

ADOPTED

Representative Petrea of the 166th et al. offer the following amendment:

1 *Amend the Senate substitute to HB 452 (HB452/SCSFA) by replacing lines 1 through 9 with*
 2 *the following:*

3 To amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and
 4 offenses, so as to repeal certain provisions relating to domestic terrorism and penalty; to
 5 provide for the crime of domestic terrorism; to provide for definitions; to provide for
 6 penalties; to provide for venue and jurisdiction for prosecutions; to change provisions
 7 relating to possessing, transporting, or receiving explosives or destructive devices with intent
 8 to kill, injure, or intimidate individuals or destroy public buildings; to change provisions
 9 relating to disclosures by service providers pursuant to investigations; to amend Code Section
 10 17-10-30 of the Official Code of Georgia Annotated, relating to the procedure for imposition
 11 of the death penalty generally, so as to provide for domestic terrorism to be a statutory
 12 aggravating circumstance; to amend Title 35 of the Official Code of Georgia Annotated,
 13 relating to law enforcement officers and agencies, so as to provide for training in identifying
 14 domestic terrorism and reporting information to the Georgia Information Sharing and
 15 Analysis Center; to require the bureau to publicly post and share certain information from
 16 the Law Enforcement Notification System of the Enforcement Integrated Database of the
 17 United States Department of Homeland Security to the extent permitted by federal law; to
 18 provide for a short title; to

19 *By replacing lines 14 through 726 with the following:*

20 This Act shall be known and may be cited as the "Protect Georgia Act."

21 **PART II**

22 **SECTION 2-1.**

23 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
 24 amended by repealing Code Section 16-4-10, relating to domestic terrorism and penalty.

25 **SECTION 2-2.**

26 Said title is further amended by revising Chapter 11 of Title 16 of the Official Code of
 27 Georgia Annotated, relating to offenses against public order and safety, by adding a new
 28 article to read as follows:

29

"ARTICLE 630 16-11-220.31 As used in this article, the term:

32 (1) 'Critical infrastructure' means publicly or privately owned facilities, systems,
 33 functions, or assets, whether physical or virtual, providing or distributing services for the
 34 benefit of the public, including, but not limited to, energy, fuel, water, agriculture, health
 35 care, finance, or communication.

36 (2) 'Domestic terrorism' means any felony violation of, or attempt to commit a felony
 37 violation of the laws of this state which, as part of a single unlawful act or a series of
 38 unlawful acts which are interrelated by distinguishing characteristics, is intended to cause
 39 serious bodily harm, kill any individual or group of individuals, or disable or destroy
 40 critical infrastructure, a state or government facility, or a public transportation system
 41 when such disability or destruction results in major economic loss, and is intended to:

42 (A) Intimidate the civilian population of this state or any of its political subdivisions;

43 (B) Alter, change, or coerce the policy of the government of this state or any of its
 44 political subdivisions by intimidation or coercion; or

45 (C) Affect the conduct of the government of this state or any of its political
 46 subdivisions by use of destructive devices, assassination, or kidnapping.

47 (3) 'Public transportation system' means all facilities, conveyances, and instrumentalities,
 48 whether publicly or privately owned, that are used in or for publicly available services
 49 for the transportation of individuals or cargo.

50 (4) 'Serious bodily harm' means harm to the body of another by depriving him or her of
 51 a member of his or her body, by rendering a member of his or her body useless, or by
 52 seriously disfiguring his or her body or a member thereof.

53 (5) 'State or government facility' means any permanent or temporary facility or
 54 conveyance that is used or occupied by representatives of this state or any of its political
 55 subdivisions, by the legislature, by the judiciary, or by officials or employees of this state
 56 or any of its political subdivisions.

57 16-11-221.

58 (a) Any person who commits domestic terrorism shall be guilty of a felony and upon
 59 conviction thereof shall be punished as follows:

60 (1) If death results to any individual, by death, by imprisonment for life without parole,
 61 or by imprisonment for life;

62 (2) If kidnapping occurs, by imprisonment for not less than 15 nor more than 35 years,
 63 or by imprisonment for life;

64 (3) If serious bodily harm occurs, by imprisonment for not less than 15 nor more than 35
65 years; or

66 (4) If critical infrastructure, a state or government facility, or a public transportation
67 system is disabled or destroyed, by imprisonment for not less than five nor more than 35
68 years.

69 (b) No sentence imposed under this Code section shall be suspended, stayed, probated,
70 deferred, or withheld by the sentencing court; provided, however, that in the court's
71 discretion, the court may suspend, stay, probate, defer, or withhold part of such sentence
72 when the prosecuting attorney and the defendant have agreed to such sentence.

73 16-11-222.

