

The Senate Committee on Public Safety offers the following substitute to SB 1:

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 or kill ~~not less than ten individuals~~ any  
38 individual or group of individuals or to damage, disrupt, or destroy critical  
39 infrastructure as part of a single unlawful act or a series of unlawful acts which are  
40 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.

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

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

55 (A) Electricity generating;

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

57 (C) Telecommunications and cyber systems;

- 58           (D) Water supply;
- 59           (E) Agriculture;
- 60           (F) Transportation, including bridges, roads, and public transit;
- 61           (G) Financial services;
- 62           (H) Education;
- 63           (I) Health care services; and
- 64           (J) Religious worship.

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

67           (4) 'Remote computing service' shall have the same meaning as set forth in Code Section  
 68           16-9-92.

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

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

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

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

- 92           (A) Name;
- 93           (B) Address;

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

131 such district attorney to assist in or to conduct such prosecution for and on behalf of the  
 132 Attorney General and the state.

133 (j) The Attorney General is authorized to appoint special assistant attorneys general for  
 134 investigating and prosecuting violations under this Code section. Under the supervision  
 135 of the Attorney General, such special assistant attorneys general may exercise the powers  
 136 of the Attorney General under this Code section."

137 **SECTION 2-2.**

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

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

150 **SECTION 2-3.**

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

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

## SECTION 2-4.

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

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

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

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

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

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

(B) Release any hazardous substance; or

(C) Burn or damage property.

(2) Such terroristic threat shall be made:

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

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

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

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

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

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

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

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

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

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

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

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

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

199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230

**PART III**  
**SECTION 3-1.**

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

**SECTION 3-2.**

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

**SECTION 3-3.**

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

"CHAPTER 11  
ARTICLE 1

35-11-1.

As used in this chapter, the term:

- (1) 'Bureau' means the Georgia Bureau of Investigation.
- (2) 'Center' means the Georgia Information Sharing and Analysis Center.
- (3) 'Commissioner' means the commissioner of homeland security.
- (4) 'Critical infrastructure' means public or private systems, functions, or assets, whether physical or virtual, vital to the security, governance, public health and safety, economy, or morale of this state or of the United States, including, but not limited to, systems, functions, or assets for:
  - (A) Electricity generating;
  - (B) Gas production, transport, and distribution;
  - (C) Telecommunications and cyber systems;
  - (D) Water supply;
  - (E) Agriculture;
  - (F) Transportation, including bridges, roads, and public transit;
  - (G) Financial services;
  - (H) Education;
  - (I) Health care services; and
  - (J) Religious worship.
- (5) 'Department' means the Georgia Department of Homeland Security.

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

233 (A) Is intended or reasonably likely to injure or kill any individual or group of  
 234 individuals or to damage, disrupt, or destroy critical infrastructure as part of a single  
 235 unlawful act or a series of unlawful acts which are interrelated by distinguishing  
 236 characteristics; and

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

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

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

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

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

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

253 (A) Domestic terrorism;

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

255 (C) An extraordinary law enforcement emergency.

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

258 (A) Domestic terrorism;

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

260 (C) An extraordinary law enforcement emergency.

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

264 35-11-2.

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

266 (1) Establish the general policy to be followed by the department; and



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

304 manner as they are reimbursed for expenses in their capacities as state or local  
 305 government officials or state or local government employees.

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

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

314 35-11-3.

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

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

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

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

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

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

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

338 (1) Be the executive head of the department and shall be responsible to the Governor for  
 339 carrying out the program for homeland security in this state;

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

362 35-11-4.

363 Appropriations to the bureau and the Georgia Emergency Management Agency for  
 364 functions transferred to the department pursuant to this chapter shall be transferred to the  
 365 department as provided for in Code Section 45-12-90. Personnel, equipment, and facilities  
 366 previously employed by the bureau or the Georgia Emergency Management Agency for  
 367 functions transferred to the department pursuant to this chapter shall likewise be transferred  
 368 to the department. Any disagreement as to any of such transfers shall be resolved by the  
 369 Governor.

