

Senate Bill 187

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

AS PASSED SENATE

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, and Title 45 of the
 3 Official Code of Georgia Annotated, relating to public officers and employees, so as to
 4 change a member on the Criminal Justice Coordinating Council from the chairman of the
 5 Georgia Organized Crime Prevention Council to the director of homeland security; to
 6 discontinue the Organized Crime Prevention Council; to delete provisions for certain
 7 insurance for law enforcement personnel participating in programs of the abolished council;
 8 to provide an effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

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

12 **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 of the Georgia Organized Crime Prevention Council~~ director of
 19 homeland security, 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 repealing and reserving Chapter 7, relating to the Organized
6 Crime Prevention Council.

7 **SECTION 4.**

8 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
9 is amended by striking Code Section 45-9-3, relating to law enforcement personnel serving
10 on temporary assignment, and 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 Prevention Council, which program~~
14 ~~provides for the temporary assignment or loan of local law enforcement personnel to other~~
15 ~~local law enforcement agencies for the purpose of such law enforcement officers serving~~
16 ~~as undercover agents in criminal investigations or in any other manner or capacity assisting~~
17 ~~such local agencies in criminal investigations, may be provided protection against personal~~
18 ~~liability for damages sustained by third parties and arising out of the performance of such~~
19 ~~law enforcement personnel's duties while serving on such temporary assignment or loan.~~
20 ~~The commissioner of administrative services shall prescribe the terms and conditions under~~
21 ~~which such personnel may be covered by any liability insurance policy or contract of~~
22 ~~indemnity or other like or similar programs administered by the commissioner pursuant to~~
23 ~~this article to provide such protection, provided that persons employed by the district~~
24 ~~attorneys of the state, irrespective of the source of the funds used to pay such persons, shall~~
25 ~~be allowed to purchase policies of liability insurance and contracts of indemnity insurance~~
26 ~~and for the purpose of this article shall be considered to be state employees. Reserved."~~

27 **SECTION 5.**

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

30 **SECTION 6.**

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