

The House Committee on Judiciary Non-civil offers the following substitute to SB 462:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 16 of Title 15 of the Official Code of Georgia Annotated,  
2 relating to general provisions for sheriffs, so as to place courthouse security under the  
3 authority of the sheriff; to require a courthouse security plan which shall be subject to the  
4 approval of the chief superior court judge; to provide for access to the security plan to certain  
5 individuals; to amend Title 36 of the Official Code of Georgia Annotated, relating to local  
6 government, so as to remove courthouses and jails from the list of properties protected; to  
7 provide that a budget for implementing security plans shall be subject to approval by the  
8 governing authority; to amend Code Section 50-14-3 of the Official Code of Georgia  
9 Annotated, relating to excluded proceedings, so as to provide for executive session for  
10 governing authorities to review security plans; to provide for related matters; to provide an  
11 effective date; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

14 Article 1 of Chapter 16 of Title 15 of the Official Code of Georgia Annotated, relating to  
15 general provisions for sheriffs, is amended in Code Section 15-16-10, relating to duties of  
16 sheriffs and electronic storage, by striking "and" from the end of paragraph (8), by striking  
17 the period and inserting in its place "; and" at the end of paragraph (9), and by inserting a  
18 new paragraph (10) of subsection (a) to read as follows:

19 "(10) To develop and implement a comprehensive plan for the security of the county  
20 courthouse and any courthouse annex. Prior to the implementation of any security plan,  
21 the plan shall be submitted for review by the chief judge of the superior court of the  
22 circuit wherein the courthouse or courthouse annex is located, who shall have 30 days to  
23 review such plan. The security plan may be accepted or modified by order of the superior  
24 court in order to facilitate the implementation by the sheriff. The sheriff shall provide to  
25 the county governing authority the estimated cost of such security plan and a schedule for  
26 implementation within 30 days of adoption of or revision to a security plan. A

1 comprehensive plan for courthouse security shall be considered a confidential matter of  
 2 public security. Review of a proposed security plan by the governing authority shall be  
 3 excluded from the requirements of Code Section 50-14-1 and any such review shall take  
 4 place in executive session as provided in Code Section 50-14-3. Such security plan shall  
 5 also be excluded from public disclosure pursuant to paragraph (15) of subsection (a) of  
 6 Code Section 50-18-72. The sheriff shall be the official custodian of the comprehensive  
 7 courthouse security plan and shall determine who has access to such plan; provided,  
 8 however, that the sheriff shall make the original security plan available upon request for  
 9 temporary, exclusive review in the sheriff's office by any judge whose courtroom or  
 10 chambers is located within the courthouse or courthouse annex or by any commissioner  
 11 of the county in which the courthouse or courthouse annex is located. The sheriff shall  
 12 be responsible to conduct a formal review of the security plan not less than every four  
 13 years."

14 **SECTION 2.**

15 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended  
 16 by striking Code Section 36-9-8, relating to the protection of county property by the sheriff,  
 17 and inserting in its place a new Code Section 36-9-8 to read as follows:

18 "36-9-8.

19 The ~~courthouses, jails,~~ public grounds; and other county property are placed in the keeping  
 20 of the sheriff of the county, subject to the order of the county governing authority; and it  
 21 is his or her duty to preserve them from injury or waste and to prevent intrusions upon  
 22 them."

23 **SECTION 3.**

24 Said title is further amended by adding a new Code section to the end of Article 1 of Chapter  
 25 81, relating to local government budgets and audits, to read as follows:

26 "36-81-11.

27 The development and implementation of a security plan and all related technology pursuant  
 28 to paragraph (10) of subsection (a) of Code Section 15-16-10 shall be subject to the annual  
 29 budget approved for the office of the sheriff by the governing authority."

30 **SECTION 4.**

31 Code Section 50-14-3 of the Official Code of Georgia Annotated, relating to excluded  
 32 proceedings, is amended by striking paragraph (9) and inserting in lieu thereof the following:

33 "(9) Meetings when discussing any records that are exempt from public inspection or  
 34 disclosure pursuant to paragraph (15) of subsection (a) of Code Section 50-18-72, ~~or~~

1 when discussing any information a record of which would be exempt from public  
2 inspection or disclosure under said paragraph, or when reviewing or discussing any  
3 security plan under consideration pursuant to paragraph (10) of subsection (a) of Code  
4 Section 15-16-10."

5 **SECTION 5.**

6 This Act shall become effective on July 1, 2006.

7 **SECTION 6.**

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