370 35-11-5.

- 371 (a) The department shall direct homeland security in this state and shall develop a  
 372 state-wide homeland security strategy that improves the state's ability to:
- 373 (1) Protect against domestic terrorism and other homeland security threats and hazards;  
 374 (2) Respond to homeland security emergencies;

- 375 (3) Recover from homeland security emergencies; and  
 376 (4) Mitigate loss of life and property by lessening the impact of future homeland security  
 377 threats and hazards.
- 378 (b) The department's homeland security strategy shall coordinate homeland security  
 379 activities among and between local, state, and federal agencies and the private sector and  
 380 shall include specific plans for:
- 381 (1) Intelligence gathering and analysis;  
 382 (2) Homeland security information and information sharing;  
 383 (3) Reducing the state's vulnerability to homeland security emergencies;  
 384 (4) Protecting critical infrastructure;  
 385 (5) Protecting the state's ports and airports;  
 386 (6) Detecting, deterring, and defending against terrorism, including, but not limited to,  
 387 cyber, biological, chemical, and nuclear terrorism;  
 388 (7) Positioning equipment, technology, and personnel to improve the state's ability to  
 389 respond to a homeland security emergency;  
 390 (8) Directing the center and giving the center certain forms of authority to implement the  
 391 homeland security strategy of this state; and  
 392 (9) Using technological resources to:
- 393 (A) Facilitate the interoperability of governmental technology resources, including  
 394 data, networks, and applications;  
 395 (B) Coordinate the warning and alert systems of state and local agencies;  
 396 (C) Incorporate multidisciplinary approaches to homeland security; and  
 397 (D) Improve the security of governmental and private sector information technology  
 398 and information resources.
- 399 (c) The department's homeland security strategy shall complement and operate in  
 400 coordination with federal strategic guidance on homeland security.

401 35-11-6.

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

405 35-11-7.

406 (a) Every state agency and authority, except those exempted in subsection (b) of this Code  
 407 section, shall prepare an agency safety plan to address the threat of terrorism, to respond  
 408 effectively to such incidents, and to provide a safe environment for state personnel and for  
 409 those citizens conducting business with state agencies. In addition to acts of terrorism,

410 such plan shall also address preparedness for natural disasters, hazardous materials or  
 411 radiological accidents, and acts of violence. The safety plans of agencies and authorities  
 412 shall be prepared with input from the appropriate supervisors and rank-and-file employees  
 413 and local law enforcement, fire service, public safety, and emergency management  
 414 agencies. Such plans shall be reviewed internally and, if necessary, updated annually.  
 415 Such plans shall be submitted to the department and local emergency management agency.  
 416 The department shall provide for additional requirements for submission of such plans to  
 417 the department, including, but not limited to, deadlines for submission, by rules and  
 418 regulations.

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

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

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

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

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

436 35-11-8.

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

438 (1) 'Airport Antiterrorism Training Committee' means a committee composed of five  
 439 members: one appointed by and to serve at the pleasure of the commissioner; one  
 440 appointed by and to serve at the pleasure of the director of emergency management; one  
 441 appointed by and to serve at the pleasure of the commissioner of transportation; one  
 442 appointed by and to serve at the pleasure of the State Board of the Technical College  
 443 System of Georgia; and one appointed by and to serve at the pleasure of the  
 444 commissioner of public safety.

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

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

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

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

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

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

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

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

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

474 ARTICLE 2

475 35-11-20.

476 There is established the Georgia Information Sharing and Analysis Center within the  
 477 department. The center shall be a fusion center maintaining homeland security  
 478 information.

479 35-11-21.

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

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

485 35-11-22.

