

House Bill 36

By: Representatives Jacobs of the 80th, Chambers of the 81st, Bearden of the 68th, Wilkinson of the 52nd, Levitas of the 82nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the
2 Georgia Bureau of Investigation, so as to create a state-wide "Blue Alert" alert system to
3 speed the apprehension of violent criminals who kill or seriously injure local, state, or federal
4 law enforcement officers; to provide for definitions; to provide for procedure; to provide for
5 immunity from civil damages for dissemination of alert information; to provide for related
6 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia
10 Bureau of Investigation, is revised by adding a new article to read as follows:

11 "ARTICLE 9

12 35-3-200.

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

15 35-3-201.

16 As used in this article, the term:

17 (1) 'Law enforcement agency' means a law enforcement agency with jurisdiction over
18 the search for a suspect in a case involving the death or serious injury of a law
19 enforcement officer.

20 (2) 'Law enforcement officer' means a person who is granted by law the authority to
21 enforce criminal, traffic, or penal laws.

22 35-3-202.

23 (a) The 'Blue Alert' system may be activated when a suspect for a crime involving the
24 death or serious injury of a law enforcement officer has not been apprehended and law
25 enforcement personnel have determined that the suspect may be a serious threat to the
26 public.

27 (b) 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 article.

29 35-3-203.

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

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

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

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

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

42 (c) Before requesting activation of the 'Blue Alert' system, a law enforcement agency shall
43 verify that the criteria described by subsection (a) of this Code section have been satisfied.

44 The law enforcement agency shall assess the appropriate boundaries of the alert based on
45 the nature of the suspect and the circumstances surrounding the crime.

46 (d) The director shall terminate any activation of the 'Blue Alert' system with respect to
47 a particular suspect if:

48 (1) The suspect is located or the incident is otherwise resolved; or

49 (2) The director determines that the 'Blue Alert' system is no longer an effective tool for
50 locating the suspect.

51 35-3-204.

52 Any entity or individual participating in the 'Blue Alert' system pursuant to this article shall
53 not be liable for any civil damages arising from the dissemination of any alert generated
54 pursuant to the 'Blue Alert' system."

55 **SECTION 2.**

56 This Act shall become effective on July 1, 2009.

57 **SECTION 3.**

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