

Senate Bill 146

By: Senators Mullis of the 53rd, Pearson of the 51st, Thomas of the 54th, Kemp of the 46th, Hamrick of the 30th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the
2 Georgia Bureau of Investigation, so as to change a definition; to change the title of the
3 director; to change certain provisions concerning authorizing the Antiterrorism Task Force
4 to share information and work with other agencies; to amend Code Section 25-2-33 of the
5 Official Code of Georgia Annotated, relating to release of fire loss information by insurers
6 on request by state official, and Code Section 45-7-7 of the Official Code of Georgia
7 Annotated, relating to compensation and allowances of certain officials not be changed
8 without giving public notice, so as to correct the title of the director of the Georgia Bureau
9 of Investigation; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia
13 Bureau of Investigation, is amended by striking paragraph (2) of Code Section 35-3-1,
14 relating to definitions, and inserting in lieu thereof a new paragraph (2) to read as follows:
15 "(2) 'Director' means the director of ~~investigation~~ the Georgia Bureau of Investigation."

16 **SECTION 2.**

17 Said chapter is further amended by striking subsection (a) of Code Section 35-3-5, relating
18 to the director of investigation, and inserting in lieu thereof a new subsection (a) to read as
19 follows:
20 "(a) There is created the position of director ~~of investigation.~~"

21 **SECTION 3.**

22 Said chapter is further amended by striking Code Section 35-3-7, relating to agreements by
23 director and commissioner for provision of services and material, and inserting in lieu thereof
24 a new Code Section 35-3-7 to read as follows:

1 "35-3-7.
2 The director of investigation and the commissioner of public safety are authorized to enter
3 into agreements, subject to approval of the Board of Public Safety, for the provision of such
4 services, material, or combination thereof as may be useful in the performance of the
5 official duties of the bureau or the department."

6 **SECTION 4.**

7 Said chapter is further amended by striking Code Section 35-3-9.2, relating to mobile cocaine
8 education van, and inserting in lieu thereof a new Code Section 35-3-9.2 to read as follows:

9 "35-3-9.2.

10 ~~The Georgia Bureau of Investigation is authorized to purchase, operate, and maintain a~~
11 ~~mobile cocaine education van which shall be available to schools, industries, and~~
12 ~~communities desiring to teach youths and adults about the dangers of cocaine and other~~
13 ~~controlled substances. The van shall be equipped with displays, visual aids, books,~~
14 ~~pamphlets, video films, and other educational items and be manned by a trained instructor.~~
15 ~~The director shall offer the mobile cocaine education van free of charge to any school,~~
16 ~~industry, community, or other organization in this state which is interested in publicizing~~
17 ~~the dangers of cocaine and other controlled substances to the public Reserved.~~"

18 **SECTION 5.**

19 Said chapter is further amended by striking Code Section 35-3-64, relating to confidentiality
20 of investigative reports and identity of agents, and inserting in lieu thereof a new Code
21 Section 35-3-64 to read as follows:

22 "35-3-64.

23 All efforts shall be made to maintain the confidentiality of the investigative efforts of the
24 Antiterrorism Task Force and the identity of agents who operate in undercover
25 assignments. Information may, however, be shared with other law enforcement agencies
26 when, in the sole discretion of the director of investigation or the director of the
27 ~~Antiterrorism Task Force~~, the sharing of such information would not compromise the
28 successful completion of the investigation or cases being made."

29 **SECTION 6.**

30 Said chapter is further amended by striking Code Section 35-3-65, relating to authority to
31 work with other law enforcement agencies, and inserting in lieu thereof a new Code Section
32 35-3-65 to read as follows:

1 "35-3-65.

2 The Antiterrorism Task Force shall be authorized to work with and seek the assistance of
3 other law enforcement agencies when, in the sole discretion of the director of investigation
4 or the director of the Antiterrorism Task Force, such assistance would not compromise the
5 successful completion of the investigations or cases being made."

6 **SECTION 7.**

7 Code Section 25-2-33 of the Official Code of Georgia Annotated, relating to release of fire
8 loss information by insurers on request by state official, is amended by striking subsection
9 (a) and inserting in lieu thereof a new subsection (a) to read as follows:

10 "(a) The state fire marshal, any deputy designated by the state fire marshal, the director of
11 investigation of the Georgia Bureau of Investigation or the chief of a fire department of any
12 municipal corporation or county where a fire department is established may request any
13 insurance company investigating a fire loss of real or personal property to release any
14 information in its possession relative to that loss. The company shall release the
15 information to and cooperate with any official authorized to request such information
16 pursuant to this Code section. The information to be released shall include, but is not
17 limited to:

- 18 (1) Any insurance policy relevant to the fire loss under investigation and any application
19 for such a policy;
20 (2) Policy premium payment records on the policy, to the extent available;
21 (3) Any history of previous claims made by the insured for fire loss with the reporting
22 carrier; and
23 (4) Material relating to the investigation of the loss, including statements of any person,
24 proof of loss, and any other relevant evidence."

25 **SECTION 8.**

26 Code Section 45-7-7 of the Official Code of Georgia Annotated, relating to compensation
27 and allowances of certain officials not be changed without giving public notice, is amended
28 by striking subsection (b) and inserting in lieu thereof a new subsection (b) to read as
29 follows:

30 "(b) Subsection (a) of this Code section shall apply to the compensation and allowances
31 of the commissioner of community affairs, the director of the Employees' Retirement
32 System of Georgia, the director of the State Forestry Commission, the director of
33 investigation of the Georgia Bureau of Investigation, the executive director of the Georgia
34 Franchise Practices Commission, the commissioner of human resources, the commissioner
35 of economic development, the commissioner of natural resources, the commissioner of

1 public safety, the chancellor of the University System of Georgia, the president or
2 executive director of the Georgia Student Finance Commission, the executive director of
3 the State Soil and Water Conservation Commission, the executive secretary-treasurer of
4 the Teachers Retirement System of Georgia, the commissioner of transportation, and the
5 executive director of the State Ethics Commission."

6 **SECTION 9.**

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