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

490 (b)(1) The center shall:

491 (A) Promote readiness for homeland security activities;

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

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

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

497 (A) Reduce the vulnerability of critical infrastructure to homeland security  
 498 emergencies; and

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

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

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

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

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

518 35-11-23.

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

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

529 35-11-24.

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

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

532 (2) 'Domestic terrorism' shall have the same meaning as set forth in 18 U.S.C. Section  
 533 2331.

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

535 (4) 'International terrorism' shall have the same meaning as set forth in 18 U.S.C. Section  
 536 2331.

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

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

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

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



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

551 ARTICLE 3

552 35-11-30.

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

554 35-11-31.

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

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

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

565 35-11-32.

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

573 35-11-33.

574 There is established a special Antiterrorism Task Force within the department. This  
575 Antiterrorism Task Force shall operate in conjunction and collaboration with the bureau  
576 and shall devote itself to the tasks of identifying, investigating, arresting, and prosecuting  
577 individuals or groups of individuals who perform terroristic acts against a person or his or  
578 her residence on the basis of such person's race, national origin, or religious persuasion.

579 35-11-34.

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

586 35-11-35.

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

591 **SECTION 3-4.**

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

598 **SECTION 3-5.**

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

602 **SECTION 3-6.**

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

606 **PART IV**

607 **SECTION 4-1.**

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

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

622 **SECTION 4-2.**

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

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

633 **SECTION 4-3.**

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

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

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

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

651 **SECTION 4-4.**

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

655 "(b) The department shall promulgate rules and regulations appropriate for management  
 656 of any public health emergency declared pursuant to the provisions of Code Section  
 657 38-3-51, with particular regard to coordination of the public health emergency response of  
 658 the state pursuant to subsection (i) of said Code section. Such rules and regulations shall  
 659 be applicable to the activities of all entities created pursuant to Chapter 3 of this title in  
 660 such circumstances, notwithstanding any other provisions of law. In developing such rules  
 661 and regulations, the department shall consult and coordinate as appropriate with the  
 662 Georgia Department of Homeland Security, the Georgia Emergency Management and  
 663 ~~Homeland Security~~ Agency, the Federal Emergency Management Agency, the Georgia  
 664 Department of Public Safety, the Georgia Department of Agriculture, and the federal  
 665 Centers for Disease Control and Prevention. The department is authorized, in the course  
 666 of management of a declared public health emergency, to adopt and implement emergency  
 667 rules and regulations pursuant to the provisions of subsection (b) of Code Section 50-13-4.  
 668 Such rules and regulations shall be adopted pursuant to Chapter 13 of Title 50, the 'Georgia  
 669 Administrative Procedure Act,' but shall be automatically referred by the Office of  
 670 Legislative Counsel to the House of Representatives and Senate Committees on Judiciary.

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

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

679 **SECTION 4-5.**

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

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

696 **SECTION 4-6.**

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

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

## SECTION 4-7.

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

"38-3-20.

