

Senate Bill 1

By: Senators Cowser of the 46th, Shafer of the 48th, Gooch of the 51st, Harper of the 7th, Dugan of the 30th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and
2 offenses, so as to revise the definition of domestic terrorism to more inclusively capture
3 situational violations commonly used by persons who desire to commit acts of terror; to
4 revise the offenses of a terroristic threat and a terroristic act; to amend Article 9 of Chapter 3
5 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia Information
6 Sharing and Analysis Center, so as to revise the definition of homeland security activity to
7 enable the center's work in the state's effective prevention or discovery of, response to, and
8 recovery from domestic terrorism; to require each agency to submit to the center certain
9 identifying information about known or suspected terrorists; to provide for rules and
10 regulations; to provide for a short title; to provide for related matters; to repeal conflicting
11 laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 style="text-align:center">**SECTION 1.**

14 This Act shall be known and may be cited as "The Protect Act - Protecting Georgians
15 Against Terrorism."

16 style="text-align:center">**SECTION 2.**

17 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
18 amended by revising subsection (a) of Code Section 16-4-10, relating to domestic terrorism
19 and penalty, as follows:

20 "(a) As used in this Code section, the term 'domestic terrorism' means any violation of, or
21 attempt to violate, the laws of this state or of the United States which:

22 (1) Is intended or reasonably likely to injure or kill ~~not less than ten~~;

23 (A) Any individual or group of individuals as part of a single unlawful act or a series
24 of unlawful acts which are interrelated by distinguishing characteristics;

25 (B) Any individual by virtue of such individual's presence within or as part of a
 26 congregated, assembled, or gathered group of individuals, including, but not limited to,
 27 individuals congregated, assembled, or gathered for purposes of buying or previewing
 28 goods and services, effectuating commerce, conducting or performing business,
 29 instruction, religious worship, medical treatment, political speech, or sports or
 30 entertainment; or

31 (C) Any individual by virtue of such individual's presence at or in a public or private
 32 facility for use by the public or presence in or on public transit, commercial
 33 transportation, or a public road or public right of way, including, but not limited to,
 34 structures, sidewalks, facilities, and appurtenances incidental thereto; and

35 (2)(A) Is intended to intimidate the civilian population of this state, any of its political
 36 subdivisions, or of the United States;

37 (B) Is intended to alter, change, or coerce the policy of the government of this state or
 38 any of its political subdivisions by intimidation or coercion; or

39 (C) Is intended to affect the conduct of the government of this state or any of its
 40 political subdivisions by use of destructive devices, assassination, or kidnapping.

41 Such term shall include violations of the law or attempted violations of the law that are
 42 intended to advance, further, or effectuate any ideology or belief whether such violations
 43 or attempted violations are committed alone or as part of a command structure involving
 44 an identifiable set of other individuals."

45 **SECTION 3.**

46 Said title is further amended by revising subsections (a), (b), and (c) of Code Section
 47 16-11-37, relating to terroristic threats and acts, as follows:

48 "(a) As used in this Code section, the term:

49 (1) 'Domestic terrorism' shall have the same meaning as set forth in Code Section
 50 16-4-10.

51 (2) 'Hazardous ~~hazardous~~ substance' shall have the same meaning as set forth in Code
 52 Section 12-8-92.

53 (b)(1) A person commits the offense of a terroristic threat when he or she threatens to:

54 (A) Commit any crime of violence, including, but not limited to, domestic terrorism;

55 (B) Release any hazardous substance; or

56 (C) Burn or damage property.

