

Senate Bill 1

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

**AS PASSED SENATE**

**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 provide for investigative powers and duties of the Attorney General and district attorneys;  
5 to revise the offenses of a terroristic threat and a terroristic act; to amend Title 35 of the  
6 Official Code of Georgia Annotated, relating to law enforcement officers and agencies, so  
7 as to create the Board of Homeland Security, the Department of Homeland Security, and the  
8 position of commissioner of homeland security; to provide for the promulgation of rules and  
9 regulations; to transfer the functions of homeland security strategy and programs, the  
10 Antiterrorism Task Force, the Georgia Information Sharing and Analysis Center, safety  
11 planning for threats of terrorism, and the Airport Antiterrorism Training Committee to the  
12 Department of Homeland Security; to provide for definitions; to revise the definition of  
13 homeland security activity to enable the center's work in the state's effective prevention or  
14 discovery of, response to, and recovery from domestic terrorism; to require each agency to  
15 submit to the center certain identifying information about known or suspected terrorists; to  
16 amend Article 2 of Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating  
17 to emergency management organization and administration, so as to repeal and redesignate  
18 provisions relating to certain safety plans of state agencies and authorities, the Airport  
19 Antiterrorism Training Committee, and investigations and surveys; to amend various  
20 provisions of the Official Code of Georgia Annotated so as to correct nomenclature and  
21 cross-references; to provide for a short title; to provide for related matters; to repeal  
22 conflicting laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

24 **PART I**

25 **SECTION 1-1.**

26 This Act shall be known and may be cited as the "Protect Act - Protecting Georgians Against  
27 Terrorism."

28 **PART II**

29 **SECTION 2-1.**

30 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is  
31 amended by revising Code Section 16-4-10, relating to domestic terrorism and penalty, as  
32 follows:

33 "16-4-10.

34 (a) As used in this Code section, ~~'domestic terrorism'~~ the term:

35 (1) 'Domestic terrorism' means any violation of, or attempt to violate, the laws of this  
36 state or of the United States which:

37 ~~(1)(A)~~ Is intended or reasonably likely to injure cause serious bodily harm or kill not  
38 ~~less than ten individuals~~ any individual or group of individuals or to disable or destroy  
39 critical infrastructure as part of a single unlawful act or a series of unlawful acts which  
40 are interrelated by distinguishing characteristics; ~~and~~

41 ~~(2)(A)(B)(i)~~ Is intended to intimidate the civilian population of this state, any of its  
42 political subdivisions, or of the United States;

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

45 ~~(C)(iii)~~ Is intended to affect the conduct of the government of this state or any of its  
46 political subdivisions by use of destructive devices, assassination, or kidnapping; and

47 (C) Is intended to advance, further, or effectuate any ideology or belief whether  
48 committed alone or as part of a command structure involving an identifiable set of  
49 other individuals.

50 (2) 'Critical infrastructure' means public or private systems, functions, or assets,  
51 whether physical or virtual, vital to the security, governance, public health and safety,  
52 economy, or morale of this state or of the United States, including, but not limited to,  
53 systems, functions, or assets for:

54 (A) Electricity generating;

55 (B) Gas production, transport, and distribution;

56 (C) Telecommunications and cyber systems;

57 (D) Water supply;

58 (E) Agriculture;

59 (F) Transportation, including bridges, roads, and public transit;

60 (G) Financial services;

61 (H) Education;

62 (I) Health care services; and

63 (J) Religious worship.

64 (3) 'Electronic communication service' shall have the same meaning as set forth in Code  
65 Section 16-9-92.

66 (4) 'Remote computing service' shall have the same meaning as set forth in Code Section  
67 16-9-92.

68 (5) 'Serious bodily harm' means harm to the body of another by depriving him or her of  
69 a member of his or her body, by rendering a member of his or her body useless, or by  
70 seriously disfiguring his or her body or a member thereof.

71 (b) Notwithstanding any other provision of law, any person who commits, attempts to  
72 commit, conspires to commit, or solicits, coerces, or intimidates another to commit a  
73 violation of the laws of this state or of the United States for the purpose of domestic  
74 terrorism shall, except in cases for which the death penalty may be imposed and the state  
75 has served notice of its intention to seek the death penalty, be sentenced to the maximum  
76 term of imprisonment and a fine not to exceed the amount prescribed by Code Section  
77 17-10-8, which penalty shall not be suspended, stayed, probated, or withheld.

78 (c) In addition to any other provision of law, evidence that a person committed an offense  
79 for which the death penalty may be imposed under the laws of this state for the purpose of  
80 domestic terrorism shall be admissible during the sentencing phase as a statutory  
81 aggravating circumstance. It shall be the duty of the judge to consider, or to instruct the  
82 jury to consider, in addition to the statutory aggravating circumstances provided in Code  
83 Section 17-10-30, that the offense was committed for the purpose of domestic terrorism.

84 (d)(1) In any investigation of a violation of this Code section, the Attorney General or  
85 district attorney shall be authorized to issue a subpoena to compel the production of  
86 books, records or papers or electronic communication service or remote computing  
87 service records or other information pertaining to a subscriber or customer of such  
88 service, exclusive of the contents of communications. All officers, boards, commissions,  
89 and departments of the state and the municipalities and political subdivisions thereof  
90 having information with respect thereto shall cooperate with and assist the Attorney  
91 General or district attorney for the purposes of this Code section.

92 (2) A provider of electronic communication service or remote computing service shall  
93 disclose to the Attorney General or district attorney the:

94 (A) Name;

- 95 (B) Address;  
96 (C) Local and long distance telephone connection records, or records of session times  
97 and durations;  
98 (D) Length of service, including the start date, and types of services utilized;  
99 (E) Telephone or instrument number or other subscriber number or identity, including  
100 any temporarily assigned network address; and  
101 (F) Means and source of payment for such service, including any credit card or bank  
102 account number of a subscriber to or customer of such service.
- 103 (e) Upon failure of a person without lawful excuse to obey a subpoena, the Attorney  
104 General or district attorney may apply to a superior court having jurisdiction for an order  
105 compelling compliance. Such person may object to the subpoena on grounds that it fails  
106 to comply with this Code section or upon any constitutional or other legal right or privilege  
107 of such person. The court may issue an order modifying or setting aside such subpoena or  
108 directing compliance with the original subpoena.
- 109 (f) The Attorney General may request that a natural person who refuses to produce  
110 relevant matter on the ground that the production of records may incriminate such person  
111 be ordered by the court to provide such records. With the exception of a prosecution for  
112 perjury, a natural person who complies with the court order to provide such records  
113 asserting a privilege against self-incrimination to which he or she is entitled by law shall  
114 not be prosecuted or subjected to any penalty or forfeiture for or on account of any  
115 transaction, matter, or thing concerning which he or she may testify or produce evidence,  
116 documentary or otherwise.
- 117 (g)(1) Information obtained pursuant to a subpoena enforced by this Code section shall  
118 not be made public or, except as authorized in paragraph (2) of this subsection, disclosed  
119 by the Attorney General or district attorney beyond the extent necessary for the  
120 enforcement of this Code section.
- 121 (2) The Attorney General or district attorney shall be authorized to provide to any  
122 federal, state, or local law enforcement agency any information acquired under this Code  
123 section in furtherance of a criminal investigation.
- 124 (h) The district attorney and the Attorney General shall have concurrent authority to  
125 prosecute any criminal cases arising under the provisions of this Code section and to  
126 perform any duty that necessarily appertains thereto when such case involves occurrences  
127 within a single judicial circuit; provided, however, that when such case involves  
128 occurrences spanning two or more judicial circuits, the Attorney General shall have  
129 exclusive authority to prosecute such cases.
- 130 (i) In cases where the Attorney General has exclusive authority to prosecute, the Attorney  
131 General is authorized to call upon the district attorney to assist in such prosecution.

132 (j) Whenever the Attorney General prosecutes any criminal cases arising under the  
 133 provisions of this Code section, the Attorney General is authorized to appoint special  
 134 assistant attorneys general for investigating and prosecuting violations under this Code  
 135 section. Under the supervision of the Attorney General, such special assistant attorneys  
 136 general may exercise the powers of the Attorney General under this Code section.  
 137 (k) This Code section shall not apply to constitutionally protected speech or lawful  
 138 assemblies."

