and inserting in lieu
 11 thereof the following:

12 **"Part 2**

13 16-12-121.

14 This part shall be known and may be cited as the '~~Bus and Rail Vehicle~~ Transportation
 15 Passenger Safety Act.'

16 16-12-122.

17 As used in this part, the term:

18 (1) 'Aircraft' means any machine, whether heavier or lighter than air, used or designed
 19 for navigation of or flight in the air.

20 (2) 'Avoid a security measure' means to take any action that is intended to result in any
 21 person, baggage, container, or item of any type being allowed into a secure area without
 22 being subjected to security measures or the assembly of items into an object or substance
 23 that is prohibited under the laws of this state or of the United States or any of their
 24 agencies, political subdivisions, or authorities after such items have passed through a
 25 security measure into a secure area.

26 ~~(1)~~(3) 'Bus' means any passenger bus or coach or other motor vehicle having a seating
 27 capacity of not less than 15 passengers operated by a transportation company for the
 28 purpose of carrying passengers or ~~cargo~~ freight for hire.

29 ~~(2)~~(4) 'Charter' means a group of persons, pursuant to a common purpose and under a
 30 single contract and at a fixed charge for the vehicle in accordance with a transportation
 31 company's tariff, who have acquired the exclusive use of a an aircraft, bus, or rail vehicle
 32 to travel together as a group to a specified destination.

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

7 ~~(3)~~(6) 'Passenger' means any person served by the transportation company; and, in
 8 addition to the ordinary meaning of passenger, the term shall include any person
 9 accompanying or meeting another person who is transported by such company, any
 10 person shipping or receiving ~~cargo~~ freight, and any person purchasing a ticket or
 11 receiving a pass.

12 ~~(4)~~(7) 'Rail vehicle' means any railroad or rail transit car, carriage, coach, or other
 13 vehicle, whether self-propelled or not pulled or pushed by a locomotive or other vehicle
 14 or vehicles, having a seating capacity of not less than 15 passengers, and designed to be
 15 operated upon a rail or rails or other fixed right of way by a transportation company for
 16 the purpose of carrying passengers or cargo freight or both for hire.

17 (8) 'Secure area' means any enclosed or unenclosed area within a terminal whereby
 18 access is restricted in any manner or the possession of items subject to security measures
 19 is prohibited. Access to a secure area may be restricted to persons specifically authorized
 20 by law, regulation, or policy of the governing authority or transportation company
 21 operating said terminal, and such access into a secure area may be conditioned on passing
 22 through security measures, and possession of items may be restricted to designated
 23 persons who are acting in the course of their official duties.

24 (9) 'Security measure' means any process or procedure by which employees, agents,
 25 passengers, persons accompanying passengers, containers, baggage, freight, or
 26 possessions of passengers or persons accompanying passengers are screened, inspected,
 27 or examined by any means for the purpose of ensuring the safety and welfare of aircraft,
 28 bus, or rail vehicles and the employees, agents, passengers, and freight of any
 29 transportation company. The security measures may be operated by or under the
 30 authority of any governmental entity, transportation company, or any entity contracting
 31 therewith.

32 ~~(5)~~(10) 'Terminal' means a an aircraft, bus, or rail vehicle station, depot, or any such
 33 transportation facility, or infrastructure relating thereto operated by a transportation
 34 company or governmental entity or authority. This term includes a reasonable area
 35 immediately adjacent to any designated stop along the route traveled by any coach or rail
 36 vehicle operated by a transportation company or governmental entity operating aircraft,

1 bus, or rail vehicle transportation facility and parking lots or parking areas adjacent to a
2 terminal.

3 ~~(6)~~(11) 'Transportation company' or 'company' means any person, group of persons, or
4 corporation providing for-hire transportation to passengers or ~~cargo~~ freight by aircraft,
5 by bus upon the highways in this state, by rail vehicle upon any public or private right of
6 way in this state, or by ~~both~~ all, including passengers and ~~cargo~~ freight in interstate or
7 intrastate travel. This term shall also include transportation facilities owned or operated
8 by local public bodies; by municipalities; and by public corporations, authorities, boards,
9 and commissions established under the laws of ~~the~~ this state, any of the several states, the
10 United States, or any foreign nation.

11 16-12-123.

