

House Bill 716

By: Representatives Jackson of the 64th, Beverly of the 143rd, Boddie of the 62nd, Dreyer of the 59th, and Mitchell of the 88th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 6 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
2 relating to domestic terrorism, so as to provide for a misdemeanor offense for certain acts of
3 domestic terrorism; to revise the definition of domestic terrorism; to amend Chapter 1 of
4 Title 28 of the Official Code of Georgia Annotated, relating to general provisions of the
5 General Assembly, so as to establish a joint committee on domestic terrorism for assessing
6 and sharing information regarding domestic terrorism threats; to enact the "Protect Georgia
7 Domestic Terrorism Act"; to provide a short title; to amend Article 1 of Chapter 3 of Title
8 35 of the Official Code of Georgia Annotated, relating to general provisions of the Georgia
9 Bureau of Investigation, so as to provide for monitoring, investigating, and reporting
10 requirements regarding domestic terrorism; to provide for related matters; to provide for an
11 effective date; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 This act shall be known and may be cited as the "Protect Georgia Domestic Terrorism Act."

SECTION 2.

Article 6 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to domestic terrorism, is amended in paragraph (2) of Code Section 16-11-220, relating to definitions regarding domestic terrorism, as follows:

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

SECTION 3.

Said chapter is further amended by revising Code Section 16-11-221, relating to penalties, as follows:

"16-11-221.

(a) ~~Any~~ Except as provided in subsection (b), any person who commits domestic terrorism shall be guilty of a felony and upon conviction thereof shall be punished as follows:

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

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

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

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

(b) Any person who commits domestic terrorism by vandalizing property and causing damages equal to or less than \$10,000.00 shall be guilty of a misdemeanor.

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

SECTION 4.

Chapter 1 of Title 28 of the Official Code of Georgia Annotated relating to general provisions regarding the General Assembly, is amended by adding a new Code section to read as follows:

"28-1-18.

(a) There is established a joint committee of this state to be known officially as the Committee on Domestic Terrorism, which shall be composed of members of both houses of the General Assembly, including the Lieutenant Governor; President Pro Tempore of the Senate; and the majority leader, minority leader, and majority whip of the Senate; the Speaker of the House of Representatives; Speaker Pro Tempore of the House of Representatives; and the majority leader, majority whip, and minority leader of the House of Representatives.

(b) The committee provided for under subsection (a) of this Code section shall consider legislative matters concerning domestic terrorism and receive reports from the Georgia Bureau of Investigation as provided for under Code Section 35-5-8."

SECTION 5.

Article 1 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the general provisions of the Georgia Bureau of Investigation, is amended by adding a new Code section, to read as follows:

"35-5-8.

(a) The Georgia Bureau of Investigation shall monitor, investigate, and collect state-wide data and other relevant data regarding possible threats of domestic terrorism as such term is defined in Code Section 16-11-220 from the United States Department of Homeland Security, United States Department of Justice, and the Federal Bureau of Investigation. Such information shall, at least once per calendar week, be released to the Capitol Police Division of the Department of Public Safety, the Georgia State Patrol, and the Committee on Domestic Terrorism.

(b) In exercising the authority provided for under this Code section with respect to the violation of laws related to domestic terrorism, agents of the Georgia Bureau of Investigation shall have the authority to:

(1) Obtain and execute arrest warrants;

(2) Obtain and execute search warrants;

(3) Arrest, without warrant, any person found to be in violation of laws related to domestic terrorism or in the act of attempting to escape after violation of such laws, or if for other cause there is likely to be a failure of enforcement of such laws, for want of an officer to issue a warrant;

(4) Make investigations in the enforcement of such laws and, in connection therewith, go upon any property outside of federal and state owned buildings, posted or otherwise, in the performance of such duties;

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

(6) Carry firearms while performing such duties."

SECTION 6.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

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SECTION 7.

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