### 139 SECTION 2-2.

140 Said title is further amended by revising paragraph (1) of Code Section 16-7-80, relating to  
 141 definitions, as follows:

142 "(1) 'Bacteriological weapon' or 'biological weapon' means any device which is designed  
 143 in such a manner as to permit the intentional release into the population or environment  
 144 of microbial or other biological agents or toxins whatever their origin or method of  
 145 production in a manner not otherwise authorized by law or any device the development,  
 146 production, or stockpiling of which is prohibited pursuant to the 'Convention on the  
 147 Prohibition of the Development, Production, and Stockpiling of Bacteriological  
 148 (Biological) and Toxin Weapons and Their Destruction,' 26 U.S.T. 583, TIAS 8063, and  
 149 including all substances found on Schedule 1 of the Convention on the Prohibition of the  
 150 Development, Production, Stockpiling and Use of Chemical Weapons and on their  
 151 Destruction."

### 152 SECTION 2-3.

153 Said title is further amended by revising subsection (a) of Code Section 16-7-88, relating to  
 154 possessing, transporting, or receiving explosives or destructive devices with intent to kill,  
 155 injure, or intimidate individuals or destroy public buildings, sentencing, and enhanced  
 156 penalties, as follows:

157 "(a) Any person who possesses, transports, or receives or attempts to possess, transport,  
 158 or receive any destructive device, ~~or explosive,~~ bacteriological weapon, or biological  
 159 weapon with the knowledge or intent that it will be used to kill, injure, or intimidate any  
 160 individual or to destroy any public building shall be punished by imprisonment for not less  
 161 than ten nor more than 20 years or by a fine of not more than \$125,000.00 or both or, if the  
 162 individual or to destroy any public building shall be punished by imprisonment for not less  
 163 than ten nor more than 20 years or by a fine of not more than \$125,000.00 or both or, if the  
 164 defendant is a corporation, by a fine of not less than \$125,000.00 nor more than  
 165 \$200,000.00 or sentenced to perform not fewer than 10,000 nor more than 20,000 hours of  
 166 community service or both."

**SECTION 2-4.**

167  
168 Said title is further amended by revising subsections (a), (b), and (c) of Code Section  
169 16-11-37, relating to terroristic threats and acts, as follows:

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

171 (1) 'Domestic terrorism' shall have the same meaning as set forth in Code Section  
172 16-4-10.

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

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

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

177 (B) Release any hazardous substance; or

178 (C) Burn or damage property.

179 (2) Such terroristic threat shall be made:

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

182 (B) With the purpose of causing the evacuation of a building, place of assembly, or  
183 facility of public transportation;

184 (C) With the purpose of otherwise causing serious public inconvenience; or

185 (D) In reckless disregard of the risk of causing the terror, evacuation, or inconvenience  
186 described in subparagraph (A), (B), or (C) of this paragraph.

187 (3) No person shall be convicted under this subsection on the uncorroborated testimony  
188 of the party to whom the threat is communicated.

189 (c) A person commits the offense of a terroristic act when:

190 (1) He or she uses a burning or flaming cross or other burning or flaming symbol or  
191 flambeau with the intent to terrorize another or another's household;

192 (2) While not in the commission of a lawful act, he or she shoots at or throws an object  
193 at a conveyance which is being operated or which is occupied by passengers; or

194 (3) He or she releases any hazardous substance or any simulated hazardous substance  
195 under the guise of a hazardous substance:

196 (A) For the purpose of terrorizing another or the civilian population of this state or any  
197 of its political subdivisions;

198 (B) For the purpose of causing the evacuation of a building, place of assembly, or  
199 facility of public transportation;

200 (C) For the purpose of otherwise causing serious public inconvenience; or

201 (D) In reckless disregard of the risk of causing the terror, evacuation, or inconvenience  
202 described in subparagraph (A), (B), or (C) of this paragraph."

203

**PART III**

204

**SECTION 3-1.**

205 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and  
 206 agencies, is amended by repealing in its entirety Article 3 of Chapter 3, relating to the  
 207 Antiterrorism Task Force, and designating such article as reserved.

208

**SECTION 3-2.**

209 Said title is further amended by repealing in its entirety Article 9 of Chapter 3, relating to the  
 210 Georgia Information Sharing and Analysis Center.

211

**SECTION 3-3.**

212 Said title is further amended by adding a new chapter to read as follows:

213

"CHAPTER 11

214

ARTICLE 1

215 35-11-1.

216 As used in this chapter, the term:

217 (1) 'Bureau' means the Georgia Bureau of Investigation.

218 (2) 'Center' means the Georgia Information Sharing and Analysis Center.

219 (3) 'Commissioner' means the commissioner of homeland security.

220 (4) 'Critical infrastructure' means public or private systems, functions, or assets, whether  
 221 physical or virtual, vital to the security, governance, public health and safety, economy,  
 222 or morale of this state or of the United States, including, but not limited to, systems,  
 223 functions, or assets for:

224 (A) Electricity generating;

225 (B) Gas production, transport, and distribution;

226 (C) Telecommunications and cyber systems;

227 (D) Water supply;

228 (E) Agriculture;

229 (F) Transportation, including bridges, roads, and public transit;

230 (G) Financial services;

231 (H) Education;

232 (I) Health care services; and

233 (J) Religious worship.

234 (5) 'Department' means the Georgia Department of Homeland Security.

235 (6) 'Domestic terrorism' means any violation of, or attempt to violate, the laws of this  
 236 state or of the United States which:

237 (A) Is intended or reasonably likely to cause serious bodily injury or kill any individual  
 238 or group of individuals or to disable or destroy critical infrastructure as part of a single  
 239 unlawful act or a series of unlawful acts which are interrelated by distinguishing  
 240 characteristics;

241 (B)(i) Is intended to intimidate the civilian population of this state, any of its political  
 242 subdivisions, or of the United States;

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

245 (iii) Is intended to affect the conduct of the government of this state or any of its  
 246 political subdivisions by use of destructive devices, assassination, or kidnapping; and

247 (C) Is intended to advance, further, or effectuate any ideology or belief whether  
 248 committed alone or as part of a command structure involving an identifiable set of  
 249 other individuals.

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

254 (8) 'Homeland security activity' means any activity related to the prevention or  
 255 discovery of, response to, or recovery from:

256 (A) Domestic terrorism;

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

258 (C) An extraordinary law enforcement emergency.

259 (9) 'Homeland security emergency' means an emergency precipitated by any activity  
 260 related to:

261 (A) Domestic terrorism;

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

263 (C) An extraordinary law enforcement emergency.

264 (10) 'Homeland security information' means the product of systematic gathering,  
 265 evaluation, and synthesis of raw data on individuals or activities suspected of being, or  
 266 known to be, criminal in nature.

267 (11) 'Serious bodily harm' means harm to the body of another by depriving him or her  
 268 of a member of his or her body, by rendering a member of his or her body useless, or by  
 269 seriously disfiguring his or her body or a member thereof.

270 35-11-2.

271 (a) There is created a Board of Homeland Security. The board shall:



- 272 (1) Establish the general policy to be followed by the department; and  
 273 (2) Advise the Governor and commissioner on:  
 274 (A) The implementation of the homeland security strategy by state and local agencies  
 275 and provide specific guidance and counsel for helping those agencies implement the  
 276 strategy; and  
 277 (B) All matters related to the planning, development, coordination, and implementation  
 278 of initiatives to promote the homeland security strategy of the state.  
 279 (b) The board shall consist of 17 members who shall be as follows:  
 280 (1) The Governor, ex officio, who shall be chairperson of the board;  
 281 (2) The commissioner of homeland security;  
 282 (3) The director of emergency management;  
 283 (4) The commissioner of public safety;  
 284 (5) The director of the Georgia Bureau of Investigation;  
 285 (6) The adjutant general;  
 286 (7) The commissioner of natural resources;  
 287 (8) The commissioner of public health;  
 288 (9) The Attorney General or his or her designee who shall be the deputy attorney general  
 289 or an assistant attorney general;  
 290 (10) The commissioner of transportation;  
 291 (11) The Commissioner of Agriculture;  
 292 (12) The head of the Georgia Technology Authority; and  
 293 (13) Five appointees of the Governor who shall be individuals from the public or private  
 294 sector who are directly involved in policy, program, security, or funding activities  
 295 relevant to homeland security or infrastructure protection; provided, however, that one  
 296 such appointment shall be the executive director of the Georgia Sheriffs' Association or  
 297 a sheriff and one such appointment shall be the executive director of the Georgia  
 298 Association of Chiefs of Police or a chief executive of a law enforcement agency of a  
 299 county or a municipality. Such appointees under this paragraph shall serve at the  
 300 pleasure of the Governor.  
 301 (c) The board shall adopt rules for its organization and by which its business shall be  
 302 conducted.  
 303 (d)(1) Any legislative members of the board who may be appointed pursuant to  
 304 paragraph (13) of subsection (b) of this Code section shall receive the allowances  
 305 provided for in Code Section 28-1-8.  
 306 (2) Members of the board who are state or local government officials, other than  
 307 legislative members, or state or local government employees shall receive no  
 308 compensation for their services on the board, but they may be reimbursed for expenses

309 incurred by them in the performance of their duties as members of the board in the same  
310 manner as they are reimbursed for expenses in their capacities as state or local  
311 government officials or state or local government employees.

