

Senate Bill 532

By: Senators Whitehead, Sr. Of the 24th, Williams of the 19th, Goggans of the 7th, Seabaugh of the 28th, Rogers of the 21st and others

A BILL TO BE ENTITLED
AN ACT

1 To amend provisions of the Official Code of Georgia Annotated so as to enhance the
2 protection of facilities licensed by the United States Nuclear Regulatory Commission; to
3 amend Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses
4 against public order and safety, so as to authorize the use of certain weapons by nuclear
5 security personnel or contract nuclear security personnel operating pursuant to a nuclear
6 security plan approved by the United States Nuclear Regulatory Commission or other
7 authorized federal agency; to prohibit the possession or use of certain weapons on a nuclear
8 plant site; to amend Chapter 4 of Title 17 of the Official Code of Georgia Annotated, relating
9 to arrest of persons, so as to empower such nuclear security personnel to detain and use
10 reasonable force against persons reasonably believed to present a danger to the nuclear plant
11 site; to amend Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to
12 the Georgia Bureau of Investigation, so as to expedite the processing and background checks
13 of persons seeking employment in the field of nuclear security; to amend Chapter 1 of Title
14 51 of the Official Code of Georgia Annotated, relating to general provisions regarding torts,
15 so as to provide an affirmative defense for such security personnel executing an approved
16 nuclear security plan; to provide for related matters; to provide for an effective date and
17 applicability; to repeal conflicting laws; and for other purposes.

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

19 **SECTION 1.**

20 Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against
21 public order and safety, is amended by striking "and" at the end of paragraph (3), substituting
22 "; and" for the period at the end of paragraph (4), and inserting a new paragraph (5) in Code
23 Section 16-11-124, relating to exemptions from the prohibition of the possession of certain
24 dangerous firearms and weapons, to read as follows:

25 "(5) A security officer, including contract security personnel, trained and qualified under
26 a security plan approved by the United States Nuclear Regulatory Commission or other

1 authorized federal agency, who possesses, obtains, receives, or uses a sawed-off shotgun,
 2 sawed-off rifle, machine gun, semiautomatic assault weapon, dangerous weapon, or
 3 silencer in the course of or in connection with his or her official duties."

4 **SECTION 2.**

5 Said chapter is further amended by inserting a new Code Section 16-11-127.2, immediately
 6 following Code Section 16-11-127.1, relating to carrying weapons within school safety
 7 zones, to read as follows:

8 "16-11-127.2.

9 (a) Except as provided in paragraph (3), (4), (5), or (9) of subsection (c) of Code Section
 10 16-11-127.1, a person is guilty of a misdemeanor when he or she carries onto a nuclear
 11 plant site, defined as a facility licensed by the United States Nuclear Regulatory
 12 Commission, any weapon designed for the purpose of offense and defense.

13 (b) Possession of a weapon with the intent to do bodily harm on the premises of a
 14 commercial nuclear plant site in violation of subsection (a) of this Code section is a felony
 15 punishable in accordance with the provisions of subsection (b) of Code Section
 16 16-11-127.1.

17 (c) This Code section shall not apply to nuclear plant security officers, including contract
 18 security personnel, trained and qualified under a security plan approved by the United
 19 States Nuclear Regulatory Commission or other authorized federal agency, who bring
 20 weapons onto a nuclear plant site for the purpose of protecting, patrolling, and otherwise
 21 securing the nuclear plant site."

22 **SECTION 3.**

23 Chapter 4 of Title 17 of the Official Code of Georgia Annotated, relating to arrest of persons,
 24 is amended by inserting a new subsection (f) in Code Section 17-4-20, relating to the
 25 authorization of arrests with and without warrants, and use of deadly force, to read as
 26 follows:

27 "(f) A nuclear plant security officer, including contract security personnel, trained and
 28 qualified under a security plan approved by the United States Nuclear Regulatory
 29 Commission or other authorized federal agency, working at a facility licensed by the
 30 United States Nuclear Regulatory Commission is not a peace officer under the laws of this
 31 state; provided, however, that in the performance of his or her official duties, any such
 32 officer:

33 (1) Shall be justified in threatening to use or in using that degree of physical force,
 34 including deadly force, which he or she reasonably believes to be necessary upon any
 35 individual in order to execute the requirements of a nuclear security plan approved by the

1 United States Nuclear Regulatory Commission or other authorized federal agency, to
 2 defend himself or herself or a third person, or to prevent a threat to a nuclear facility;
 3 (2) Shall have the power to search any individual for unauthorized weapons or other
 4 prohibited material on the premises of a nuclear facility or adjacent areas under
 5 agreements entered into with local law enforcement entities; and
 6 (3) Shall have the power to detain any person suspected of conducting any prohibited act,
 7 whether inside or outside of the officer's presence, as set out in a nuclear security plan
 8 approved by the United States Nuclear Regulatory Commission or other authorized
 9 federal agency."

10 **SECTION 4.**

11 Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia
 12 Bureau of Investigation, is amended by inserting a new subsection (d.4) in Code Section
 13 35-3-34, relating to the disclosure and dissemination of criminal records to private persons
 14 and businesses, to read as follows:

15 "(d.4) For inquiries relating to the security of a facility licensed by the United States
 16 Nuclear Regulatory Commission, the Georgia Crime Information Center shall place a high
 17 priority and respond as expeditiously as possible; in no event shall the Georgia Crime
 18 Information Center respond later than two business days after the date the request is
 19 received."

21 **SECTION 5.**

22 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general
 23 provisions regarding torts, is amended by inserting a new Code Section 51-1-30.4 to read as
 24 follows:

25 "51-1-30.4.

26 Notwithstanding any other provision of law, it is an absolute affirmative defense to a civil
 27 action for tort liability arising out of conduct by a security officer or contract security
 28 personnel in performance of any discretionary function within the line and scope of his or
 29 her official duties at a facility licensed by the United States Nuclear Regulatory
 30 Commission brought against the officer, the officer's employer, or the owner, operator, or
 31 licensee of the facility where the officer was working, if the officer was acting in good faith
 32 and in accordance with a nuclear security plan approved by the United States Nuclear
 33 Regulatory Commission or other authorized federal agency."

SECTION 6.

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2 (a) This Act shall become effective upon its approval by the Governor or upon its becoming
3 law without such approval.

4 (b) Code Section 51-1-30.4, as enacted by Section 5 of this Act, shall apply only with
5 respect to causes of action arising on or after the effective date of this Act, and any prior
6 causes of action shall continue to be governed by prior law. It is the intention of the General
7 Assembly that all other provisions of this Act shall apply to causes of action pending on its
8 effective date, unless such application would be unconstitutional.

SECTION 7.

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