57 (2) Such terroristic threat shall be made:

58 (A) With the purpose of terrorizing another or the civilian population of this state or
 59 any of its political subdivisions;

- 60 (B) With the purpose of causing the evacuation of a building, place of assembly, or
 61 facility of public transportation;
- 62 (C) With the purpose of otherwise causing serious public inconvenience; or
- 63 (D) In reckless disregard of the risk of causing the terror, evacuation, or inconvenience
 64 described in subparagraph (A), (B), or (C) of this paragraph.
- 65 (3) No person shall be convicted under this subsection on the uncorroborated testimony
 66 of the party to whom the threat is communicated.
- 67 (c) A person commits the offense of a terroristic act when:
- 68 (1) He or she uses a burning or flaming cross or other burning or flaming symbol or
 69 flambeau with the intent to terrorize another or another's household;
- 70 (2) While not in the commission of a lawful act, he or she shoots at or throws an object
 71 at a conveyance which is being operated or which is occupied by passengers; ~~or~~
- 72 (3) He or she releases any hazardous substance or any simulated hazardous substance
 73 under the guise of a hazardous substance; or
- 74 (4) Commits domestic terrorism:
- 75 (A) For the purpose of terrorizing another or the civilian population of this state or any
 76 of its political subdivisions;
- 77 (B) For the purpose of causing the evacuation of a building, place of assembly, or
 78 facility of public transportation;
- 79 (C) For the purpose of otherwise causing serious public inconvenience; or
- 80 (D) In reckless disregard of the risk of causing the terror, evacuation, or inconvenience
 81 described in subparagraph (A), (B), or (C) of this paragraph."

82 SECTION 4.

83 Article 9 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the
 84 Georgia Information Sharing and Analysis Center, is amended by revising Code Section
 85 35-3-200, relating to definitions, as follows:

86 "35-3-200.

87 Except as provided elsewhere ~~As used~~ in this article, the term:

- 88 (1) 'Center' means the Georgia Information Sharing and Analysis Center.
- 89 (2) 'Domestic terrorism' shall have the same meaning as provided for in Code Section
 90 16-4-10.
- 91 (3) 'Fusion center' means collaborative effort which combines resources, expertise,
 92 intelligence, and other information from various agencies of state and local governments
 93 with the goal of maximizing the ability of this state to detect, prevent, and respond to
 94 criminal activities or to otherwise engage in homeland security activities.

95 ~~(3)~~(4) 'Homeland security activity' means any activity related to the prevention or
 96 discovery of, response to, or recovery from:

- 97 (A) Domestic terrorism ~~A terrorist attack~~;
- 98 (B) A hostile military or paramilitary action; or
- 99 (C) An extraordinary law enforcement emergency."

100 **SECTION 5.**

101 Said article is further amended by adding a new Code section to read as follows:

102 "35-3-205.

103 (a) As used in this Code section, the term:

104 (1) 'Agency' means any board, department, authority, commission, or entity of this state.

105 (2) 'Domestic terrorism' shall have the same meaning as set forth in 18 U.S.C. Section
 106 2331.

107 (3) 'Identifying information' means any personally identifying data of an individual.

108 (4) 'International terrorism' shall have the same meaning as set forth in 18 U.S.C. Section
 109 2331.

110 (5) 'Known terrorist' means an individual who the government of the United States
 111 publicly acknowledges to be engaged or has been engaged or believes intends to be
 112 engaged in terrorism; who has been charged, arrested, indicted, or convicted for a crime
 113 related to terrorism; or who has been identified as a terrorist or member of a designated
 114 foreign terrorist organization pursuant to federal law.

115 (6) 'Suspected terrorist' means an individual who is reasonably suspected to be, or has
 116 been, engaged in conduct constituting, in preparation for, in aid of, or related to terrorism.

117 (7) 'Terrorism' means international terrorism and domestic terrorism.

118 (b) To the extent permitted by law, each agency shall submit to the center identifying
 119 information of known terrorists or suspected terrorists. The identifying information shall
 120 be transmitted in such form and at such intervals as promulgated by rules and regulations
 121 of the director.

122 (c) To the fullest extent permissible under the law, the center shall use the identifying
 123 information as provided for under this Code section in furtherance of the center's purposes."

124 **SECTION 6.**

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