312 (3) Members of the board who are not legislators, state or local government officials, or  
313 state or local government employees shall receive a daily expense allowance in an  
314 amount the same as that specified in subsection (b) of Code Section 45-7-21, as well as  
315 the mileage or transportation allowance authorized for state employees.

316 (4) Funds for the reimbursement of the expenses of state or local government officials,  
317 other than legislative members, and state or local government employees shall come from  
318 funds appropriated to or otherwise available to their respective governments,  
319 departments, authorities, or agencies.

320 35-11-3.

321 (a) There is established the Department of Homeland Security with a commissioner of  
322 homeland security who shall be the head thereof. The department shall be assigned to the  
323 Office of Planning and Budget for administrative purposes only as provided in Code  
324 Section 50-4-3.

325 (b) The Governor shall appoint the commissioner of homeland security. He or she shall  
326 hold office at the pleasure of the Governor, who shall fix his or her compensation. The  
327 commissioner of homeland security shall hold no other state office.

328 (c) The commissioner may employ such professional, technical, clerical, stenographic, and  
329 other personnel, may fix their compensation, and may make such expenditures within the  
330 appropriation therefor, or from other funds made available for purposes of homeland  
331 security, as may be necessary to carry out the purposes of this chapter.

332 (d) The commissioner, with the approval of the board, may establish units within the  
333 department as he or she deems proper for its administration and shall designate persons to  
334 be assistant commissioners of each unit and to exercise authority as he or she may delegate  
335 to them in writing.

336 (e) The commissioner and other personnel of the department shall be provided with  
337 appropriate office space, furniture, equipment, supplies, stationery, and printing in the same  
338 manner as provided for personnel of other state departments and agencies.

339 (f) The commissioner, with the approval of the board, shall have the power to make and  
340 publish reasonable rules and regulations not inconsistent with this title or other laws or with  
341 the Constitution of this state or of the United States for the administration of this chapter  
342 or any law or program which it is his or her duty to administer.

343 (g) The commissioner, subject to the direction and control of the Governor, shall:

- 344 (1) Be the executive head of the department and shall be responsible to the Governor for  
345 carrying out the program for homeland security in this state;
- 346 (2) Serve as the central authority reporting to the Governor on all matters relating to  
347 homeland security;
- 348 (3) Have command and control authority over all operational areas involving terrorist  
349 activity within this state, including, but not limited to, the center, the Homeland Security  
350 Task Force, and the Homeland Security Central Command when activated by the  
351 Governor;
- 352 (4) Coordinate the activities of all organizations for homeland security within the state;
- 353 (5) Maintain liaison with and cooperate with homeland security agencies and  
354 organizations of other states and of the federal government;
- 355 (6) Oversee all risk and threat assessments and coordinate all plans for timely and  
356 complete responses through a network of state, local, and federal organizations,  
357 including, but not limited to, the coordination of efficient and timely flow of information;
- 358 (7) Be responsible for measures to identify, acquire, and plan the use of resources needed  
359 to anticipate, prevent, or resolve a threat or act of terrorism;
- 360 (8) Coordinate and review all activities involving homeland security within any agency,  
361 authority, or entity of this state, including, but not limited to, oversight of homeland  
362 security activities found within the Department of Public Safety, the Georgia Bureau of  
363 Investigation, the Georgia National Guard, the Department of Natural Resources, the  
364 Department of Community Health, and the Department of Public Health;
- 365 (9) Evaluate information developed by the criminal justice community in regard to  
366 threats or potential threats of terrorism; and
- 367 (10) Have such additional authority, duties, and responsibilities authorized by law.

368 35-11-4.

369 Appropriations to the bureau and the Georgia Emergency Management Agency for  
370 functions transferred to the department pursuant to this chapter shall be transferred to the  
371 department as provided for in Code Section 45-12-90. Personnel, equipment, and facilities  
372 previously employed by the bureau or the Georgia Emergency Management Agency for  
373 functions transferred to the department pursuant to this chapter shall likewise be transferred  
374 to the department. Any disagreement as to any of such transfers shall be resolved by the  
375 Governor.

376 35-11-5.

377 (a) The department shall direct homeland security in this state and shall develop a  
378 state-wide homeland security strategy that improves the state's ability to:

379 (1) Protect against domestic terrorism and other homeland security threats and hazards;  
 380 (2) Respond to homeland security emergencies;  
 381 (3) Recover from homeland security emergencies; and  
 382 (4) Mitigate loss of life and property by lessening the impact of future homeland security  
 383 threats and hazards.

384 (b) The department's homeland security strategy shall coordinate homeland security  
 385 activities among and between local, state, and federal agencies and the private sector and  
 386 shall include specific plans for:

387 (1) Intelligence gathering and analysis;  
 388 (2) Homeland security information and information sharing;  
 389 (3) Reducing the state's vulnerability to homeland security emergencies;  
 390 (4) Protecting critical infrastructure;  
 391 (5) Protecting the state's ports and airports;  
 392 (6) Detecting, deterring, and defending against terrorism, including, but not limited to,  
 393 cyber, biological, chemical, and nuclear terrorism;  
 394 (7) Positioning equipment, technology, and personnel to improve the state's ability to  
 395 respond to a homeland security emergency;  
 396 (8) Directing the center and giving the center certain forms of authority to implement the  
 397 homeland security strategy of this state; and  
 398 (9) Using technological resources to:  
 399 (A) Facilitate the interoperability of governmental technology resources, including  
 400 data, networks, and applications;  
 401 (B) Coordinate the warning and alert systems of state and local agencies;  
 402 (C) Incorporate multidisciplinary approaches to homeland security; and  
 403 (D) Improve the security of governmental and private sector information technology  
 404 and information resources.

405 (c) The department's homeland security strategy shall complement and operate in  
 406 coordination with federal strategic guidance on homeland security.

407 35-11-6.

408 A state or local agency that performs a homeland security activity shall cooperate with and  
 409 assist the commissioner and the center in the performance of their duties under this chapter  
 410 and other state or federal law.

411 35-11-7.

412 (a) Every state agency and authority, except those exempted in subsection (b) of this Code  
 413 section, shall prepare an agency safety plan to address the threat of terrorism, to respond

414 effectively to such incidents, and to provide a safe environment for state personnel and for  
 415 those citizens conducting business with state agencies. In addition to acts of terrorism,  
 416 such plan shall also address preparedness for natural disasters, hazardous materials or  
 417 radiological accidents, and acts of violence. The safety plans of agencies and authorities  
 418 shall be prepared with input from the appropriate supervisors and rank-and-file employees  
 419 and local law enforcement, fire service, public safety, and emergency management  
 420 agencies. Such plans shall be reviewed internally and, if necessary, updated annually.  
 421 Such plans shall be submitted to the department and local emergency management agency.  
 422 The department shall provide for additional requirements for submission of such plans to  
 423 the department, including, but not limited to, deadlines for submission, by rules and  
 424 regulations.

425 (b) The Department of Public Safety, the Department of Corrections, and any other state  
 426 agency which operates secured facilities shall be exempt from the requirements of  
 427 subsection (a) of this Code section.

428 (c) Subject to the availability of funds for such purpose, the department shall provide  
 429 training and technical assistance to agencies and authorities and may provide such training  
 430 and technical assistance to local units of government and to critical facilities operated by  
 431 the private sector. Such training and technical assistance shall include, but not be limited  
 432 to, crisis response team development, site surveys and safety audits, crisis management  
 433 planning, exercise design, safe school planning, emergency operations planning, search and  
 434 seizure, bomb threat management, and model safety plans.

435 (d) The following records shall not be subject to public inspection or disclosure under  
 436 Article 4 of Chapter 18 of Title 50:

437 (1) Site surveys, safety audits, and vulnerability assessments performed pursuant to  
 438 subsection (a) of this Code section; and

439 (2) Any other record produced pursuant to this Code section the disclosure of which  
 440 would, in the determination of the commissioner, endanger the life or physical safety of  
 441 any person or persons or the physical safety of any public property.

