

House Bill 641

By: Representatives Lumsden of the 12<sup>th</sup>, Hitchens of the 161<sup>st</sup>, Powell of the 32<sup>nd</sup>, Welch of the 110<sup>th</sup>, and Fleming of the 121<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated,  
2 relating to general provisions regarding the Georgia Bureau of Investigation, so as to grant  
3 the Georgia Bureau of Investigation powers and duties to identify and investigate violations  
4 of Article 6 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, the "Georgia  
5 Computer Systems Protection Act," and other computer crimes; to provide for subpoena  
6 power by the bureau for such investigations; to provide for related matters; to repeal  
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

10 Article 1 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to  
11 general provisions regarding the Georgia Bureau of Investigation, is amended by revising  
12 paragraphs (14) and (15) of, and by adding a new paragraph to, subsection (a) of Code  
13 Section 35-3-4, relating to powers and duties of bureau generally, as follows:

14 "(14) Identify and investigate violations of Article 8 of Chapter 5 of Title 16; and  
15 (15)(A) Acquire, collect, analyze, and provide to the board any information which will  
16 assist the board in determining a sexual offender's risk assessment classification in  
17 accordance with the board's duties as specified in Code Section 42-1-14, including, but  
18 not limited to, obtaining:

- 19 (i) Incident, investigative, supplemental, and arrest reports from law enforcement  
20 agencies;  
21 (ii) Records from clerks of court;  
22 (iii) Records and information maintained by prosecuting attorneys;  
23 (iv) Records maintained by state agencies, provided that any records provided by the  
24 State Board of Pardons and Paroles that are classified as confidential state secrets  
25 pursuant to Code Section 42-9-53 shall remain confidential and shall not be made

26 available to any other person or entity or be subject to subpoena unless declassified  
 27 by the State Board of Pardons and Paroles; and

28 (v) Other documents or information as requested by the board.

29 (B) As used in this paragraph, the term:

30 (i) 'Board' means the Sexual Offender Registration Review Board.

31 (ii) 'Risk assessment classification' means the level into which a sexual offender is  
 32 placed based on the board's assessment.

33 (iii) 'Sexual offender' has the same meaning as set forth in Code Section 42-1-12; and  
 34 (16) Identify and investigate violations of Article 6 of Chapter 9 of Title 16, the 'Georgia  
 35 Computer Systems Protection Act,' and other criminal offenses involving use of a  
 36 computer or computer network."

### 37 SECTION 2.

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

39 "35-3-4.5.

40 (a) In any investigation of a violation of Article 6 of Chapter 9 of Title 16, the 'Georgia  
 41 Computer Systems Protection Act,' or other offense involving a computer or computer  
 42 network, the director, assistant director, or deputy director for investigations shall be  
 43 authorized, with the consent of the Attorney General, to issue a subpoena to compel the  
 44 production of books, papers, documents, or other tangible items, including records and  
 45 documents contained within or generated by, a computer or any other electronic device.

46 (b) Upon the failure of a person without lawful excuse to obey a subpoena, the director,  
 47 assistant director, or the deputy director for investigations, through the Attorney General  
 48 or district attorney, may apply to a superior court having jurisdiction for an order  
 49 compelling compliance. Such person may object to the subpoena on grounds that it fails  
 50 to comply with this Code section or violates any constitutional or other legal right or  
 51 privilege of such person. The superior court having jurisdiction may issue an order  
 52 modifying or setting aside such subpoena or directing compliance with the original  
 53 subpoena. Failure to obey a subpoena issued under this Code section may be punished by  
 54 the superior court of jurisdiction as contempt of court."

### 55 SECTION 3.

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