

Senate Bill 397

By: Senators Mullis of the 53rd, Murphy of the 27th, Douglas of the 17th, Hawkins of the 49th, Shafer of the 48th and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 8 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated,
 2 relating to the alert system for unapprehended murder and rape suspects under the
 3 administration of the Georgia Bureau of Investigation, so as to create a state-wide "Blue
 4 Alert" system to speed the apprehension of violent criminals who kill or seriously injure law
 5 enforcement officers and to aid in the location of missing law enforcement officers; to
 6 provide for definitions; to provide for procedure; to provide for related matters; to provide
 7 an effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 8 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the
 11 alert system for unapprehended murder and rape suspects under the administration of the
 12 Georgia Bureau of Investigation, is amended by adding a new Code section to read as
 13 follows:

14 "35-3-191.

15 (a) There is established a state-wide alert system known as 'Blue Alert' which shall be
 16 developed and implemented by the director.

17 (b) As used in this Code section, the term:

18 (1) 'Law enforcement agency' means a law enforcement agency with jurisdiction over
 19 the search for a suspect in a case involving the death or serious injury of a peace officer
 20 or an agency employing a peace officer who is missing in the line of duty.

21 (2) 'Peace officer' means a person who is certified to exercise the powers of arrest.

22 (c) The 'Blue Alert' system may be activated when a suspect for a crime involving the
 23 death or serious injury of a peace officer has not been apprehended and law enforcement
 24 personnel have determined that the suspect may be a serious threat to the public and also
 25 when a peace officer becomes missing while in the line of duty under circumstances
 26 warranting concern for such peace officer's safety.

27 (d) The provisions of Code Sections 35-3-173, 35-3-175, and 35-3-178 shall also apply to
28 'Blue Alert' as set forth in this Code section.

29 (e) Upon notification by a law enforcement agency that a suspect in a case involving the
30 death or serious injury of a peace officer has not been apprehended and may be a serious
31 threat to the public, the director shall activate the 'Blue Alert' system and notify appropriate
32 participants in the 'Blue Alert' system, as established by rule, if:

33 (1) A law enforcement agency believes that a suspect has not been apprehended;

34 (2) A law enforcement agency believes that the suspect may be a serious threat to the
35 public; and

36 (3) Sufficient information is available to disseminate to the public that could assist in
37 locating the suspect.

38 The area of the alert may be less than state wide if the director determines that the nature
39 of the event makes it probable that the suspect did not leave a certain geographic location.

40 (f) Upon notification by a law enforcement agency that a peace officer is missing while in
41 the line of duty under circumstances warranting concern for such peace officer's safety, the
42 director shall activate the 'Blue Alert' system and notify appropriate participants in the
43 'Blue Alert' system if sufficient information is available to disseminate to the public that
44 could assist in locating the missing peace officer. The area of the alert may be less than
45 state wide if the director determines that the nature of the event makes it probable that the
46 officer is within a certain geographic location.

47 (g) Before requesting activation of the 'Blue Alert' system, a law enforcement agency shall
48 verify that the criteria described by subsection (e) or (f) of this Code section have been
49 satisfied. The law enforcement agency shall assess the appropriate boundaries of the alert
50 based on the nature of the suspect and the circumstances surrounding the crime or the last
51 known location of the missing peace officer.

52 (h) The director shall terminate any activation of the 'Blue Alert' system with respect to
53 a particular incident if:

54 (1) The suspect or peace officer is located or the incident is otherwise resolved; or

55 (2) The director determines that the 'Blue Alert' system is no longer an effective tool for
56 locating the suspect or peace officer.

57 Law enforcement agencies shall notify the director immediately when the suspect is located
58 and in custody or the peace officer is found.

59 (i) Any entity or individual involved in the dissemination of a 'Blue Alert' generated
60 pursuant to this Code section shall not be liable for any civil damages arising from such
61 dissemination."

62 **SECTION 2.**

63 This Act shall become effective on July 1, 2010.

64 **SECTION 3.**

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