442 35-11-8.

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

444 (1) 'Airport Antiterrorism Training Committee' means a committee composed of five  
 445 members: one appointed by and to serve at the pleasure of the commissioner; one  
 446 appointed by and to serve at the pleasure of the director of emergency management; one  
 447 appointed by and to serve at the pleasure of the commissioner of transportation; one  
 448 appointed by and to serve at the pleasure of the State Board of the Technical College

449 System of Georgia; and one appointed by and to serve at the pleasure of the  
 450 commissioner of public safety.

451 (2) 'Airport manager' means, with respect to each airport located in this state, the person  
 452 who serves as manager, serves as general manager, or otherwise serves as the chief  
 453 administrative officer of such airport. If for any airport there is more than one person  
 454 who may fit such definition, the local government, authority, or company operating such  
 455 airport shall designate one such person as its airport manager for purposes of this Code  
 456 section.

457 (b) The Airport Antiterrorism Training Committee shall establish and maintain an annual  
 458 training program for persons who serve as airport managers. It shall be unlawful for any  
 459 person to serve as an airport manager in this state unless such person is in compliance with  
 460 rules and regulations of the Airport Antiterrorism Training Committee implementing this  
 461 Code section. Such rules and regulations:

462 (1) Shall require each airport manager in this state to complete 14 hours of initial training  
 463 and eight hours of annual training thereafter;

464 (2) Shall establish the curriculum of such annual training;

465 (3) May provide for exemption from or delay of the annual training otherwise required  
 466 in cases of providential cause or hardship; and

467 (4) May provide for exemption from the annual training otherwise required for airport  
 468 managers who demonstrate that they have or will otherwise obtain the competencies  
 469 taught in the annual training curriculum.

470 (c) The Airport Antiterrorism Training Committee shall by agreement or by contract  
 471 arrange for the annual training required under this Code section to be administered by the  
 472 Georgia Aviation Technical College under the jurisdiction of the State Board of the  
 473 Technical College System of Georgia.

474 (d) The tuition costs of providing such training may be paid in whole or in part from funds  
 475 appropriated or otherwise available to any agency or entity represented on the Airport  
 476 Antiterrorism Training Committee or may be paid in whole or in part by the airport  
 477 managers being trained or any combination thereof, as established by the Airport  
 478 Antiterrorism Training Committee.

479 (e) The department shall serve as staff and program manager for the committee.

480 ARTICLE 2

481 35-11-20.

482 There is established the Georgia Information Sharing and Analysis Center within the  
483 department. The center shall be a fusion center maintaining homeland security  
484 information.

485 35-11-21.

486 (a) Responsibility for the development, maintenance, and operations of the center shall be  
487 vested in the commissioner.

488 (b) The commissioner shall appoint and maintain the necessary professional and support  
489 staff to enable the center to effectively and efficiently carry out its duties and  
490 responsibilities under this article.

491 35-11-22.

492 (a) The center shall serve as the state's primary entity for the planning, coordination, and  
493 integration of government communications capabilities in the implementation of the state's  
494 homeland security strategy and ensure an effective response in the event of a homeland  
495 security emergency.

496 (b)(1) The center shall:

497 (A) Promote readiness for homeland security activities;

498 (B) Receive and analyze information, assessment of threats, and issuance of public  
499 warnings related to homeland security emergencies; and

500 (C) Authorize and facilitate cooperative efforts related to emergency response and  
501 recovery efforts in the event of a homeland security emergency.

502 (2) In performing its duties, the center shall aim to:

503 (A) Reduce the vulnerability of critical infrastructure to homeland security  
504 emergencies; and

505 (B) Prevent or minimize damage, injury, loss of life, and loss of property in the event  
506 of a homeland security emergency.

507 (c) The commissioner through the center shall share and provide homeland security  
508 activity information to the director of the bureau and such other persons qualified to know,  
509 including, but not limited to, threats, warnings, and developing situations, whenever an  
510 investigation reveals conduct of a terroristic nature or in material support of terroristic  
511 activities, recruitment of terrorists, or information on the activities of known terrorist  
512 organizations.

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

517 (e) The center shall allow unrestricted access to secure communications equipment to the  
518 director of the bureau and his or her representatives who possess the appropriate federally  
519 approved security clearances for the dissemination of homeland security activity  
520 information by the United States Department of Homeland Security.

521 (f) The commissioner shall serve as this state's security manager for the purpose of  
522 identifying and processing state personnel for security clearances through the United States  
523 Department of Homeland Security.

524 35-11-23.

525 (a) Membership in the center shall consist of the commissioner, the director of the bureau,  
526 the director of emergency management, the commissioner of public safety, the  
527 commissioner of natural resources, the commissioner of corrections, the state fire marshal,  
528 the Attorney General, the adjutant general, and state and local fire service, law  
529 enforcement, homeland security, emergency management, corrections, and other  
530 appropriate agencies and disciplines as determined by the commissioner. Such members  
531 shall assign or make available their analysts or other personnel to the center as such need  
532 is determined by the commissioner.

533 (b) The commissioner shall maintain the department's analysts in the center as needed as  
534 determined by the commissioner.

535 35-11-24.

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

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

538 (2) 'Domestic terrorism' shall have the same meaning as set forth in 18 U.S.C. Section  
539 2331.

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

541 (4) 'International terrorism' shall have the same meaning as set forth in 18 U.S.C. Section  
542 2331.

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

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

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



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

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

557 ARTICLE 3

558 35-11-30.

559 This article shall be known and may be cited as the 'Antiterrorism Act.'

560 35-11-31.

561 (a) This article is enacted as a direct response to the high level of reactivation of violent  
562 and terroristic acts against persons residing within the State of Georgia and in response to  
563 the outcry of the communities for assistance from the State of Georgia in combating these  
564 violent and terroristic acts.

565 (b) The purpose of this article shall be to assist law enforcement personnel in the State of  
566 Georgia to identify, investigate, arrest, and prosecute individuals or groups of individuals  
567 who illegally threaten, harass, terrorize, or otherwise injure or damage the person or  
568 property of persons on the basis of their race, national origin, or religious persuasion.

569 (c) It is the intent of the General Assembly that this article be interpreted and construed  
570 liberally to accomplish its purposes.

571 35-11-32.

572 As used in this article, the term 'terroristic act' means an act which constitutes a crime  
573 against the person or against the residence of an individual which is committed with the  
574 specific intent of instilling and may reasonably be expected to instill fear into such person  
575 or persons or which is committed for the purpose of restraining such person or persons  
576 from exercising their rights under the Constitution and laws of this state and the United  
577 States and any illegal act directed at other persons or their property because of those  
578 persons' political beliefs or political affiliations.

579 35-11-33.

580 There is established a special Antiterrorism Task Force within the department. This  
581 Antiterrorism Task Force shall operate in conjunction and collaboration with the bureau  
582 and shall devote itself to the tasks of identifying, investigating, arresting, and prosecuting

583 individuals or groups of individuals who perform terroristic acts against a person or his or  
584 her residence on the basis of such person's race, national origin, or religious persuasion.

585 35-11-34.

586 All efforts shall be made to maintain the confidentiality of the investigative efforts of the  
587 Antiterrorism Task Force and the identity of agents who operate in undercover  
588 assignments. Information may, however, be shared with other law enforcement agencies  
589 when, in the sole discretion of the commissioner, in consultation with the director of the  
590 bureau, the sharing of such information would not compromise the successful completion  
591 of the investigations or cases being made.

592 35-11-35.

593 The Antiterrorism Task Force shall be authorized to work with and seek the assistance of  
594 other law enforcement agencies when, in the sole discretion of the commissioner, such  
595 assistance would not compromise the successful completion of the investigations or cases  
596 being made."

597 **SECTION 3-4.**

598 Article 2 of Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to  
599 emergency management organization and administration, is amended by repealing in its  
600 entirety Code Section 38-3-22.1, relating to safety plan addressing threat of terrorism  
601 required of state agencies or authorities, exemptions, training and technical assistance, and  
602 confidentiality of plans and related documentation, and designating such Code section as  
603 reserved.

604 **SECTION 3-5.**

605 Said article is further amended by repealing in its entirety Code Section 38-3-22.2, relating  
606 to establishment of Airport Antiterrorism Training Committee and annual training, and  
607 designating such Code section as reserved.

608 **SECTION 3-6.**

609 Said article is further amended by repealing in its entirety Code Section 38-3-23, relating to  
610 investigations and surveys, subpoena power, and cooperation, and designating such Code  
611 section as reserved.

