

The House Committee on Judiciary Non-civil offers the following substitute to HB 140:

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 provide for civil immunity for the dissemination
3 of certain state-wide alerts; to create a state-wide "Blue Alert" system to speed the
4 apprehension of violent criminals who kill or seriously injure local, state, or federal law
5 enforcement officers; to provide for definitions; to provide for procedure; to provide for
6 related matters; to provide an effective date; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia
11 Bureau of Investigation, is amended by revising subsection (a) of Code Section 35-3-180,
12 relating to immunity from civil damages for dissemination of alert information, as follows:

13 "(a) Any entity or individual ~~participating~~ involved in the dissemination of a 'Mattie's call'
14 alert system generated pursuant to this article shall not be liable for any civil damages
15 arising from ~~the such~~ dissemination of ~~any alert generated pursuant to the 'Mattie's call'~~
16 ~~alert system.~~"

17 **SECTION 2.**

18 Said chapter is further amended by revising subsection (i) of Code Section 35-3-190, relating
19 to state-wide alert system for unapprehended murder or rape suspects determined to be
20 serious public threats, as follows:

21 "(i) Any entity or individual ~~participating~~ involved in the dissemination of a 'Kimberly's
22 Call' alert system generated pursuant to this Code section shall not be liable for any civil
23 damages arising from ~~the such~~ dissemination of ~~any alert generated pursuant to the~~
24 ~~'Kimberly's Call' alert system.~~"

25 **SECTION 3.**

26 Said chapter is further amended by adding a new article to read as follows:

27 "ARTICLE 928 35-3-200.29 There is established a state-wide alert system known as 'Blue Alert' which shall be
30 developed and implemented by the director.31 35-3-201.32 As used in this article, the term:33 (1) 'Law enforcement agency' means a law enforcement agency with jurisdiction over
34 the search for a suspect in a case involving the death or serious injury of a law
35 enforcement officer.36 (2) 'Law enforcement officer' means a person who is granted by law the authority to
37 enforce criminal, traffic, or penal laws.38 35-3-202.39 (a) The 'Blue Alert' system may be activated when a suspect for a crime involving the
40 death or serious injury of a law enforcement officer has not been apprehended and law
41 enforcement personnel have determined that the suspect may be a serious threat to the
42 public.43 (b) The provisions of Code Sections 35-3-173, 35-3-175, and 35-3-178 shall also apply to
44 'Blue Alert' as set forth in this article.45 35-3-203.46 (a) Upon notification by a law enforcement agency that a suspect in a case involving the
47 death or serious injury of a law enforcement officer has not been apprehended and may be
48 a serious threat to the public, the director shall activate the 'Blue Alert' system and notify
49 appropriate participants in the 'Blue Alert' system, as established by rule, if:50 (1) A law enforcement agency believes that a suspect has not been apprehended;51 (2) A law enforcement agency believes that the suspect may be a serious threat to the
52 public; and53 (3) Sufficient information is available to disseminate to the public that could assist in
54 locating the suspect.55 (b) The area of the alert may be less than state-wide if the director determines that the
56 nature of the event makes it probable that the suspect did not leave a certain geographic
57 location.

58 (c) Before requesting activation of the 'Blue Alert' system, a law enforcement agency shall
59 verify that the criteria described by subsection (a) of this Code section have been satisfied.
60 The law enforcement agency shall assess the appropriate boundaries of the alert based on
61 the nature of the suspect and the circumstances surrounding the crime.

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

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

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

67 35-3-204.

68 Any entity or individual involved in the dissemination of a 'Blue Alert' generated pursuant
69 to this article shall not be liable for any civil damages arising from such dissemination."

70 **SECTION 4.**

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

72 **SECTION 5.**

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