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

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

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

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

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

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

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

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

- 744 ~~(4)(3)~~ Coordinate the activities of all organizations for emergency management ~~and~~  
 745 ~~homeland security~~ within the state;
- 746 ~~(5)(4)~~ Maintain liaison with and cooperate with emergency management agencies and  
 747 organizations of other states and of the federal government; ~~and~~
- 748 ~~(6)~~ ~~Oversee all risk and threat assessments and coordinate all plans for timely and~~  
 749 ~~complete responses through a network of state, local, and federal organizations,~~  
 750 ~~including, but not limited to, the coordination of efficient and timely flow of information;~~
- 751 ~~(7)~~ ~~Be responsible for crisis and consequence management planning, including, but not~~  
 752 ~~limited to, measures to identify, acquire, and plan the use of resources needed to~~  
 753 ~~anticipate, prevent, or resolve a threat or act of terrorism;~~
- 754 ~~(8)~~ ~~Coordinate and review all activities involving homeland security within any agency,~~  
 755 ~~authority, or entity of this state, including, but not limited to, oversight of homeland~~  
 756 ~~security activities found within the Department of Public Safety, the Georgia Bureau of~~  
 757 ~~Investigation, the Georgia National Guard, the Department of Natural Resources, the~~  
 758 ~~Department of Community Health, and the Department of Public Health;~~
- 759 ~~(9)~~ ~~Evaluate information developed by the criminal justice community in regard to~~  
 760 ~~threats or potential threats of terrorism; and~~
- 761 ~~(10)(5)~~ Have such additional authority, duties, and responsibilities authorized by Article  
 762 1, this article, and Article 3 of this chapter as may be prescribed by the Governor and  
 763 such additional authority, duties, and responsibilities as described in ~~Article 9 of Chapter~~  
 764 ~~3 of Title 35 and Part 4 of Article 2 of Chapter 5 of Title 46, the 'Georgia Emergency~~  
 765 ~~Telephone Number 9-1-1 Service Act of 1977,' as amended.~~
- 766 (f) The director of emergency management ~~and homeland security~~ shall also be the  
 767 disaster coordinator and shall act for the Governor when requested to do so."

#### 768 SECTION 4-8.

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

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

#### 776 SECTION 4-9.

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

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

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

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

793 **SECTION 4-10.**

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

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

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



814

**SECTION 4-11.**

815

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

816

817

818

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

819

820

821

822

823

824

825

**SECTION 4-12.**

826

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

827

828

829

"38-3-57.

830

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

831

832

833

834

835

836

837

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

838

839

840

841

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

842

843

844

845

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

846

847

848

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

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

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

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

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

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

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

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

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

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

882 **SECTION 4-13.**

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

885 "38-3-140.

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

888 **SECTION 4-14.**

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

891 "38-3-141.

892 As used in this article, the term:

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

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

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

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

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

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

916 **SECTION 4-15.**

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

919 "38-3-142.  
 920 Whoever, except with the written permission of the director, knowingly uses the words  
 921 'Georgia Emergency Management Agency,' '~~Georgia Homeland Security Agency,~~  
 922 'Emergency Management Agency,' '~~Homeland Security Agency,~~' 'GEMA,' 'GEMHSA,' or  
 923 '~~GEMA/HS~~' or 'GEMA' in referring to Georgia's Emergency Management and Homeland  
 924 Security Agency in connection with any advertisement, circular, book, pamphlet, or other  
 925 publication, play, motion picture, broadcast, telecast, or other production in a manner  
 926 reasonably calculated to convey the impression that such advertisement, circular, book,  
 927 pamphlet, or other publication, play, motion picture, broadcast, telecast, or other production  
 928 is approved, endorsed, or authorized by or associated with the Georgia Emergency  
 929 Management and Homeland Security Agency shall be in violation of this article."

#### 930 **SECTION 4-16.**

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

933 "38-3-143.

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

#### 937 **SECTION 4-17.**

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

940 "38-3-144.

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

#### 949 **SECTION 4-18.**

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

952 "38-3-151.

953 As used in this article, the term:

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

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

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

959 **SECTION 4-19.**

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

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

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

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

972 **SECTION 4-20.**

973 Said chapter is further amended by revising paragraph (1) of subsection (c) of Code Section  
 974 38-3-163, relating to regulation of volunteer health practitioners during an emergency, as  
 975 follows:

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

979 **SECTION 4-21.**

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

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

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

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

992 **SECTION 4-22.**

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

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

1000 **SECTION 4-23.**

1001 Said chapter is further amended by revising Code Section 38-3-169, relating to regulatory  
 1002 authority, as follows:

1003 "38-3-169.