612

**PART IV**

613

**SECTION 4-1.**

614 Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to water resources,  
 615 is amended by revising subsection (c) of Code Section 12-5-30.4, relating to establishment  
 616 of water emergency response procedures, as follows:

617 "(c) If the division determines that there is a threat to the health or property of downstream  
 618 users of the waters of this state, the division shall as soon as possible, but not more than 24  
 619 hours after such determination, notify and consult with the Georgia Emergency  
 620 Management and ~~Homeland Security~~ Agency, the appropriate local emergency  
 621 management agency, the appropriate local county health department, and other appropriate  
 622 divisions within the department as necessary to determine if it is necessary to prepare and  
 623 distribute a public notice concerning such threat. Upon notification by the division, the  
 624 local emergency management agency or the local county health department shall prepare  
 625 and post such public notice through electronic media and print. Such public notice shall  
 626 be located at places where the public regularly uses the waters of this state or seeks  
 627 information about such waters."

628

**SECTION 4-2.**

629 Said chapter is further amended by revising subsection (a) of Code Section 12-5-204, relating  
 630 to completion and submission of emergency plan and costs, as follows:

631 "(a) The authority shall ensure the completion of the emergency plan not later than  
 632 September 1, 2011, and shall submit the emergency plan to the director of the  
 633 Environmental Protection Division of the Department of Natural Resources, the director  
 634 of the Georgia Emergency Management and ~~Homeland Security~~ Agency, the commissioner  
 635 of homeland security, the Governor, Lieutenant Governor, Speaker of the House of  
 636 Representatives, and chairpersons of the Senate and House Committees on Natural  
 637 Resources and Environment and of the Senate and House Committees on Appropriations  
 638 not later than September 15, 2011."

639

**SECTION 4-3.**

640 Code Section 20-2-1185 of the Official Code of Georgia Annotated, relating to school safety  
 641 plans, is amended by revising subsections (b) and (d) as follows:

642 "(b) A public school may request funding assistance from the state for the installation of  
 643 safety equipment, including, but not limited to, video surveillance cameras, metal detectors,  
 644 and other similar security devices. Funding may be provided to a public school in  
 645 accordance with a school safety plan prepared by the school and approved by the local

646 board of education, the Department of Education, the Georgia Department of Homeland  
 647 Security, and the Georgia Emergency Management ~~and Homeland Security~~ Agency."

648 "(d) The Georgia Emergency Management ~~and Homeland Security~~ Agency and the  
 649 Georgia Department of Homeland Security shall provide training and technical assistance  
 650 to public school systems, and may provide this same training and technical assistance to  
 651 private school systems, and independent private schools throughout this state in the area  
 652 of emergency management, homeland security, and safe school operations. This training  
 653 and technical assistance shall include, but not be limited to, crisis response team  
 654 development, site surveys and safety audits, crisis management planning, exercise design,  
 655 safe school planning, emergency operations planning, search and seizure, bomb threat  
 656 management, and model school safety plans."

657 **SECTION 4-4.**

658 Code Section 31-12-2.1 of the Official Code of Georgia Annotated, relating to investigation  
 659 of potential bioterrorism activity and regulations and planning for public health emergencies,  
 660 is amended by revising subsections (b) and (c) as follows:

661 "(b) The department shall promulgate rules and regulations appropriate for management  
 662 of any public health emergency declared pursuant to the provisions of Code Section  
 663 38-3-51, with particular regard to coordination of the public health emergency response of  
 664 the state pursuant to subsection (i) of said Code section. Such rules and regulations shall  
 665 be applicable to the activities of all entities created pursuant to Chapter 3 of this title in  
 666 such circumstances, notwithstanding any other provisions of law. In developing such rules  
 667 and regulations, the department shall consult and coordinate as appropriate with the  
 668 Georgia Department of Homeland Security, the Georgia Emergency Management and  
 669 ~~Homeland Security~~ Agency, the Federal Emergency Management Agency, the Georgia  
 670 Department of Public Safety, the Georgia Department of Agriculture, and the federal  
 671 Centers for Disease Control and Prevention. The department is authorized, in the course  
 672 of management of a declared public health emergency, to adopt and implement emergency  
 673 rules and regulations pursuant to the provisions of subsection (b) of Code Section 50-13-4.  
 674 Such rules and regulations shall be adopted pursuant to Chapter 13 of Title 50, the 'Georgia  
 675 Administrative Procedure Act,' but shall be automatically referred by the Office of  
 676 Legislative Counsel to the House of Representatives and Senate Committees on Judiciary.

677 (c) The department shall promulgate, prepare, and maintain a public health emergency  
 678 plan and draft executive order for the declaration of a public health emergency pursuant to  
 679 Code Section 38-3-51 and Chapter 13 of Title 50. In preparation of such public health  
 680 emergency plan and draft executive order, the department shall consult and coordinate as  
 681 appropriate with the Georgia Department of Homeland Security, the Georgia Emergency

682 Management ~~and Homeland Security~~ Agency, the Federal Emergency Management  
 683 Agency, the Georgia Department of Public Safety, the Georgia Department of Agriculture,  
 684 and the federal Centers for Disease Control and Prevention."

685 **SECTION 4-5.**

686 Code Section 35-6A-3 of the Official Code of Georgia Annotated, relating to membership  
 687 of the Criminal Justice Coordinating Council, vacancies, and membership not bar to holding  
 688 public office, is amended by revising paragraph (1) of subsection (a) as follows:

689 "(1) The chairperson of the Georgia Peace Officer Standards and Training Council, the  
 690 ~~director~~ commissioner of homeland security, the chairperson of the Judicial Council of  
 691 Georgia, the chairperson of the Council of Accountability Court Judges of Georgia, the  
 692 chairperson of the Prosecuting Attorneys' Council of the State of Georgia, the  
 693 commissioner of corrections, the chairperson of the Board of Corrections, the  
 694 commissioner of community supervision, the chairperson of the Board of Community  
 695 Supervision, the vice chairperson of the Board of Public Safety, the chairperson of the State  
 696 Board of Pardons and Paroles, the State School Superintendent, the commissioner of  
 697 community affairs, the president of the Council of Juvenile Court Judges, the chairperson  
 698 of the Georgia Public Defender Council, the chairperson of the Governor's Office for  
 699 Children and Families, and the commissioner of juvenile justice or their designees shall be  
 700 ex officio members of the council, as full voting members of the council by reason of their  
 701 office; and"

702 **SECTION 4-6.**

703 Code Section 36-80-23 of the Official Code of Georgia Annotated, relating to prohibition on  
 704 immigration sanctuary policies by local governmental entities and certification of  
 705 compliance, is amended by revising paragraph (3) of subsection (a) as follows:

706 "(3) 'Immigration status information' means any information, not including any  
 707 information required by law to be kept confidential but otherwise including but not  
 708 limited to any statement, document, computer generated data, recording, or photograph,  
 709 which is relevant to immigration status or the identity or location of an individual who  
 710 is reasonably believed to be illegally residing within the United States or who is  
 711 reasonably believed to be involved in domestic terrorism as that term is defined in Code  
 712 Section 16-4-10 or a terroristic act as that term is defined by Code Section ~~35-3-62~~  
 713 35-11-32."

714 **SECTION 4-7.**

715 Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency  
 716 management, is amended by revising Code Section 38-3-20, relating to Georgia Emergency  
 717 Management Agency created, director, staff, offices, director's duties, and disaster  
 718 coordinator, as follows:

719 "38-3-20.

720 (a) There is established the Georgia Emergency Management ~~and Homeland Security~~  
 721 Agency with a director of emergency management ~~and homeland security~~ who shall be the  
 722 head thereof. The Georgia Emergency Management ~~and Homeland Security~~ Agency shall  
 723 be assigned to the Office of Planning and Budget for administrative purposes only as  
 724 provided in Code Section 50-4-3.

725 (b) The Governor shall appoint the director of emergency management ~~and homeland~~  
 726 ~~security~~. He or she shall hold office at the pleasure of the Governor, who shall fix his or  
 727 her compensation. The director of emergency management ~~and homeland security~~ shall  
 728 hold no other state office.

729 (c) The director may employ such professional, technical, clerical, stenographic, and other  
 730 personnel, may fix their compensation, and may make such expenditures within the  
 731 appropriation therefor, or from other funds made available for purposes of emergency  
 732 management ~~and homeland security~~, as may be necessary to carry out the purposes of  
 733 ~~Article 9 of Chapter 3 of Title 35~~, Article 1, this article, and Article 3 of this chapter, and  
 734 the duties of the agency and the director described in Part 4 of Article 2 of Chapter 5 of  
 735 Title 46, the 'Georgia Emergency Telephone Number 9-1-1 Service Act of 1977,' as  
 736 amended.

