

WITHDRAWN

The House Committee on Education offers the following substitute to SB 15:

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 27 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
 2 relating to loitering at or disrupting schools, so as to require public schools to have performed
 3 certain site threat assessments; to provide for definitions; to require every public school to
 4 prepare a school safety plan; to revise requirements for the contents of school safety plans;
 5 to require drills upon school safety plans by public schools; to provide for school safety
 6 coordinators; to require the officer or agent in charge of the Georgia Information Sharing and
 7 Analysis Center to track and share information relating to preventing, discovering,
 8 responding to, and recovering from threats, warnings, and developing situations regarding
 9 any public school; to require the maintenance of a smartphone or other digital application for
 10 purposes of reporting suspicious, unsafe, or unlawful activity; to require the Georgia Bureau
 11 of Investigation to develop and distribute to every school a digital copy of information for
 12 displays about any certain applications for the reporting of suspicious, unsafe, or unlawful
 13 activity; to require every school to post such displays in certain spaces; to require the posting
 14 of a certain link to certain applications for the reporting of suspicious, unsafe, or unlawful
 15 activity; to amend Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating
 16 to the Georgia Bureau of Investigation, so as to establish that the bureau shall have limited
 17 jurisdiction throughout this state for identifying and investigating threats, warnings, and
 18 developing situations regarding school safety; to provide for powers and responsibilities of
 19 agents of the bureau for such purposes; to provide for subpoena powers for such purposes;
 20 to provide for the center's role in preventing, discovering, responding to, and recovering from
 21 threats, warnings, and developing situations regarding any public school; to provide for a
 22 short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

23 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

24 **SECTION 1.**

25 This Act shall be known and may be cited as the "Keeping Georgia's Schools Safe Act."

26 **SECTION 2.**

27 Article 27 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
 28 loitering at or disrupting schools, is amended by revising Code Section 20-2-1185, relating
 29 to school safety plans and drills, as follows:

30 "20-2-1185.

31 (a) As used in this Code section, the term 'site threat assessment' means conducting an
 32 evaluation for purposes of most effectively responding to, or preventing or reducing, the
 33 threat of violence, mass casualty incidents and other acts of terrorism, natural disasters, and
 34 hazardous materials or radiological accidents.

35 (b)(1) Trained and approved private individuals and entities or government agencies may
 36 provide site threat assessments to public schools. After July 1, 2019, such individuals or
 37 entities shall be certified prior to providing a site threat assessment to a public school;
 38 provided, however, that no government agency shall be required to obtain a certification
 39 for purposes of this Code section in conducting such site threat assessments. The Georgia
 40 Emergency Management and Homeland Security Agency shall certify and maintain a list
 41 of individuals and entities approved for purposes of this Code section to provide site
 42 threat assessments to public schools.

43 (2) By January 1, 2021, or prior to its opening for use by students, and every five years
 44 thereafter, every public school shall have performed a site threat assessment of its
 45 buildings, facilities, and campuses by an individual or entity approved pursuant to
 46 paragraph (1) of this subsection or by a government agency. Such site threat assessment
 47 shall inform the preparation and maintenance of a school safety plan as provided for in
 48 subsection (c) of this Code section.

49 ~~(a)~~(c) Every public school shall prepare, and review and update annually as necessary, a
 50 school safety plan to help curb the growing incidence of violence in schools, to respond
 51 effectively to such incidents, and to provide a safe learning environment for Georgia's
 52 children, teachers, and other school personnel. Such plan shall also address preparedness
 53 for natural disasters, hazardous materials or radiological accidents, acts of violence, and
 54 acts of terrorism. School safety plans of public schools shall be prepared with input from
 55 students enrolled in that school, parents or legal guardians of such students, teachers in that
 56 school, community leaders, other school employees and school district employees, and
 57 local law enforcement, juvenile court, fire service, public safety, and emergency
 58 management agencies. Such plans of public schools shall be submitted to the Department
 59 of Education after the approval of such plans by a local law enforcement agency designated
 60 as having approval authority by the local board of education. The Department of Education
 61 shall post a list on its website showing all schools that have completed and all schools that
 62 are delinquent in completing the school safety plan. As part of such plans, public schools

63 shall provide for ~~the~~ coordination with local law enforcement agencies and the local
 64 juvenile court system. School safety plans shall include, at a minimum, the following
 65 strategy areas:

66 (1) Training school administrators, teachers, and support staff, including, but not limited
 67 to, school resource officers, security officers, secretaries, custodians, and bus drivers, on
 68 school violence prevention, school security, school threat assessment, mental health
 69 awareness, and school emergency planning best practices;

70 (2) Evaluating and refining school security measures;

71 (3) Updating and exercising school emergency preparedness plans;

72 (4) Strengthening partnerships with public safety officials; ~~and~~

73 (5) Creating enhanced crisis communications plans and social media strategies;

74 (6) Addressing security issues in school safety zones as defined in Code Section
 75 16-11-127.1;

76 (7) Addressing security issues involving school functions held during noninstructional
 77 hours; and

78 (8) Addressing security issues involving the transportation of pupils to and from school
 79 and school functions when such transportation is furnished by the school or school
 80 system.

