

Senate Bill 393

By: Senators Strickland of the 17th, Tillery of the 19th, Albers of the 56th, Martin of the 9th and Kirkpatrick of the 32nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 2 of Article 2 of Chapter 3 of Title 20 and Chapter 3 of Title 35 of the Official
2 Code of Georgia Annotated, relating to the university system and the Georgia Bureau of
3 Investigation, respectively, so as to revise the duties and powers of certain law enforcement
4 officers and agencies; to expand the power of campus policemen and other security personnel
5 of the university system to make arrests for felony offenses; to codify the Legal Division of
6 the Georgia Bureau of Investigation; to expand the jurisdiction of the Georgia Bureau of
7 Investigation in regards to street gang terrorism and prevention; to provide for related
8 matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Part 2 of Article 2 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated,
12 relating to the university system, is amended by revising Code Section 20-3-72, relating to
13 arrest powers of campus policemen and security personnel, as follows:

14 "20-3-72.

15 The campus policemen and other security personnel of the university system who are
16 regular employees of the system shall have the power to make arrests for offenses
17 committed upon any property under the jurisdiction of the board of regents and for offenses
18 committed upon any public or private property within 500 yards of any property under the
19 jurisdiction of the board; provided, however, that the power to make arrests for felony
20 offenses committed upon any public or private property under the jurisdiction of the board
21 shall be within 880 yards of any property under jurisdiction of the board."

22 style="text-align:center">**SECTION 2.**

23 Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia
24 Bureau of Investigation, is amended by revising Code Section 35-3-3, relating to divisions
25 of bureau, as follows:

26 "35-3-3.

27 The Georgia Bureau of Investigation shall be composed of the Investigations Division, the
 28 Forensic Sciences Division, the Georgia Crime Information Center Division, the Legal
 29 Division, and such other divisions as may be created by the board."

30

SECTION 3.

31 Said chapter is further amended by revising Code Section 35-3-4, relating to powers and
 32 duties of bureau generally, as follows:

33 "35-3-4.

34 (a) It shall be the duty of the bureau to:

35 (1) Take, receive, and forward fingerprints, photographs, descriptions, and measurements
 36 of persons in cooperation with the bureaus and departments of other states and of the
 37 United States;

38 (2) Exchange information relating to crime and criminals;

39 (3) Keep permanent files and records of such information procured or received;

40 (4) Provide for the scientific investigation of articles used in committing crimes or
 41 articles, fingerprints, or bloodstains found at the scene of a crime;

42 (5) Provide for the testing and identification of weapons and projectiles fired therefrom;

43 (6) Acquire, collect, classify, and preserve any information which would assist in the
 44 identification of any deceased individual who has not been identified after the discovery
 45 of such deceased individual;

46 (7) Acquire, collect, classify, and preserve immediately any information which would
 47 assist in the location of any missing person, including any minor, and provide
 48 confirmation as to any entry for such a person to the parent, legal guardian, or next of kin
 49 of that person and the bureau shall acquire, collect, classify, and preserve such
 50 information from such parent, guardian, or next of kin;

51 (8) Exchange such records and information as provided in paragraphs (6) and (7) of this
 52 subsection with, and for the official use of, authorized officials of the federal government,
 53 the states, cities, counties, and penal and other institutions. With respect to missing
 54 minors, such information shall be transmitted immediately to other law enforcement
 55 agencies;

56 (9) Identify and investigate violations of Article 4 of Chapter 7 of Title 16;

57 (10) Identify and investigate violations of Part 2 of Article 3 of Chapter 12 of Title 16,
 58 relating to offenses related to minors;

59 (11) Identify and investigate violations of Article 8 of Chapter 9 of Title 16;

60 (12) Identify and investigate violations of Article 5 of Chapter 8 of Title 16;

61 (13) Identify and investigate violations of Code Section 16-5-46;

- 62 (14) Identify and investigate violations of Article 8 of Chapter 5 of Title 16; ~~and~~
- 63 (15)(A) Acquire, collect, analyze, and provide to the board any information which will
- 64 assist the board in determining a sexual offender's risk assessment classification in
- 65 accordance with the board's duties as specified in Code Section 42-1-14, including, but
- 66 not limited to, obtaining:
- 67 (i) Incident, investigative, supplemental, and arrest reports from law enforcement
- 68 agencies;
- 69 (ii) Records from clerks of court;
- 70 (iii) Records and information maintained by prosecuting attorneys;
- 71 (iv) Records maintained by state agencies, provided that any records provided by the
- 72 State Board of Pardons and Paroles that are classified as confidential state secrets
- 73 pursuant to Code Section 42-9-53 shall remain confidential and shall not be made
- 74 available to any other person or entity or be subject to subpoena unless declassified
- 75 by the State Board of Pardons and Paroles; and
- 76 (v) Other documents or information as requested by the board.
- 77 (B) As used in this paragraph, the term:
- 78 (i) 'Board' means the Sexual Offender Registration Review Board.
- 79 (ii) 'Risk assessment classification' means the level into which a sexual offender is
- 80 placed based on the board's assessment.
- 81 (iii) 'Sexual offender' has the same meaning as set forth in Code Section 42-1-12; and
- 82 (16) Where requested by the appropriate agency or as directed by the Governor, provide
- 83 qualifying personnel to serve as special assistant attorneys general, special assistant
- 84 district attorneys, special assistant solicitors-general, or special assistant United States
- 85 Attorneys.
- 86 (b) In addition to the duties provided in subsection (a) of this Code section, the members
- 87 of the bureau shall have and are vested with the same authority, powers, and duties as are
- 88 possessed by the members of the Uniform Division of the Department of Public Safety
- 89 under this title."

90

SECTION 4.

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