737 (d) The director and other personnel of the Georgia Emergency Management ~~and~~  
 738 ~~Homeland Security~~ Agency shall be provided with appropriate office space, furniture,  
 739 equipment, supplies, stationery, and printing in the same manner as provided for personnel  
 740 of other state agencies.

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

742 (1) Be the executive head of the Georgia Emergency Management ~~and Homeland~~  
 743 ~~Security~~ Agency and shall be responsible to the Governor for carrying out the program  
 744 for emergency management ~~and homeland security~~ in this state;

745 ~~(2) Serve as the central authority reporting to the Governor on all matters relating to~~  
 746 ~~homeland security;~~

747 ~~(3) Have command and control authority over all operational areas involving terrorist~~  
 748 ~~activity within this state, including, but not limited to, the Homeland Security Task Force~~  
 749 ~~and the Homeland Security Central Command when activated by the Governor;~~

750 ~~(4)~~(3) Coordinate the activities of all organizations for emergency management ~~and~~  
 751 ~~homeland security~~ within the state;

752 ~~(5)~~(4) Maintain liaison with and cooperate with emergency management agencies and  
 753 organizations of other states and of the federal government; and

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

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

760 ~~(8) Coordinate and review all activities involving homeland security within any agency,~~  
 761 ~~authority, or entity of this state, including, but not limited to, oversight of homeland~~  
 762 ~~security activities found within the Department of Public Safety, the Georgia Bureau of~~  
 763 ~~Investigation, the Georgia National Guard, the Department of Natural Resources, the~~  
 764 ~~Department of Community Health, and the Department of Public Health;~~

765 ~~(9) Evaluate information developed by the criminal justice community in regard to~~  
 766 ~~threats or potential threats of terrorism; and~~

767 ~~(10)~~(5) Have such additional authority, duties, and responsibilities authorized by Article  
 768 1, this article, and Article 3 of this chapter as may be prescribed by the Governor and  
 769 such additional authority, duties, and responsibilities as described in ~~Article 9 of Chapter~~  
 770 ~~3 of Title 35 and Part 4 of Article 2 of Chapter 5 of Title 46, the 'Georgia Emergency~~  
 771 ~~Telephone Number 9-1-1 Service Act of 1977,' as amended.~~

772 (f) The director of emergency management ~~and homeland security~~ shall also be the  
 773 disaster coordinator and shall act for the Governor when requested to do so."

774 **SECTION 4-8.**

775 Said chapter is further amended by revising subsection (a) of Code Section 38-3-22, relating  
 776 to Governor's emergency management powers and duties, as follows:

777 "(a) The Governor shall have general direction and control of the Georgia Emergency  
 778 Management ~~and Homeland Security~~ Agency and shall be responsible for the carrying out  
 779 of the provisions of Article 1, this article, and Article 3 of this chapter and, in the event of  
 780 disaster or emergency beyond local control, may assume direct operational control over all  
 781 or any part of the emergency management functions within this state."

782 **SECTION 4-9.**

783 Said chapter is further amended by revising subsection (c) and paragraph (2) of subsection  
 784 (d) of Code Section 38-3-22.1, relating to safety plan addressing threat of terrorism required

785 of state agencies or authorities, exemptions, training and technical assistance, and  
786 confidentiality of plans and related documentation, as follows:

787 "(c) Subject to the availability of funds for such purpose, the Georgia Emergency  
788 Management ~~and Homeland Security~~ Agency shall provide training and technical  
789 assistance to agencies and authorities and may provide such training and technical  
790 assistance to local units of government and to critical facilities operated by the private  
791 sector. Such training and technical assistance shall include, but not be limited to, crisis  
792 response team development, site surveys and safety audits, crisis management planning,  
793 exercise design, safe school planning, emergency operations planning, search and seizure,  
794 bomb threat management, and model safety plans."

795 "(2) Any other record produced pursuant to this Code section the disclosure of which  
796 would, in the determination of the director of the Georgia Emergency Management ~~and~~  
797 ~~Homeland Security~~ Agency, endanger the life or physical safety of any person or persons  
798 or the physical safety of any public property."

799 **SECTION 4-10.**

800 Said chapter is further amended by revising subparagraph (a)(3)(F) and paragraph (6) of  
801 subsection (a) of Code Section 38-3-27, relating to local organizations for emergency  
802 management, creation, structure, powers, directors, appointment, qualifications, and  
803 compensation, state to provide financial assistance, and entitlement for funding, as follows:

804 "(F) Except as provided in this subparagraph, any director or deputy director of a local  
805 emergency management organization appointed after July 1, 1999, shall be a certified  
806 emergency manager under the Georgia Emergency Management ~~and Homeland~~  
807 ~~Security~~ Agency's Certified Emergency Manager Program. The curriculum of the  
808 Certified Emergency Manager Program and requirements for certification shall be  
809 determined by the director of emergency management ~~and homeland security~~ and shall  
810 include, but not be limited to, professional development series training, independent  
811 study courses, emergency preparedness courses, and field-delivered courses.  
812 Certification may be obtained by an appointed director or deputy director within six  
813 months of his or her appointment. Certification shall expire biennially. As a condition  
814 of certification renewal, such emergency management personnel shall be required to  
815 satisfactorily complete continuing education requirements provided for in subparagraph  
816 (G) of this paragraph."

817 "(6) A local director whose salary is reimbursed in part or in full by the Georgia  
818 Emergency Management ~~and Homeland Security~~ Agency shall also meet all requirements  
819 which may be imposed by the federal emergency management agency or its successor."



820 **SECTION 4-11.**

821 Said chapter is further amended by revising subsection (d) of Code Section 38-3-50, relating  
822 to emergency interim successors to various officials and necessity of declared emergency,  
823 as follows:

824 "(d) Designations of emergency interim successors to state officers shall become official  
825 upon the officer filing a list of the successors with the Secretary of State, who shall inform  
826 the Governor, the Georgia Emergency Management and ~~Homeland Security~~ Agency, all  
827 emergency interim successors to the officer involved, and the judge of the probate court  
828 of the county of legal residence of the successors of all such designations and any changes  
829 therein. Any designation of an emergency interim successor may be changed or altered by  
830 the officer concerned filing a notice of the change or alteration with the Secretary of State."

831 **SECTION 4-12.**

832 Said chapter is further amended by revising Code Section 38-3-57, relating to establishment  
833 of standardized, verifiable, performance based unified incident command system, utilization,  
834 training, implementation, funding, and first informer broadcasters, as follows:

835 "38-3-57.

836 (a) The Georgia Emergency Management and ~~Homeland Security~~ Agency shall establish  
837 and maintain, in collaboration with all appropriate state agencies and volunteer  
838 organizations with emergency support function roles and professional organizations that  
839 represent local public safety agencies, including the Emergency Management Association  
840 of Georgia, the Georgia Association of Police Chiefs, the Georgia Fire Chiefs' Association,  
841 and the Georgia Sheriffs' Association, a standardized, verifiable, performance based unified  
842 incident command system.

843 (b) Such system shall be consistent with the Georgia Emergency Operations Plan and shall  
844 be utilized in response to emergencies and disasters referenced in the Georgia Emergency  
845 Operations Plan, including presidentially declared disasters and states of emergency issued  
846 by the Governor.

847 (c) The Georgia Emergency Management and ~~Homeland Security~~ Agency, in cooperation  
848 with the Georgia Public Safety Training Center and the State Forestry Commission, shall  
849 develop or adopt a course of instruction for use in training and certifying emergency  
850 response personnel in unified incident command.

851 (d) All local public safety and emergency response organizations, including emergency  
852 management agencies, law enforcement agencies, fire departments, and emergency medical  
853 services, shall implement the standardized unified incident command system provided for  
854 in subsection (a) of this Code section by October 1, 2004.

855 (e) Local agencies that have not established such system by October 1, 2004, shall not be  
856 eligible for state reimbursement for any response or recovery related expenses.

857 (f)(1) As used in this subsection, the term:

858 (A) 'Broadcaster' means any corporation or other entity that is primarily engaged in the  
859 business of broadcasting video or audio programming, whether through the public  
860 airwaves, cable, direct or indirect satellite transmission, or any other similar means of  
861 communication.

862 (B) 'Emergency' means the declaration of a state of emergency or disaster as provided  
863 in Code Section 38-3-51 or as presidentially declared.

