

The House Committee on Public Safety and Homeland Security offers the following substitute to SB 393:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the
2 Georgia Bureau of Investigation, so as to codify the Legal Division of the Georgia Bureau
3 of Investigation; to expand the jurisdiction of the Georgia Bureau of Investigation in regards
4 to street gang terrorism and prevention; to provide for related matters; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

11 "35-3-3.

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

15 **SECTION 2.**

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

18 "35-3-4.

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

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

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

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

- 25 (4) Provide for the scientific investigation of articles used in committing crimes or
26 articles, fingerprints, or bloodstains found at the scene of a crime;
- 27 (5) Provide for the testing and identification of weapons and projectiles fired therefrom;
- 28 (6) Acquire, collect, classify, and preserve any information which would assist in the
29 identification of any deceased individual who has not been identified after the discovery
30 of such deceased individual;
- 31 (7) Acquire, collect, classify, and preserve immediately any information which would
32 assist in the location of any missing person, including any minor, and provide
33 confirmation as to any entry for such a person to the parent, legal guardian, or next of kin
34 of that person and the bureau shall acquire, collect, classify, and preserve such
35 information from such parent, guardian, or next of kin;
- 36 (8) Exchange such records and information as provided in paragraphs (6) and (7) of this
37 subsection with, and for the official use of, authorized officials of the federal government,
38 the states, cities, counties, and penal and other institutions. With respect to missing
39 minors, such information shall be transmitted immediately to other law enforcement
40 agencies;
- 41 (9) Identify and investigate violations of Article 4 of Chapter 7 of Title 16;
- 42 (10) Identify and investigate violations of Part 2 of Article 3 of Chapter 12 of Title 16,
43 relating to offenses related to minors;
- 44 (11) Identify and investigate violations of Article 8 of Chapter 9 of Title 16;
- 45 (12) Identify and investigate violations of Article 5 of Chapter 8 of Title 16;
- 46 (13) Identify and investigate violations of Code Section 16-5-46;
- 47 (14) Identify and investigate violations of Article 8 of Chapter 5 of Title 16; ~~and~~
- 48 (15)(A) Acquire, collect, analyze, and provide to the board any information which will
49 assist the board in determining a sexual offender's risk assessment classification in
50 accordance with the board's duties as specified in Code Section 42-1-14, including, but
51 not limited to, obtaining:
- 52 (i) Incident, investigative, supplemental, and arrest reports from law enforcement
53 agencies;
- 54 (ii) Records from clerks of court;
- 55 (iii) Records and information maintained by prosecuting attorneys;
- 56 (iv) Records maintained by state agencies, provided that any records provided by the
57 State Board of Pardons and Paroles that are classified as confidential state secrets
58 pursuant to Code Section 42-9-53 shall remain confidential and shall not be made
59 available to any other person or entity or be subject to subpoena unless declassified
60 by the State Board of Pardons and Paroles; and
- 61 (v) Other documents or information as requested by the board.

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

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

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

66 (iii) 'Sexual offender' has the same meaning as set forth in Code Section 42-1-12; and
67 (16) Attorneys employed by the Legal Division of the bureau may serve at the request
68 of a district attorney, solicitor-general, or United States Attorney in the prosecution of
69 any civil or criminal case within the jurisdiction of such district attorney,
70 solicitor-general, or United States Attorney and, while providing such assistance to such
71 district attorney, solicitor-general, or United States Attorney, such attorneys shall have
72 the same authority and power as an attorney employed by such district attorney,
73 solicitor-general, or United States Attorney.

74 (b) In addition to the duties provided in subsection (a) of this Code section, the members
75 of the bureau shall have and are vested with the same authority, powers, and duties as are
76 possessed by the members of the Uniform Division of the Department of Public Safety
77 under this title."

78 **SECTION 3.**

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