12 ~~(a) The offense of bus or rail vehicle hijacking is the seizure or exercise of control by force~~
13 ~~or violence or threat of force or violence of any bus or rail vehicle within the jurisdiction~~
14 ~~of this state. Any person committing the offense of bus or rail vehicle hijacking shall be~~
15 ~~guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for life~~
16 ~~or imprisonment for not less than one nor more than 20 years.~~

17 ~~(b) Any person who boards or attempts to board a bus or rail vehicle with a dangerous or~~
18 ~~deadly weapon concealed on or about his person or his property which is or would be~~
19 ~~accessible to such person while on the bus or rail vehicle shall be guilty of a felony and,~~
20 ~~upon conviction thereof, shall be sentenced to imprisonment for not less than one nor more~~
21 ~~than ten years. The prohibition of this subsection shall not apply to any person who is~~
22 ~~exempted under Code Section 16-11-130 or commercial security personnel who are in~~
23 ~~possession of weapons used within the course and scope of their employment, nor shall the~~
24 ~~prohibition apply to persons who are in the possession of weapons with the consent of the~~
25 ~~owner of such bus or rail vehicle, his agent, or the lessee or bailee of such bus or rail~~
26 ~~vehicle; nor shall the prohibition apply to persons transporting weapons contained in~~
27 ~~baggage which is not accessible to passengers on the bus or rail vehicle if the presence of~~
28 ~~such weapons has been declared to the transportation company.~~

29 ~~(c) Any person who has on or about his or her person or who has placed, attempted to~~
30 ~~place, or attempted to have placed aboard such bus or rail vehicle any destructive device,~~
31 ~~as such term is defined by Code Section 16-7-80, shall be guilty of a felony and, upon~~
32 ~~conviction thereof, shall be sentenced to imprisonment for not less than one nor more than~~
33 ~~20 years.~~

34 ~~(d) Any person who by force or violence or by threat of force or violence seizes or~~
35 ~~exercises control of any transportation company, or of the transportation facilities owned~~
36 ~~or operated by any such company, or of any part thereof, or who by force or violence or by~~

~~threat of force or violence obstructs, hinders, interferes with, or otherwise disrupts or disturbs the operation of any such company or facility, or of any part thereof, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for life or by imprisonment for not less than one nor more than 20 years.~~

~~(e) The company may employ reasonable means, including mechanical, electronic, or X-ray devices, to detect concealed weapons, explosives, or hazardous material in baggage or upon the person of the passenger. Upon the discovery of any such item or material in the possession of a person, unless the item is a weapon in the possession of a person exempted under subsection (b) of this Code section from the prohibition of that subsection (b), the company shall obtain possession and retain custody of such item or materials until they are transferred to the custody of law enforcement officers.~~

(a)(1) A person commits the offense of bus or rail vehicle hijacking when he or she:

(A) Seizes or exercises control by force or violence or threat of force or violence of any bus or rail vehicle within the jurisdiction of this state;

(B) By force or violence or by threat of force or violence seizes or exercises control of any transportation company or all or any part of the transportation facilities owned or operated by any such company; or

(C) By force or violence or by threat of force or violence substantially obstructs, hinders, interferes with, or otherwise disrupts or disturbs the operation of any transportation company or all or any part of a transportation facility.

(2) Any person convicted of the offense of bus or rail hijacking shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for life or by imprisonment for not less than one nor more than 20 years.

(b) Any person who boards or attempts to board an aircraft, bus, or rail vehicle with any explosive, destructive device, or hoax device as such term is defined in Code Section 16-7-80; firearm; hazardous substance as defined by Code Section 12-8-92; or knife or other device designed or modified for the purpose of offense and defense concealed on or about his or her person or property which is or would be accessible to such person while on the aircraft, bus, or rail vehicle shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment for not less than one nor more than ten years. The prohibition of this subsection shall not apply to any law enforcement officer, peace officer retired from a state or federal law enforcement agency, person in the military service of the state or of the United States, or commercial security personnel employed by the transportation company who is in possession of weapons used within the course and scope of their employment; nor shall the prohibition apply to persons transporting weapons contained in baggage which is not accessible to passengers if the presence of such weapons

1 has been declared to the transportation company and such weapons have been secured in
 2 a manner prescribed by state or federal law or regulation for the purpose of transportation
 3 or shipment. The provisions of this subsection shall not apply to any privately owned
 4 aircraft, bus, or rail vehicle if the owner of such aircraft or vehicle has given his or her
 5 express permission to board the aircraft or vehicle with the item.