864 (C) 'First informer broadcaster' means a broadcaster in Georgia who makes application  
865 to the Georgia Emergency Management and ~~Homeland Security~~ Agency for  
866 designation as a first informer broadcaster and who is granted such designation as a first  
867 informer broadcaster pursuant to rules and regulations promulgated by the director of  
868 emergency management and ~~homeland security~~.

869 (2) The unified incident command system and the Georgia Emergency Operations Plan  
870 shall, by July 1, 2016, establish planning for first informer broadcasters such that first  
871 informer broadcasters, to any extent practicable, may during an emergency:

872 (A) Have access to areas affected by an emergency for the purpose of restoring,  
873 repairing, or resupplying any facility or equipment critical to the ability of a broadcaster  
874 to acquire, produce, or transmit emergency related programming, including but not  
875 limited to repairing and maintaining transmitters and generators and transporting fuel  
876 for generators;

877 (B) Have access to the distribution of fuel, food, water, supplies, equipment, and any  
878 other materials necessary for maintaining or producing a broadcast or broadcasting  
879 signal; and

880 (C) Not have vehicles, fuel, food, water, and any other materials seized or condemned  
881 that are essential for maintaining or producing a broadcast or broadcasting signal.

882 (3) The Georgia Emergency Management and ~~Homeland Security~~ Agency may develop  
883 or adopt courses of instruction for use in training personnel of first informer broadcasters  
884 on personal safety and navigation in an area affected by an emergency. The requirements  
885 of any such training shall be established pursuant to rules and regulations promulgated  
886 by the director of emergency management and ~~homeland security~~. The costs of any such  
887 training shall be paid by the first informer broadcasters participating in the training."

888 **SECTION 4-13.**

889 Said chapter is further amended by revising Code Section 38-3-140, relating to short title, as  
890 follows:

891 "38-3-140.

892 This article shall be known and may be cited as the 'Georgia Emergency Management and  
893 ~~Homeland Security~~ Agency Nomenclature Act of 2008.'

894 **SECTION 4-14.**

895 Said chapter is further amended by revising Code Section 38-3-141, relating to definitions,  
896 as follows:

897 "38-3-141.

898 As used in this article, the term:

899 (1) 'Badge' means any official badge, identification card, or security pass used by  
900 members of the Georgia Emergency Management and ~~Homeland Security~~ Agency, either  
901 in the past or currently.

902 (2) 'Director' means the director of the Georgia Emergency Management and ~~Homeland~~  
903 ~~Security~~ Agency.

904 (3) 'Emblem' means any official patch or other emblem worn currently or formerly or  
905 used by the Georgia Emergency Management and ~~Homeland Security~~ Agency to identify  
906 the agency, a division of the agency, or employees of the agency.

907 (4) 'Person' means any person, corporation, organization, or political subdivision of the  
908 State of Georgia.

909 (5) 'Seal' means any official symbol, mark, or abbreviation which represents and is used,  
910 currently or in the past, by the Georgia Emergency Management and ~~Homeland Security~~  
911 Agency or any other division or operation under the command of the Georgia Emergency  
912 Management and ~~Homeland Security~~ Agency to identify the agency, a division of the  
913 agency, or employees of the agency.

914 (6) 'Willful violator' means any person who knowingly violates the provisions of this  
915 article. Any person who violates this article after being advised in writing by the director  
916 that such person's activity is in violation of this article shall be considered a willful  
917 violator and shall be considered in willful violation of this article. Any person whose  
918 agent or representative is a willful violator and who has knowledge of the violation by  
919 the agent or representative shall also be considered a willful violator and in willful  
920 violation of this article unless, upon learning of the violation, he or she immediately  
921 terminates the agency or other relationship with such violator."

922 **SECTION 4-15.**

923 Said chapter is further amended by revising Code Section 38-3-142, relating to use of agency  
924 name without written permission prohibited in certain circumstances, as follows:

925 "38-3-142.  
 926 Whoever, except with the written permission of the director, knowingly uses the words  
 927 'Georgia Emergency Management Agency,' '~~Georgia Homeland Security Agency,~~  
 928 'Emergency Management Agency,' '~~Homeland Security Agency,~~' 'GEMA,' 'GEMHSA,' or  
 929 '~~GEMA/HS~~' or 'GEMA' in referring to Georgia's Emergency Management and Homeland  
 930 Security Agency in connection with any advertisement, circular, book, pamphlet, or other  
 931 publication, play, motion picture, broadcast, telecast, or other production in a manner  
 932 reasonably calculated to convey the impression that such advertisement, circular, book,  
 933 pamphlet, or other publication, play, motion picture, broadcast, telecast, or other production  
 934 is approved, endorsed, or authorized by or associated with the Georgia Emergency  
 935 Management and Homeland Security Agency shall be in violation of this article."

936 **SECTION 4-16.**

937 Said chapter is further amended by revising Code Section 38-3-143, relating to use or display  
 938 of agency symbols without written permission prohibited, as follows:

939 "38-3-143.

940 Any person who uses or displays any symbol, including any emblem, seal, or badge,  
 941 current or historical, used by the Georgia Emergency Management and Homeland Security  
 942 Agency without written permission from the director shall be in violation of this article."

943 **SECTION 4-17.**

944 Said chapter is further amended by revising Code Section 38-3-144, relating to requests for  
 945 permission and grants of permission at director's discretion, as follows:

946 "38-3-144.

947 Any person seeking permission to use or display the nomenclature or symbols of the  
 948 Georgia Emergency Management and Homeland Security Agency may request such  
 949 permission in writing to the director. The director shall serve notice on the requesting party  
 950 within 15 calendar days after receipt of the request of his or her decision on whether the  
 951 person may use the nomenclature or the symbol. If the director does not respond within  
 952 the 15 day time period, then the request is presumed to have been denied. The grant of  
 953 permission under this article shall be at the discretion of the director and under such  
 954 conditions as the director may impose."

955 **SECTION 4-18.**

956 Said chapter is further amended by revising Code Section 38-3-151, relating to definitions,  
 957 as follows:

958 "38-3-151.

959 As used in this article, the term:

960 (1) 'Agency' means the Georgia Emergency Management ~~and Homeland Security~~  
961 Agency established by Code Section 38-3-20.

962 (2) 'Building mapping information system' means a state-wide informational system  
963 containing maps of designated public buildings.

964 (3) 'Director' means the director of the agency."

965 **SECTION 4-19.**

966 Said chapter is further amended by revising paragraph (2) of Code Section 38-3-161, relating  
967 to definitions, as follows:

968 "(2) 'Disaster relief organization' means an entity that provides emergency or disaster  
969 relief services that include health services or veterinary services provided by volunteer  
970 health practitioners and that:

971 (A) Is designated or recognized as a provider of those services pursuant to a disaster  
972 response and recovery plan adopted by an agency of the federal government or the  
973 Georgia Emergency Management ~~and Homeland Security~~ Agency; or

974 (B) Regularly plans and conducts its activities in coordination with an agency of the  
975 federal government, the Department of Public Health, a local emergency management  
976 agency, a local public health district, or the Georgia Emergency Management ~~and~~  
977 ~~Homeland Security~~ Agency."

978 **SECTION 4-20.**

979 Said chapter is further amended by revising paragraph (1) of subsection (c) of Code Section  
980 38-3-163, relating to regulation of volunteer health practitioners during an emergency, as  
981 follows:

982 "(1) Consult and coordinate its activities with the Georgia Emergency Management ~~and~~  
983 ~~Homeland Security~~ Agency, consistent with the Georgia Emergency Operations Plan, to  
984 provide for the efficient and effective use of volunteer health practitioners; and"

985 **SECTION 4-21.**

986 Said chapter is further amended by revising subparagraph (a)(4)(D) and subsection (b) of  
987 Code Section 38-3-164, relating to registration systems, as follows:

988 "(D) Be designated by the Georgia Emergency Management ~~and Homeland Security~~  
989 Agency as a registration system for purposes of this article.

990 (b) While an emergency declaration is in effect, the Georgia Emergency Management ~~and~~  
991 ~~Homeland Security~~ Agency, consistent with the Georgia Emergency Operations Plan; a

992 person authorized to act on behalf of the Georgia Emergency Management ~~and Homeland~~  
 993 ~~Security~~ Agency; or a host entity may confirm whether volunteer health practitioners  
 994 utilized in this state are registered with a registration system that complies with subsection  
 995 (a) of this Code section. Confirmation shall be limited to obtaining the identities of the  
 996 volunteer health practitioners from the system and determining whether the system  
 997 indicates that the volunteer health practitioners are licensed and in good standing."