81 (d) School safety plans of private schools may be prepared with input from students
 82 enrolled in that school, parents or legal guardians of such students, teachers in that school,
 83 other school employees, and local law enforcement, fire service, public safety, and
 84 emergency management agencies. Such plans shall be reviewed and, if necessary, updated
 85 annually. ~~Such plans of public schools shall be submitted to the local emergency~~
 86 ~~management agency and the local law enforcement agency for approval.~~

87 ~~(b)~~(e) A public school may request funding assistance from the state for facilities,
 88 technology, or other safety improvements or initiatives, such as the installation of safety
 89 equipment, including, but not limited to, video surveillance cameras, metal detectors,
 90 alarms, communications systems, building access controls, and other similar security
 91 devices. The Department of Education shall establish criteria that will be applied in
 92 reviewing funding requests pursuant to this subsection which shall take into consideration
 93 the physical security needs of the public school in evaluating how the school safety plan
 94 and funding request will support such physical security needs. Funding may be provided
 95 to a public school in accordance with a school safety plan prepared by the school and
 96 approved ~~by the local board of education, the local law enforcement agency, the~~
 97 ~~Department of Education, and the Georgia Emergency Management and Homeland~~
 98 ~~Security Agency~~ as provided for in subsection (c) of this Code section; provided, however,

99 that a public school shall be required to match the state funding with local funds unless the
100 school can demonstrate a substantial hardship.

101 ~~(c) School safety plans prepared by public schools shall address security issues in school~~
102 ~~safety zones as defined in Code Section 16-11-127.1. School safety plans should also~~
103 ~~address security issues involving the transportation of pupils to and from school and school~~
104 ~~functions when such transportation is furnished by the school or school system and school~~
105 ~~functions held during noninstructional hours.~~

106 ~~(d)~~(f) The Georgia Emergency Management and Homeland Security Agency shall provide
107 training and technical assistance to public school systems, and may provide this same
108 training and technical assistance to private school systems and independent private schools
109 throughout this state in the area of emergency management and safe school operations.
110 This training and technical assistance shall include, but not be limited to, crisis response
111 team development, site surveys and ~~safety audits~~ site threat assessments, crisis management
112 planning, exercise design, safe school planning, emergency operations planning, search and
113 seizure, bomb threat management, and model school safety plans.

114 ~~(e)~~(g) Every public school shall conduct drills with students, teachers, and other school
115 personnel on the execution of school safety plans in such form and at such intervals based
116 upon guidance from the Georgia Emergency Management and Homeland Security Agency;
117 provided, however, that, in coordination with the sheriff or a local law enforcement agency
118 with jurisdiction over its geographical area, every public school shall conduct safety drills
119 on reacting to potential mass casualty incidents at least once each school year; and
120 provided, further, that participation of students in such safety drills or reacting to potential
121 mass casualty incidents shall be at the discretion of the public school.

122 (h) Beginning July 1, 2019, each school year every local board of education shall provide
123 an annual report to the public for the prior school year and up to the date of the annual
124 report on all projects, initiatives, and activities initiated, completed, or maintained in
125 furtherance of school safety planning, including, but not limited to, the amount of funding
126 spent for purposes of school safety; provided, however, that nothing in this subsection shall
127 be construed to require a local board of education to disclose operational details or the
128 existence of activities that, by the disclosure of which, would compromise a school safety
129 plan; and provided, further, that nothing in this subsection shall in any way operate or be
130 construed to affect, repeal, or limit the exemption of school safety plans from public
131 disclosure as provided for in paragraph (25.1) of Code Section 50-18-72.

