

The Senate Public Safety and Homeland Security Committee offered the following substitute to SB 532:

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

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

1 (1) Threaten or use force against another in defense of a federally licensed nuclear power
 2 facility and the persons therein as provided for under Code Sections 16-3-21 and 16-3-23;
 3 (2) Search any person on the premises of the nuclear power facility or the properties
 4 adjacent to the facility pursuant to a written agreement entered into with the local
 5 enforcement agency having jurisdiction over the facility for the purpose of determining
 6 if such person possesses unauthorized weapons, explosives, or other similarly prohibited
 7 material; provided, however, that if such person objects to any search, he or she shall be
 8 detained as provided in paragraph (3) of this subsection or shall be required to
 9 immediately vacate the premises. Any person refusing to submit to a search and refusing
 10 to vacate the premises of a facility upon the request of a security officer as provided for
 11 in this Code section shall be guilty of a misdemeanor; and
 12 (3) In accordance with a nuclear security plan approved by the United States Nuclear
 13 Regulatory Commission or other federal agency authorized to regulate nuclear facility
 14 security, detain any person located on the premises of a nuclear power facility or on the
 15 properties adjacent thereto pursuant to a written agreement entered into with the local law
 16 enforcement agency having jurisdiction over the facility, where there is reasonable
 17 suspicion to believe that such person poses a threat to the security of the nuclear power
 18 facility, regardless of whether such prohibited act occurred in the officer's presence. In
 19 the event of such detention, the law enforcement agency having jurisdiction over the
 20 facility shall be immediately contacted. The detention shall not exceed the amount of
 21 time reasonably necessary to allow for law enforcement officers to arrive at the facility."

22 **SECTION 4.**

23 Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia
 24 Bureau of Investigation, is amended by inserting a new subsection (d.4) in Code Section
 25 35-3-34, relating to the disclosure and dissemination of criminal records to private persons
 26 and businesses, to read as follows:

27 "(d.4) The center shall place a high priority on inquiries from any nuclear power facility
 28 requesting a criminal history and shall respond to such requests as expeditiously as
 29 possible, but in no event shall a response be made more than two business days following
 30 receipt of the request."
 31

32 **SECTION 5.**

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

1 "51-1-30.4.

2 Notwithstanding any other provision of law, an authorized security officer as provided for
3 in Code Section 16-11-124 acting within the scope of his or her official duties on the
4 premises of a federally licensed nuclear power facility or the properties adjacent to the
5 facility pursuant to a written agreement entered into with the local law enforcement agency
6 having jurisdiction over the facility shall be entitled to immunity as provided in Code
7 Section 51-11-9. Such officer and the officer's employer or the owner, operator, or
8 licensee of the facility where the officer is providing security services shall also be immune
9 from liability for the officer's good faith performance of his or her duties at such facility
10 in accordance with a nuclear security plan approved by the United States Nuclear
11 Regulatory Commission or other authorized federal agency."

12 **SECTION 6.**

13 This Act shall become effective upon its approval by the Governor or upon its becoming law
14 without such approval; provided, however, that Section 5 of this Act shall apply only with
15 respect to causes of action arising on or after the effective date of this Act.

16 **SECTION 7.**

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