6 (c) The company may employ reasonable security measures, including any method or
 7 device, to detect concealed weapons, explosives, or hazardous material in baggage or
 8 freight or upon the person of the passenger. Upon the discovery of any such item or
 9 material in the possession of a person, unless the item is a weapon in the possession of a
 10 person exempted under subsection (b) of this Code section from the prohibition of that
 11 subsection (b), the company shall obtain possession and retain custody of such item or
 12 materials until they are transferred to the custody of law enforcement officers.

13 16-12-124.

14 (a) It shall be unlawful to remove any baggage, ~~cargo~~ freight, container, or other item
 15 transported upon a an aircraft, bus, or rail vehicle or stored in a terminal without consent
 16 of the owner of such property or the company or its duly authorized representative. Any
 17 person violating this Code section shall be guilty of a felony and, upon conviction thereof,
 18 shall be punished by imprisonment for not less than one nor more than five years.

19 (b) The actual value of an item removed in violation of this Code section shall not be
 20 material to the crime herein defined.

21 16-12-125.

22 (a) It shall be unlawful for any person to avoid or interfere with a security measure. Any
 23 person convicted of a violation of this Code section shall be guilty of a misdemeanor of a
 24 high and aggravated nature; provided, however, that any person who violates this Code
 25 section with the intent to commit a felony within the terminal or with regard to any aircraft,
 26 bus, or rail vehicle shall be punished by imprisonment for not less than five nor more than
 27 25 years, a fine not to exceed \$100,000.00, or both.

28 (b) Any violation of this Code section shall be considered a separate offense.

29 16-12-126

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

1 (b) It shall be unlawful to intentionally render inoperable or partially inoperable for any
 2 period of time any device designed or operated for traffic control that is owned, operated,
 3 or maintained by or for the benefit of a transportation company.

4 (c) Any violation of this Code section shall be punished by imprisonment for not less than
 5 five nor more than 20 years, a fine not to exceed \$100,000.00, or both.

6 (d) Any violation of this Code section shall be considered a separate offense.

7 16-12-127.

8 (a) It shall be unlawful for any person, with the intention of avoiding or interfering with
 9 a security measure or of introducing into a terminal any explosive, destructive device, or
 10 hoax device as defined in Code Section 16-7-80; firearm; hazardous substance as defined
 11 by Code Section 12-8-92; or knife or other device designed or modified for the purpose of
 12 offense and defense, to:

13 (1) Have any such item on or about his or her person, or

14 (2) Place or cause to be placed or attempt to place or cause to be placed any such item:

15 (A) In a container or freight of a transportation company;

16 (B) In the baggage or possessions of any person or any transportation company without
 17 the knowledge of the passenger or transportation company; or

18 (C) Aboard such aircraft, bus, or rail vehicle.

19 (b) A person violating the provisions of this Code section shall be guilty of a felony and
 20 shall, upon conviction, be sentenced to imprisonment for not less than one year nor more
 21 than 20 years, a fine not to exceed \$15,000.00, or both. A prosecution under this Code
 22 section shall not be barred by the imposition of a civil penalty imposed by any
 23 governmental entity.

24 ~~16-12-125~~; 16-12-128.

25 (a) This part shall be cumulative and supplemental to any other law of this state. A
 26 conviction or acquittal under any of the criminal provisions of Code Section 16-12-123, or
 27 16-12-124, 16-12-125, or 16-12-126 shall not be a bar to any other civil or criminal
 28 proceeding.

29 (b) In addition to any other penalty imposed by law for a violation of this part, the court
 30 may require the defendant to make restitution to any affected public or private entity for
 31 the reasonable costs or damages associated with the offense. Restitution made pursuant to
 32 this subsection shall not preclude any party from obtaining any other civil or criminal
 33 remedy available under any other provision of law. The restitution authorized by this
 34 subsection is supplemental and not exclusive."

1 **SECTION 6.**

2 This Act shall become effective on the first day of the month following the month in which
3 it is approved by the Governor or in which it becomes law without such approval.

4 **SECTION 7.**

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