

Senate Bill 187

By: Senators Hamrick of the 30th, Smith of the 52nd and Mullis of the 53rd

A BILL TO BE ENTITLED  
AN ACT

1 To enact the "Terrorism Prevention Act of 2003"; to amend Title 35 of the Official Code of  
2 Georgia Annotated, relating to law enforcement officers and agencies, so as to revise a  
3 reference to the Organized Crime Prevention Council; to change the name of the Organized  
4 Crime Prevention Council; to revise the qualifications of the members on the council; to  
5 revise the powers and duties of the council; to amend Article 1 of Chapter 9 of Title 45 of  
6 the Official Code of Georgia Annotated, relating to insuring and indemnification of state  
7 officers and employees, so as to revise a reference to the Organized Crime Prevention  
8 Council; to provide an effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 This Act shall be known and may be cited as the "Terrorism Prevention Act of 2003."

12 style="text-align:center">**SECTION 2.**

13 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and  
14 agencies, is amended by striking paragraph (1) of subsection (a) of Code Section 35-6A-3,  
15 relating to membership and vacancies on the Criminal Justice Coordinating Council, and  
16 inserting in lieu thereof the following:

17 "(1) The ~~chairman~~ chairperson of the Georgia Peace Officer Standards and Training  
18 Council, the ~~chairman~~ chairperson of the Georgia Organized Crime and Terrorism  
19 Prevention Council, the ~~chairman~~ chairperson of the Judicial Council of Georgia, the  
20 ~~chairman~~ chairperson of the Prosecuting Attorneys' Council of the State of Georgia, the  
21 commissioner of corrections, the ~~chairman~~ chairperson of the Board of Corrections, the  
22 ~~vice-chairman~~ vice chairperson of the Board of Public Safety, the chairman of the State  
23 Board of Pardons and Paroles, the State School Superintendent, the commissioner of  
24 community affairs, the president of the Council of Juvenile Court Judges, the director of  
25 the Georgia Indigent Defense Council, the ~~chairman~~ chairperson of the Children and

1 Youth Coordinating Council, and the commissioner of juvenile justice or their designees  
 2 shall be ex officio members of the council, as full voting members of the council by  
 3 reason of their office; and".

4 **SECTION 3.**

5 Said title is further amended by striking Code Section 35-7-1, relating to the establishment  
 6 of the Organized Crime Prevention Council, and inserting in lieu thereof the following:

7 "35-7-1.

8 There is established the Organized Crime and Terrorism Prevention Council of the State  
 9 of Georgia which is assigned to the Department of Public Safety for administrative  
 10 purposes only, as prescribed in Code Section 50-4-3."

11 **SECTION 4.**

12 Said title is further amended by striking subsection (a) of Code Section 35-7-2, relating to  
 13 the appointment and qualifications of members of the Organized Crime Prevention Council,  
 14 and inserting in lieu thereof the following:

15 "(a) The council shall be composed of eight members, one of whom must be a member of  
 16 the Board of Public Safety and ~~all~~ six of whom shall be, by virtue of their training or  
 17 experience, knowledgeable in the prevention and control of organized crime and, beginning  
 18 with the next two vacancies that occur on the council after the effective dates of this  
 19 subsection, two of whom shall be, by virtue of their training or experience, knowledgeable  
 20 in the prevention and control of terrorism. The Governor shall make all appointments and  
 21 the members shall serve at his or her pleasure. The initial terms for the members shall begin  
 22 July 1, 1981."

23 **SECTION 5.**

24 Said title is further amended by striking subsection (b) of Code Section 35-7-5, relating to  
 25 the powers and duties of the Organized Crime Prevention Council, and inserting in lieu  
 26 thereof the following:

27 "(b) The council shall develop and coordinate strategies and plans to attack and control  
 28 organized crime and terrorism, such as:

- 29 (1) Creation, guidance, and counseling of the Georgia State Intelligence Network;
- 30 (2) Coordination of joint federal, state, and local intelligence conferences;
- 31 (3) Providing organized crime, terrorism, and intelligence training courses;
- 32 (4) Preparation of annual reports and annual confidential reports on Georgia's organized  
 33 crime problem and terrorism preparedness;
- 34 (5) Development of an annual organized crime legislation package;

- 1 (6) Coordination of international, national, and state-wide special projects to combat  
2 organized crime and terrorism;
- 3 (7) Providing advice and counsel to the Governor; and
- 4 (8) Informing the public of the menace of organized crime and terrorism and the threat  
5 it poses to the citizens of Georgia."

6 **SECTION 6.**

7 Article 1 of Chapter 9 of Title 45 of the Official Code of Georgia Annotated, relating to  
8 insuring and indemnification of state officers and employees, is amended by striking Code  
9 Section 45-9-3, relating to law enforcement personnel serving on temporary assignment, and  
10 inserting in lieu thereof the following:

11 "45-9-3.

12 Law enforcement personnel who are participants in any program coordinated and  
13 administered by the Georgia Organized Crime and Terrorism Prevention Council, which  
14 program provides for the temporary assignment or loan of local law enforcement personnel  
15 to other local law enforcement agencies for the purpose of such law enforcement officers  
16 serving as undercover agents in criminal investigations or in any other manner or capacity  
17 assisting such local agencies in criminal investigations, may be provided protection against  
18 personal liability for damages sustained by third parties and arising out of the performance  
19 of such law enforcement personnel's duties while serving on such temporary assignment  
20 or loan. The commissioner of administrative services shall prescribe the terms and  
21 conditions under which such personnel may be covered by any liability insurance policy  
22 or contract of indemnity or other like or similar programs administered by the  
23 commissioner pursuant to this article to provide such protection, provided that persons  
24 employed by the district attorneys of the state, irrespective of the source of the funds used  
25 to pay such persons, shall be allowed to purchase policies of liability insurance and  
26 contracts of indemnity insurance and for the purpose of this article shall be considered to  
27 be state employees."

28 **SECTION 7.**

29 This Act shall become effective upon its approval by the Governor or upon its becoming law  
30 without such approval.

31 **SECTION 8.**

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