998 **SECTION 4-22.**

999 Said chapter is further amended by revising subsection (b) of Code Section 38-3-168, relating  
 1000 to construction with other provisions and inclusion, as follows:

1001 "(b) The Georgia Emergency Management ~~and Homeland Security~~ Agency, pursuant to  
 1002 the Emergency Management Assistance Compact, may incorporate into the emergency  
 1003 forces of this state volunteer health practitioners who are not officers or employees of this  
 1004 state, a political subdivision of this state, or a municipality or other local government  
 1005 within this state."

1006 **SECTION 4-23.**

1007 Said chapter is further amended by revising Code Section 38-3-169, relating to regulatory  
 1008 authority, as follows:

1009 "38-3-169.

1010 The Department of Public Health may promulgate rules and regulations to implement this  
 1011 article. In doing so, the Department of Public Health shall consult with and consider the  
 1012 recommendations of the Georgia Emergency Management ~~and Homeland Security~~ Agency,  
 1013 consistent with the Georgia Emergency Operations Plan, and shall also consult with and  
 1014 consider rules and regulations promulgated by similarly empowered agencies in other states  
 1015 to promote uniformity of application of this article and make the emergency response  
 1016 systems in the various states reasonably compatible."

1017 **SECTION 4-24.**

1018 Code Section 40-1-23 of the Official Code of Georgia Annotated, relating to regulatory  
 1019 compliance inspections, notifications, contacts with state, permit required for transporting  
 1020 hazardous materials, escorts or inspections, exceptions, recovery for damage or discharge,  
 1021 civil monetary penalties, routing agencies, and adoption of regulations, is amended by  
 1022 revising subsection (q) as follows:

1023 "(q) The department is designated as the routing agency as defined in Title 49 C.F.R. Part  
 1024 397, Subpart E. Routing determinations for hazardous materials shall be made in  
 1025 accordance with the provisions of Federal Hazardous Materials Law, 49 U.S.C. Section

1026 5112. The commissioner or his or her designee shall consult with Georgia Department of  
 1027 Transportation, Georgia Department of Natural Resources, Georgia Emergency  
 1028 Management and ~~Homeland Security~~ Agency, Georgia Department of Homeland Security,  
 1029 or other agencies as necessary to carry out these responsibilities."

1030 **SECTION 4-25.**

1031 Code Section 46-5-122 of the Official Code of Georgia Annotated, relating to definitions for  
 1032 the emergency telephone number 9-1-1 system, is amended by revising paragraph (2) as  
 1033 follows:

1034 "(2) 'Agency' means the Georgia Emergency Management and ~~Homeland Security~~  
 1035 Agency established pursuant to Code Section 38-3-20 unless the context clearly requires  
 1036 otherwise."

1037 **SECTION 4-26.**

1038 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is  
 1039 amended by revising subsections (g) and (h) of Code Section 48-2-100, relating to short title,  
 1040 definitions, legislative findings, certain exemptions for out-of-state businesses and employees  
 1041 conducting operations related to declared state of emergency, and post-emergency  
 1042 application of state laws and requirements, as follows:

1043 "(g)(1) Any out-of-state business that enters this state to perform qualified work during  
 1044 a disaster or emergency period shall provide to the department and to the Georgia  
 1045 Emergency Management and ~~Homeland Security~~ Agency a statement that it is in this  
 1046 state for purposes of responding to the disaster or emergency, which statement shall  
 1047 include the ~~business'~~ business's name, state of domicile, principal business address,  
 1048 federal tax identification number, date of entry, and contact information.

1049 (2) A registered business in this state shall provide the information required in paragraph  
 1050 (1) of this subsection to the department and to the Georgia Emergency Management and  
 1051 ~~Homeland Security~~ Agency for any affiliate that enters this state that is an out-of-state  
 1052 business. The notification shall also include contact information for the registered  
 1053 business in this state.

1054 (h) The Georgia Emergency Management and ~~Homeland Security~~ Agency and the  
 1055 department shall promulgate regulations as necessary to comply with the requirements of  
 1056 this Code section."

1057 **SECTION 4-27.**

1058 Said title is further amended by revising subsection (a) of Code Section 48-7-29.4, relating  
 1059 to tax credit for disaster assistance funds received and rules and regulations, as follows:

1060 "(a) A taxpayer who receives disaster assistance during a taxable year from the Georgia  
 1061 Emergency Management and ~~Homeland Security~~ Agency or the Federal Emergency  
 1062 Management Agency shall be allowed a credit against the tax imposed by Code Section  
 1063 48-7-20 in an amount equal to \$500.00 or the actual amount of such disaster assistance,  
 1064 whichever is less. The commissioner may require adequate supporting documentation  
 1065 showing that the taxpayer received such assistance."

1066 **SECTION 4-28.**

1067 Said title is further amended by revising subsection (f) of Code Section 48-8-13, relating to  
 1068 taxing jurisdiction for mobile telecommunications services, as follows:

1069 "(f) A home service provider shall identify each customer's place of primary use and shall  
 1070 provide at least quarterly a complete listing of the total number of customers to the Georgia  
 1071 Emergency Management and ~~Homeland Security~~ Agency. The home service provider shall  
 1072 indicate in such report whether it is employing an enhanced ZIP Code to assign each street  
 1073 address to a specific taxing jurisdiction so as to qualify for the safe harbor provisions of  
 1074 4 U.S.C. Section 120. Further, each home service provider shall, upon request, provide  
 1075 information showing the total number of billings and the amount of fees collected to any  
 1076 taxing jurisdiction as to the customers whose place of primary use is within the jurisdiction  
 1077 of such taxing jurisdiction; provided, however, that in no event shall customer  
 1078 identification be required to be released. Such information shall initially be made available  
 1079 not later than July 1, 2006."

1080 **SECTION 4-29.**

1081 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general  
 1082 provisions regarding torts, is amended by revising Code Section 51-1-50, relating to  
 1083 immunity of broadcasters from liability for Levi's Call: Georgia's Amber Alert Program, as  
 1084 follows:

1085 "51-1-50.

1086 (a) As used in this Code section, the term:

1087 (1) 'Broadcast' means the transmission of video or audio programming by an electronic  
 1088 or other signal conducted by radiowaves or microwaves, by wires, lines, coaxial cables,  
 1089 wave guides or fiber optics, by satellite transmissions directly or indirectly to viewers or  
 1090 listeners, or by any other means of communication.

1091 (2) 'Broadcaster' means any corporation or other entity that is engaged in the business of  
 1092 broadcasting video or audio programming, whether through the public airwaves, by cable,  
 1093 by direct or indirect satellite transmission, or by any other means of communication.



1094 (3) 'Levi's Call: Georgia's Amber Alert Program' means the voluntary program entered  
1095 into by the Georgia Bureau of Investigation, the Georgia Emergency Management and  
1096 ~~Homeland Security~~ Agency, the Georgia Association of Broadcasters, and certain  
1097 broadcasters licensed to serve in the State of Georgia, which program provides that if the  
1098 Georgia Bureau of Investigation verifies that a child has been abducted and is in danger,  
1099 an alert containing known details of the abduction is transmitted to the Georgia  
1100 Emergency Management and ~~Homeland Security~~ Agency, which is then transmitted by  
1101 the Georgia Emergency Management and ~~Homeland Security~~ Agency to broadcasters in  
1102 Georgia; and those broadcasters participating in the program then broadcast or otherwise  
1103 disseminate the alert to listeners, viewers, or subscribers.

1104 (b) Any broadcaster participating in Levi's Call: Georgia's Amber Alert Program shall not  
1105 be liable for any civil damages arising from the broadcast or other dissemination of any  
1106 alert generated pursuant to the Levi's Call: Georgia's Amber Alert Program. The immunity  
1107 provided for in this Code section shall apply to any broadcast or dissemination of  
1108 information that is substantially consistent with the information transmitted by the Georgia  
1109 Emergency Management and ~~Homeland Security~~ Agency and that takes place during an  
1110 alert requested by the Georgia Emergency Management and ~~Homeland Security~~ Agency  
1111 and for a period of two hours after such alert has ended or the Georgia Emergency  
1112 Management and ~~Homeland Security~~ Agency informs the participating broadcasters that  
1113 the alert has changed in content.

1114 (c) Nothing in this Code section shall be construed to limit or restrict in any way any legal  
1115 protection a broadcaster may have under any other law for broadcasting or otherwise  
1116 disseminating any information."

1117

**PART V**

1118

**SECTION 5-1.**

1119 All laws and parts of laws in conflict with this Act are repealed.