74 A person shall be subject to prosecution in this state pursuant to Code Section 17-2-1 for
75 any conduct made unlawful by this article which the person engages in while:

76 (1) Either within or outside of this state if, by such conduct, the person commits a
77 violation of this article which involves an individual who resides in this state or which
78 involves critical infrastructure, a state or government facility, or a public transportation
79 system located in this state; or

80 (2) Within this state if, by such conduct, the person commits a violation of this article
81 which involves an individual who resides within or outside this state or which involves
82 critical infrastructure, a state or government facility, or a public transportation system
83 located in this state.

84 16-11-223.

85 The Attorney General shall have concurrent jurisdiction with district attorneys to conduct
86 the criminal prosecution of a violation of this article.

87 16-11-224.

88 This article shall not be construed to infringe upon constitutionally protected speech or
89 assembly."

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

92 Said title is further amended by revising paragraph (1) of Code Section 16-7-80, relating to
93 definitions, and adding new paragraphs to read as follows:

94 "(1) 'Bacteriological weapon' or 'biological weapon' means:

- 95 (A) The following toxic chemicals:
- 96 (i) O-Alkyl (\leq C10, including cycloalkyl) alkyl (Me, Et, n-Pr or
- 97 i-Pr)-phosphonofluoridates; e.g., Sarin: O-Isopropyl methylphosphonofluoridate,
- 98 Soman: O-Pinacolyl methylphosphonofluoridate;
- 99 (ii) O-Alkyl (\leq C10, including cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr)
- 100 phosphoramidocyanidates; e.g., Tabun: O-Ethyl N,N-dimethyl
- 101 phosphoramidocyanidate;
- 102 (iii) O-Alkyl (H or \leq C10, including cycloalkyl) S-2-dialkyl (Me, Et, n-Pr or
- 103 i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding
- 104 alkylated or protonated salts; e.g., VX: O-Ethyl S-2-diisopropylaminoethyl methyl
- 105 phosphonothiolate;
- 106 (B) Sulfur mustards:
- 107 (i) 2-Chloroethylchloromethylsulfide;
- 108 (ii) Mustard gas: Bis(2-chloroethyl)sulfide;
- 109 (iii) Bis(2-chloroethylthio)methane;
- 110 (iv) Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane;
- 111 (v) 1,3-Bis(2-chloroethylthio)-n-propane;
- 112 (vi) 1,4-Bis(2-chloroethylthio)-n-butane;
- 113 (vii) 1,5 Bis(2-chloroethylthio)-n-pentane;
- 114 (viii) Bis(2-chloroethylthiomethyl)ether;
- 115 (ix) O-Mustard: Bis(2-chloroethylthioethyl)ether;
- 116 (C) Lewisites:
- 117 (i) Lewisite 1: 2-Chlorovinylchloroarsine;
- 118 (ii) Lewisite 2: Bis(2-chlorovinyl)chloroarsine;
- 119 (iii) Lewisite 3: Tris(2-chlorovinyl)arsine;
- 120 (D) Nitrogen mustards:
- 121 (i) HN1: Bis(2-chloroethyl)ethylamine;
- 122 (ii) HN2: Bis(2-chloroethyl)methylamine;
- 123 (iii) HN3: Tris(2-chloroethyl)amine;
- 124 (E) Saxitoxin;
- 125 (F) Ricin;
- 126 (G) Precursors:
- 127 (i) Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides; e.g., DF:
- 128 Methylphosphonyldifluoride;

129 (ii) O-Alkyl (H or ≤C10, including cycloalkyl) O-2-dialkyl (Me, Et, n-Pr or
 130 i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonites and corresponding
 131 alkylated or protonated salts; e.g., QL: O-Ethyl O-2-diisopropylaminoethyl
 132 methylphosphonite;

133 (iii) Chlorosarin: O-Isopropyl methylphosphonochloridate;

134 (iv) Chlorosoman: O-Pinacolyl methylphosphonochloridate; or

135 (H) Any any device which is designed in such a manner as to permit the intentional
 136 release into the population or environment of microbial or other biological agents or
 137 toxins or vectors whatever their origin or method of production in a manner not
 138 otherwise authorized by law or any device the development, production, or stockpiling
 139 of which is prohibited pursuant to the 'Convention on the Prohibition of the
 140 Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin
 141 Weapons and Their Destruction,' 26 U.S.T. 583, TIAS 8063.

142 (1.1) "Biological agent" means any microorganism, including, but not limited to, bacteria,
 143 viruses, fungi, rickettsiae or protozoa, or infectious substance, or any naturally occurring,
 144 bioengineered or synthesized component of any such microorganism or infectious
 145 substance, capable of causing:

146 (A) Death, disease, or other biological malfunction in a human, an animal, a plant, or
 147 another living organism;

148 (B) Deterioration of food, water, equipment, supplies, or material of any kind; or

149 (C) Deleterious alteration of the environment."