132 (i) Each principal of each public school shall serve as the school safety coordinator or shall
133 designate a school safety coordinator from among such school's administrative, teaching,
134 or counseling staff. Such school safety coordinator shall:

135 (1) At least annually beginning on June 1, 2020, and within 15 days of June 1 in every
 136 year thereafter, issue a report to the local board of education on a form provided by the
 137 local board of education regarding the fulfillment of the requirements provided for under
 138 this Code section;

139 (2) Coordinate with the Georgia Bureau of Investigation, the Georgia Emergency
 140 Management and Homeland Security Agency, the Georgia Information Sharing and
 141 Analysis Center, and the Department of Education concerning consideration and
 142 distribution of school security best practices;

143 (3) When reasonable suspicion of student criminal activity exists, report such suspicion
 144 to any local law enforcement agency having jurisdiction over the geographical area of the
 145 school; and

146 (4) Work with all levels of law enforcement and mental health and social services
 147 providers whenever information regarding student behavior warrants."

148 **SECTION 3.**

149 Said article is further amended by adding new Code sections to read as follows:

150 "20-2-1186.

151 (a) The Department of Education shall work with all state and local governmental entities
 152 having a role in school safety to ensure proper communication and sharing of pertinent
 153 information relating to threats, warnings, and developing situations regarding public
 154 schools in this state. The Department of Education shall study, evaluate, develop, and
 155 share best practices to keep such schools and students safe from internal and external
 156 manmade threats. The Department of Education is authorized to apply for, receive, and use
 157 federal or state grant funding relating to school safety.

158 (b) The officer or agent charged with operating the Georgia Information Sharing and
 159 Analysis Center as provided for in Article 9 of Chapter 3 of Title 35 shall track, share, and
 160 provide homeland security activity information to the director of emergency management
 161 and homeland security, the state school superintendent, and the local law enforcement
 162 agency with jurisdiction relating to threats, warnings, and developing situations regarding
 163 public schools in this state.

164 20-2-1187.

165 (a) The Georgia Information Sharing and Analysis Center shall maintain a smartphone or
 166 other digital application whereby persons may report observations of what such persons
 167 believe to be suspicious, unsafe, or unlawful activity. Such information submitted through
 168 such application shall be submitted directly to the Georgia Information Sharing and
 169 Analysis Center in a manner that does not intentionally identify through the application the

170 name, home address, email address, telephone number, or other identifying information of
 171 such person who submits such reports.

172 (b)(1) The Georgia Bureau of Investigation shall develop and distribute to every public
 173 school a digital copy of information that can be used by such schools to create paper
 174 displays of at least 24 inches by 36 inches advertising the smartphone or other digital
 175 application provided for under subsection (a) of this Code section.

176 (2) Every public school shall prominently post such paper displays provided for under
 177 paragraph (1) of this subsection at the main entrance to such school, in each room where
 178 students typically gather to eat lunch, and in the school's gymnasium or other inside area
 179 where students typically gather for physical education or for sports competitions.

180 (3) Each local board of education and each public school shall post on its website a link
 181 to download the smartphone or other digital application provided for under subsection (a)
 182 of this Code section. Near any such link the local board of education and public school
 183 shall provide a general description of the application and of its use for reporting
 184 suspicious, unsafe, or unlawful activity."

185 **SECTION 4.**

186 Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia
 187 Bureau of Investigation, is amended in subsection (a) of Code Section 35-3-4, relating to
 188 powers and duties of bureau generally, by revising paragraphs (14) and (15) and by adding
 189 a new paragraph to read as follows:

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

195 (i) Incident, investigative, supplemental, and arrest reports from law enforcement
 196 agencies;

197 (ii) Records from clerks of court;

198 (iii) Records and information maintained by prosecuting attorneys;

199 (iv) Records maintained by state agencies, provided that any records provided by the
 200 State Board of Pardons and Paroles that are classified as confidential state secrets
 201 pursuant to Code Section 42-9-53 shall remain confidential and shall not be made
 202 available to any other person or entity or be subject to subpoena unless declassified
 203 by the State Board of Pardons and Paroles; and

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

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

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

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

209 (iii) 'Sexual offender' has the same meaning as set forth in Code Section 42-1-12; and
210 (16) Act as the primary state law enforcement agency with limited jurisdiction
211 throughout this state for identifying and investigating threats, warnings, and developing
212 situations involving homeland security activity as defined by Code Section 35-3-200."

213 **SECTION 5.**

214 Said chapter is further amended by adding a new Code section to read as follows:

215 "35-3-4.5.

216 (a) In any investigation involving paragraph (2) of subsection (a) of Code Section 35-3-8,
217 the director, assistant director, or deputy director for investigations shall be authorized to
218 issue a subpoena, with the consent of the Attorney General, to compel the production of
219 books, papers, documents, or other tangible things, including records and documents
220 contained within, or generated by, a computer or any other electronic device.

221 (b) A provider of electronic communication service or remote computing service shall not
222 provide notification of the subpoena issued pursuant to subsection (a) of this Code section
223 to the subscriber or customer of such service.