1004 The Department of Public Health may promulgate rules and regulations to implement this  
 1005 article. In doing so, the Department of Public Health shall consult with and consider the  
 1006 recommendations of the Georgia Emergency Management ~~and Homeland Security~~ Agency,  
 1007 consistent with the Georgia Emergency Operations Plan, and shall also consult with and  
 1008 consider rules and regulations promulgated by similarly empowered agencies in other states  
 1009 to promote uniformity of application of this article and make the emergency response  
 1010 systems in the various states reasonably compatible."

1011 **SECTION 4-24.**

1012 Code Section 40-1-23 of the Official Code of Georgia Annotated, relating to regulatory  
 1013 compliance inspections, notifications, contacts with state, permit required for transporting  
 1014 hazardous materials, escorts or inspections, exceptions, recovery for damage or discharge,  
 1015 civil monetary penalties, routing agencies, and adoption of regulations, is amended by  
 1016 revising subsection (q) as follows:

1017 "(q) The department is designated as the routing agency as defined in Title 49 C.F.R. Part  
 1018 397, Subpart E. Routing determinations for hazardous materials shall be made in  
 1019 accordance with the provisions of Federal Hazardous Materials Law, 49 U.S.C. Section

1020 5112. The commissioner or his or her designee shall consult with Georgia Department of  
 1021 Transportation, Georgia Department of Natural Resources, Georgia Emergency  
 1022 Management and ~~Homeland Security~~ Agency, Georgia Department of Homeland Security,  
 1023 or other agencies as necessary to carry out these responsibilities."

1024 **SECTION 4-25.**

1025 Code Section 46-5-122 of the Official Code of Georgia Annotated, relating to definitions for  
 1026 the emergency telephone number 9-1-1 system, is amended by revising paragraph (2) as  
 1027 follows:

1028 "(2) 'Agency' means the Georgia Emergency Management and ~~Homeland Security~~  
 1029 Agency established pursuant to Code Section 38-3-20 unless the context clearly requires  
 1030 otherwise."

1031 **SECTION 4-26.**

1032 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is  
 1033 amended by revising subsections (g) and (h) of Code Section 48-2-100, relating to short title,  
 1034 definitions, legislative findings, certain exemptions for out-of-state businesses and employees  
 1035 conducting operations related to declared state of emergency, and post-emergency  
 1036 application of state laws and requirements, as follows:

1037 "(g)(1) Any out-of-state business that enters this state to perform qualified work during  
 1038 a disaster or emergency period shall provide to the department and to the Georgia  
 1039 Emergency Management and ~~Homeland Security~~ Agency a statement that it is in this  
 1040 state for purposes of responding to the disaster or emergency, which statement shall  
 1041 include the ~~business'~~ business's name, state of domicile, principal business address,  
 1042 federal tax identification number, date of entry, and contact information.

1043 (2) A registered business in this state shall provide the information required in paragraph  
 1044 (1) of this subsection to the department and to the Georgia Emergency Management and  
 1045 ~~Homeland Security~~ Agency for any affiliate that enters this state that is an out-of-state  
 1046 business. The notification shall also include contact information for the registered  
 1047 business in this state.

1048 (h) The Georgia Emergency Management and ~~Homeland Security~~ Agency and the  
 1049 department shall promulgate regulations as necessary to comply with the requirements of  
 1050 this Code section."

1051 **SECTION 4-27.**

1052 Said title is further amended by revising subsection (a) of Code Section 48-7-29.4, relating  
 1053 to tax credit for disaster assistance funds received and rules and regulations, as follows:

1054 "(a) A taxpayer who receives disaster assistance during a taxable year from the Georgia  
 1055 Emergency Management ~~and Homeland Security~~ Agency or the Federal Emergency  
 1056 Management Agency shall be allowed a credit against the tax imposed by Code Section  
 1057 48-7-20 in an amount equal to \$500.00 or the actual amount of such disaster assistance,  
 1058 whichever is less. The commissioner may require adequate supporting documentation  
 1059 showing that the taxpayer received such assistance."