150 "(16.1) 'Toxin' means the toxic material or product of plants, animals, microorganisms,
 151 including, but not limited to, bacteria, viruses, fungi, rickettsiae or protozoa, or infectious
 152 substances, or a recombinant or synthesized molecule, whatever their origin and method
 153 of production, and includes:

154 (A) Any poisonous substance or biological product that may be engineered as a result
 155 of biotechnology produced by a living organism; or

156 (B) Any poisonous isomer or biological product, homologue, or derivative of such a
 157 substance.

158 (16.2) 'Vector' means a living organism, or molecule, including a recombinant or
 159 synthesized molecule, capable of carrying a biological agent or toxin to a host."

160 **SECTION 3-2.**

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

165 "(a) Any person who possesses, transports, or receives or attempts to possess, transport,
 166 or receive any destructive device, ~~or explosive, bacteriological weapon, or biological~~
 167 weapon with the knowledge or intent that it will be used to kill, injure, or intimidate any
 168 individual or to destroy any public building shall be punished by imprisonment for not less
 169 than ten nor more than 20 years or by a fine of not more than \$125,000.00 or both or, if the
 170 defendant is a corporation, by a fine of not less than \$125,000.00 nor more than
 171 \$200,000.00 or sentenced to perform not fewer than 10,000 nor more than 20,000 hours of
 172 community service or both."

173 **SECTION 3-3.**

174 Said title is further amended by revising subsection (a) of Code Section 16-9-109, relating
 175 to disclosures by service providers pursuant to investigations, as follows:

176 "(a) Any law enforcement unit, the Attorney General, or any district attorney who is
 177 conducting an investigation of a violation of this article or an investigation of a violation
 178 of Code Section 16-12-100, 16-12-100.1, 16-12-100.2, ~~or 16-5-90, or 16-11-221~~, Article 8
 179 of Chapter 5 of this title, or Article 8 of this chapter involving the use of a computer,
 180 cellular telephone, or any other electronic device used in furtherance of the act may require
 181 the disclosure by a provider of electronic communication service or remote computing
 182 service of the contents of a wire or electronic communication that is in electronic storage
 183 in an electronic communications system for 180 days or less pursuant to a search warrant
 184 issued under the provisions of Article 2 of Chapter 5 of Title 17 by a court with jurisdiction
 185 over the offense under investigation. Such court may require the disclosure by a provider
 186 of electronic communication service or remote computing service of the contents of a wire
 187 or electronic communication that has been in electronic storage in an electronic
 188 communications system for more than 180 days as set forth in subsection (b) of this Code
 189 section."

190 **PART IV**

191 **SECTION 4-1.**

192 Code Section 17-10-30 of the Official Code of Georgia Annotated, relating to the procedure
 193 for imposition of the death penalty generally, is amended in subsection (b) by deleting "or"
 194 at the end of paragraph (10), by replacing the period with "; or" at the end of paragraph (11),
 195 and by adding a new paragraph to read as follows:

196 "(12) The murder was committed during an act of domestic terrorism."

197 **PART V**

198 **SECTION 5-1.**

199 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and
200 agencies, is amended by adding a new Code section to read as follows:

201 "35-1-21.

202 (a) The Georgia Peace Officer Standards and Training Council and the Georgia Public
203 Safety Training Center shall establish guidelines and procedures for the incorporation of
204 training materials and information in methods for:

205 (1) Identifying and reporting activity that may lead to domestic terrorism;

206 (2) Combating domestic terrorism; and

207 (3) Individuals, law enforcement officials, and personnel within state agencies and
208 departments and local governments to provide information to the Georgia Information
209 Sharing and Analysis Center to report activity that may lead to domestic terrorism.

210 (b) The guidelines and procedures listed in subsection (a) of this Code section shall be for
211 use by law enforcement training centers monitored by the Georgia Peace Officer Standards
212 and Training Council and monitored and funded by the Georgia Public Safety Training
213 Center in all courses for which they have responsibility and oversight."

214 **SECTION 5-2.**

215 Said title is further amended by adding a new Code section to read as follows:

216 "35-3-14.

217 To the extent permitted by federal law, the bureau shall post on its public website the
218 information of persons who are aliens and who have been released from federal custody
219 within the boundaries of this state, as such information is presented within the Law
220 Enforcement Notification System of the Enforcement Integrated Database of the United
221 States Department of Homeland Security or the National Law Enforcement
222 Telecommunications System as received by the Georgia Information Sharing and Analysis
223 Center within the bureau or any replacement agency. Within 12 hours of receiving such
224 information, the bureau shall post such information as required by this Code section and
225 electronically send a copy of such information to the Georgia Sheriffs' Association. The
226 bureau shall promulgate rules and regulations for the implementation of this Code section."

227 **PART VI**

228 **SECTION 6-1.**