224 (c) Upon the failure of a person without lawful excuse to obey a subpoena, the director,
225 assistant director, or deputy director for investigations, through the Attorney General or
226 district attorney, may apply to a superior court having jurisdiction for an order compelling
227 compliance. Such person may object to the subpoena on grounds that it fails to comply
228 with this Code section or upon any constitutional or other legal right or privilege of such
229 person. The court may issue an order modifying or setting aside such subpoena or
230 directing compliance with the original subpoena. Failure to obey a subpoena issued under
231 this Code section may be punished by the court as contempt of court."

232 **SECTION 6.**

233 Said chapter is further amended by revising Code Section 35-3-8, relating to powers of
234 agents of bureau generally, as follows:

235 "35-3-8.

236 (a) All properly appointed agents of the bureau shall have the powers, including the power
237 of making arrests and appearing in court, for ~~the~~:

238 (1) The enforcement of all criminal statutes pertaining to the manufacture, transportation,
239 distribution, sale, or possession of liquor, wine, beer, alcoholic beverages, cigars,

240 cigarettes, little cigars, cheroots, stogies, and loose or smokeless tobacco and shall
 241 concurrently with agents and enforcement officers appointed by the state revenue
 242 commissioner have the authority throughout the state as provided for under subsection (b)
 243 of this Code section; and

244 (2) Identifying and investigating threats, warnings, and developing situations involving
 245 homeland security activity as defined by Code Section 35-3-200.

246 (b) In exercising the powers provided for under subsection (a) of this Code section, agents
 247 of the bureau shall have the authority to:

248 (1) Obtain and execute warrants for the arrest of persons charged with violations of such
 249 laws;

250 (2) Obtain and execute search warrants in the enforcement of such laws;

251 (3) Arrest without warrant any person found in violation of such laws, or endeavoring
 252 to escape, or if for other cause there is likely to be a failure of enforcement of such laws
 253 for want of an officer to issue a warrant;

254 (4) Make investigations in the enforcement of such laws and in connection therewith to
 255 go upon any property outside of buildings, posted or otherwise, in the performance of
 256 such duties;

257 (5) Seize and take possession of all property which is declared contraband under such
 258 laws; and

259 (6) Carry firearms while performing their duties.

260 ~~(b)~~(c) The enforcement powers conferred in paragraph (1) of subsection (a) of this Code
 261 section upon agents of the bureau shall relate only to the enforcement of the criminal
 262 provisions relating to the manufacture, transportation, distribution, sale, or possession of
 263 liquor, wine, beer, alcoholic beverages, cigars, cigarettes, little cigars, cheroots, stogies,
 264 and loose or smokeless tobacco and shall not extend to regulatory matters with respect to
 265 such products under the jurisdiction of the state revenue commissioner.

266 (d)(1) For the purposes of consistent reporting and to avoid conflict, upon discovery of
 267 information or events relevant to paragraph (2) of subsection (a) of this Code section, a
 268 local law enforcement agency shall notify the bureau of such discovery and, upon actual
 269 receipt, the bureau shall immediately acknowledge receipt of such information.

270 (2) Upon discovery of information or events relevant to paragraph (2) of subsection (a)
 271 of this Code section that is not provided for in paragraph (1) of this subsection, the bureau
 272 shall notify the sheriff and any other local law enforcement agency having jurisdiction
 273 over the geographical area pertaining to such information or events prior to dispatching
 274 agents of the bureau to such area for purposes of responding to or investigating such
 275 information or events. Before entering a school location or site in which developing
 276 situations involving homeland security activity as defined by Code Section 35-3-200 have

277 been reported, agents of the bureau shall make direct contact with responding sheriffs'
 278 deputies and local police officers in order to ensure that such agents are known to be on
 279 the site of an incident by first responding sheriffs' deputies and local police officers."

280 **SECTION 7.**

281 Said chapter is further amended by revising Code Section 35-3-200, relating to definitions,
 282 as follows:

283 "35-3-200.

284 As used in this article, the term:

285 (1) 'Center' means the Georgia Information Sharing and Analysis Center.

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

290 (3) 'Homeland security activity' means any activity related to the prevention or discovery
 291 of, response to, or recovery from:

292 (A) A terrorist attack;

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

294 (C) An extraordinary law enforcement emergency, as designated by the Governor;
 295 provided, however, that such emergency shall include the prevention or discovery of,
 296 response to, or recovery from mass casualty threats, warnings, and developing
 297 situations at any public elementary school, secondary school, or local board of
 298 education."

299 **SECTION 8.**

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