

Senate Bill 416

By: Senators Cowser of the 46th, Harbison of the 15th, Harper of the 7th, Thompson of the 14th and Dugan of the 30th

**AS PASSED SENATE**

**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 establish the Georgia Information Sharing and  
3 Analysis Center within the Georgia Bureau of Investigation; to provide for a fusion center  
4 for the sharing and analysis of homeland security activity information; to provide for  
5 definitions; to provide for operations and responsibilities; to provide for membership; to  
6 amend Code Section 38-3-20 of the Official Code of Georgia Annotated, relating to Georgia  
7 Emergency Management Agency created, director, staff, offices, director's duties, and  
8 disaster coordinator, so as to expand the duties of the director of emergency management;  
9 to provide for related matters; to repeal conflicting laws; and for other purposes.

10 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

11 **SECTION 1.**

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

14 "ARTICLE 9

15 35-3-200.

16 As used in this article, the term:

17 (1) 'Center' means the Georgia Information Sharing and Analysis Center.

18 (2) 'Fusion center' means collaborative effort which combines resources, expertise,  
19 intelligence, and other information from various agencies of state and local governments  
20 with the goal of maximizing the ability of this state to detect, prevent, and respond to  
21 criminal activities or to otherwise engage in homeland security activities.

22 (3) 'Homeland security activity' means any activity related to the prevention or discovery  
23 of, response to, or recovery from:

24 (A) A terrorist attack;

25 (B) A hostile military or paramilitary action; or

26 (C) An extraordinary law enforcement emergency.

27 35-3-201.

28 There is established the Georgia Information Sharing and Analysis Center within the  
29 Georgia Bureau of Investigation. The center shall be a fusion center maintaining a  
30 terrorism analytical component.

31 35-3-202.

32 (a) Responsibility for the development, maintenance, and operations of the center shall be  
33 vested in the director.

34 (b) The director shall appoint and maintain the necessary professional and support staff to  
35 enable the center to effectively and efficiently carry out its duties and responsibilities under  
36 this article.

37 35-3-203.

38 (a) The director through the center shall report homeland security activity information to  
39 the director of emergency management, including, but not limited to, threats, warnings, and  
40 developing situations, when an investigation reveals conduct of a terroristic nature or in  
41 material support of terroristic activities, recruitment of terrorists, or information on the  
42 activities of known terrorist organizations.

43 (b) The center shall liaise with the bureau, the Federal Bureau of Investigation, Joint  
44 Terrorism Task Force, United States Department of Homeland Security, and other local,  
45 state, and federal intelligence and law enforcement officials for purposes of carrying out  
46 its duties and responsibilities under this article.

47 (c) The center shall allow unrestricted access to secure communications equipment to the  
48 director of emergency management and his or her representatives who possess the  
49 appropriate federally approved security clearances for the dissemination of homeland  
50 security activity information by the United States Department of Homeland Security.

51 (d) The director of emergency management shall serve as this state's security manager for  
52 the purpose of identifying and processing state personnel for security clearances through  
53 the United States Department of Homeland Security.

54 35-3-204.

55 (a) Membership in the center shall consist of the director, the director of emergency  
56 management, the Commissioner of Public Safety, the Commissioner of Natural Resources,  
57 the Commissioner of Corrections, the state fire marshal, the Attorney General, the

58 adjutant general and state and local fire service, law enforcement, homeland security,  
 59 emergency management, corrections, and other appropriate agencies and disciplines as  
 60 determined by the director of emergency management in consultation with the director.  
 61 Such members shall assign or make available their analysts or other personnel to the center  
 62 as such need is determined by the director of emergency management.

63 (b) The director of emergency management shall maintain Georgia Emergency  
 64 Management Agency analysts in the center as needed as determined by the director of  
 65 emergency management."

66 **SECTION 2.**

67 Code Section 38-3-20 of the Official Code of Georgia Annotated, relating to Georgia  
 68 Emergency Management Agency created, director, staff, offices, director's duties, and  
 69 disaster coordinator, is amended by revising subsection (e) as follows:

70 "(e) The director, subject to the direction and control of the Governor, shall:

71 (1) Be be the executive head of the Georgia Emergency Management Agency and shall  
 72 be responsible to the Governor for carrying out the program for emergency management  
 73 in this state. ~~He or she shall coordinate;~~

74 (2) Serve as the central authority reporting to the Governor on all matters relating to  
 75 homeland security;

76 (3) Have command and control authority over all operational areas involving terrorist  
 77 activity within this state, including, but not limited to, command and control over all task  
 78 forces and central commands related thereto;

79 (4) Coordinate the activities of all organizations for emergency management and  
 80 homeland security within the state, ~~shall maintain;~~

81 (5) Maintain liaison with and cooperate with emergency management agencies and  
 82 organizations of other states and of the federal government;

83 (6) Oversee all risk and threat assessments and coordinate all plans for timely and  
 84 complete responses through a network of federal, state, and local organizations,  
 85 including, but not limited to, coordination of the efficient and timely flow of information;

86 (7) Be responsible for crisis and consequence management planning, including, but not  
 87 limited to, measures to identify, acquire, and plan the use of resources needed to  
 88 anticipate, prevent, or resolve a threat or act of terrorism;

89 (8) Coordinate and review all activities involving homeland security within any agency,  
 90 authority, or entity of this state, including, but not limited to, oversight of homeland  
 91 security activities found within the Department of Public Safety, the Georgia Bureau of  
 92 Investigation, the Georgia National Guard, the Department of Natural Resources, the  
 93 Department of Community Health, and the Department of Public Health;

94 (9) Evaluate information developed by the criminal justice community in regard to  
95 threats or potential threats of terrorism; and  
96 (10) Have ~~shall have~~ such additional authority, duties, and responsibilities authorized by  
97 Article 1, this article, and Article 3 of this chapter as may be prescribed by the Governor  
98 and such additional authority, duties, and responsibilities as described in Article 9 of  
99 Chapter 3 of Title 35 and Part 4 of Article 2 of Chapter 5 of Title 46, the 'Georgia  
100 Emergency Telephone Number 9-1-1 Service Act of 1977,' as amended."

101 **SECTION 3.**

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