

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

**AS PASSED**

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:**

20 **SECTION 1.**

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



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 if the facility is under imminent threat or danger pursuant to a  
5 written agreement entered into with the local enforcement agency having jurisdiction  
6 over the facility for the purpose of determining if such person possesses unauthorized  
7 weapons, explosives, or other similarly prohibited material; provided, however, that if  
8 such person objects to any search, he or she shall be detained as provided in paragraph (3)  
9 of this subsection or shall be required to immediately vacate the premises. Any person  
10 refusing to submit to a search and refusing to vacate the premises of a facility upon the  
11 request of a security officer as provided for in this Code section shall be guilty of a  
12 misdemeanor; and

13 (3) In accordance with a nuclear security plan approved by the United States Nuclear  
14 Regulatory Commission or other federal agency authorized to regulate nuclear facility  
15 security, detain any person located on the premises of a nuclear power facility or on the  
16 properties adjacent thereto if the facility is under imminent threat or danger pursuant to  
17 a written agreement entered into with the local law enforcement agency having  
18 jurisdiction over the facility, where there is reasonable suspicion to believe that such  
19 person poses a threat to the security of the nuclear power facility, regardless of whether  
20 such prohibited act occurred in the officer's presence. In the event of such detention, the  
21 law enforcement agency having jurisdiction over the facility shall be immediately  
22 contacted. The detention shall not exceed the amount of time reasonably necessary to  
23 allow for law enforcement officers to arrive at the facility."

#### 24 **SECTION 4.**

25 Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia  
26 Bureau of Investigation, is amended by inserting a new subsection (d.4) in Code Section  
27 35-3-34, relating to the disclosure and dissemination of criminal records to private persons  
28 and businesses, to read as follows:

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

**SECTION 5.**

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

"51-1-30.4.

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

**SECTION 6.**

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

**SECTION 7.**

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