1060 **SECTION 4-28.**

1061 Said title is further amended by revising subsection (f) of Code Section 48-8-13, relating to  
 1062 taxing jurisdiction for mobile telecommunications services, as follows:

1063 "(f) A home service provider shall identify each customer's place of primary use and shall  
 1064 provide at least quarterly a complete listing of the total number of customers to the Georgia  
 1065 Emergency Management ~~and Homeland Security~~ Agency. The home service provider shall  
 1066 indicate in such report whether it is employing an enhanced ZIP Code to assign each street  
 1067 address to a specific taxing jurisdiction so as to qualify for the safe harbor provisions of  
 1068 4 U.S.C. Section 120. Further, each home service provider shall, upon request, provide  
 1069 information showing the total number of billings and the amount of fees collected to any  
 1070 taxing jurisdiction as to the customers whose place of primary use is within the jurisdiction  
 1071 of such taxing jurisdiction; provided, however, that in no event shall customer  
 1072 identification be required to be released. Such information shall initially be made available  
 1073 not later than July 1, 2006."

1074 **SECTION 4-29.**

1075 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general  
 1076 provisions regarding torts, is amended by revising Code Section 51-1-50, relating to  
 1077 immunity of broadcasters from liability for Levi's Call: Georgia's Amber Alert Program, as  
 1078 follows:

1079 "51-1-50.

1080 (a) As used in this Code section, the term:

1081 (1) 'Broadcast' means the transmission of video or audio programming by an electronic  
 1082 or other signal conducted by radiowaves or microwaves, by wires, lines, coaxial cables,  
 1083 wave guides or fiber optics, by satellite transmissions directly or indirectly to viewers or  
 1084 listeners, or by any other means of communication.

1085 (2) 'Broadcaster' means any corporation or other entity that is engaged in the business of  
 1086 broadcasting video or audio programming, whether through the public airwaves, by cable,  
 1087 by direct or indirect satellite transmission, or by any other means of communication.



1088 (3) 'Levi's Call: Georgia's Amber Alert Program' means the voluntary program entered  
1089 into by the Georgia Bureau of Investigation, the Georgia Emergency Management and  
1090 ~~Homeland Security~~ Agency, the Georgia Association of Broadcasters, and certain  
1091 broadcasters licensed to serve in the State of Georgia, which program provides that if the  
1092 Georgia Bureau of Investigation verifies that a child has been abducted and is in danger,  
1093 an alert containing known details of the abduction is transmitted to the Georgia  
1094 Emergency Management and ~~Homeland Security~~ Agency, which is then transmitted by  
1095 the Georgia Emergency Management and ~~Homeland Security~~ Agency to broadcasters in  
1096 Georgia; and those broadcasters participating in the program then broadcast or otherwise  
1097 disseminate the alert to listeners, viewers, or subscribers.

1098 (b) Any broadcaster participating in Levi's Call: Georgia's Amber Alert Program shall not  
1099 be liable for any civil damages arising from the broadcast or other dissemination of any  
1100 alert generated pursuant to the Levi's Call: Georgia's Amber Alert Program. The immunity  
1101 provided for in this Code section shall apply to any broadcast or dissemination of  
1102 information that is substantially consistent with the information transmitted by the Georgia  
1103 Emergency Management and ~~Homeland Security~~ Agency and that takes place during an  
1104 alert requested by the Georgia Emergency Management and ~~Homeland Security~~ Agency  
1105 and for a period of two hours after such alert has ended or the Georgia Emergency  
1106 Management and ~~Homeland Security~~ Agency informs the participating broadcasters that  
1107 the alert has changed in content.

1108 (c) Nothing in this Code section shall be construed to limit or restrict in any way any legal  
1109 protection a broadcaster may have under any other law for broadcasting or otherwise  
1110 disseminating any information."

## 1111 **PART V**

### 1112 **SECTION 5-1.**

1113 All laws and parts of laws in conflict with this Act are repealed.