

The Senate Committee on Public Safety offered the following substitute to SB 1:

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and  
2 offenses, so as to revise the definition of domestic terrorism to more inclusively capture  
3 situational violations commonly used by persons who desire to commit acts of terror; to  
4 provide for investigative powers and duties of the Attorney General and district attorneys;  
5 to revise the offenses of a terroristic threat and a terroristic act; to amend Title 35 of the  
6 Official Code of Georgia Annotated, relating to law enforcement officers and agencies, so  
7 as to create the Board of Homeland Security, the Department of Homeland Security, and the  
8 position of commissioner of homeland security; to provide for the promulgation of rules and  
9 regulations; to transfer the functions of homeland security strategy and programs, the  
10 Antiterrorism Task Force, the Georgia Information Sharing and Analysis Center, safety  
11 planning for threats of terrorism, and the Airport Antiterrorism Training Committee to the  
12 Department of Homeland Security; to provide for definitions; to revise the definition of  
13 homeland security activity to enable the center's work in the state's effective prevention or  
14 discovery of, response to, and recovery from domestic terrorism; to require each agency to  
15 submit to the center certain identifying information about known or suspected terrorists; to  
16 amend Article 2 of Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating  
17 to emergency management organization and administration, so as to repeal and redesignate  
18 provisions relating to certain safety plans of state agencies and authorities, the Airport  
19 Antiterrorism Training Committee, and investigations and surveys; to amend various  
20 provisions of the Official Code of Georgia Annotated so as to correct nomenclature and  
21 cross-references; to provide for a short title; to provide for related matters; to repeal  
22 conflicting laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**PART I**

**SECTION 1-1.**

This Act shall be known and may be cited as the "Protect Act - Protecting Georgians Against Terrorism."

**PART II**

**SECTION 2-1.**

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by revising Code Section 16-4-10, relating to domestic terrorism and penalty, as follows:

"16-4-10.

(a) As used in this Code section, '~~domestic terrorism~~' the term:

(1) 'Domestic terrorism' means any violation of, or attempt to violate, the laws of this state or of the United States which:

~~(1)(A)~~ (A) Is intended or reasonably likely to injure or kill ~~not less than ten individuals~~ any individual or group of individuals or to damage, disrupt, or destroy critical infrastructure as part of a single unlawful act or a series of unlawful acts which are interrelated by distinguishing characteristics; and

~~(2)(A)(B)(i)~~ (B)(i) Is intended to intimidate the civilian population of this state, any of its political subdivisions, or of the United States;

~~(B)(ii)~~ (ii) Is intended to alter, change, or coerce the policy of the government of this state or any of its political subdivisions by intimidation or coercion; or

~~(C)(iii)~~ (iii) Is intended to affect the conduct of the government of this state or any of its political subdivisions by use of destructive devices, assassination, or kidnapping.

Such term shall include violations of the law or attempted violations of the law that are intended to advance, further, or effectuate any ideology or belief whether such violations or attempted violations are committed alone or as part of a command structure involving an identifiable set of other individuals.

(2) 'Critical infrastructure' means public or private systems, functions, or assets, whether physical or virtual, vital to the security, governance, public health and safety, economy, or morale of this state or of the United States, including, but not limited to, systems, functions, or assets for:

(A) Electricity generating;

(B) Gas production, transport, and distribution;

(C) Telecommunications and cyber systems;

(D) Water supply;

(E) Agriculture;

(F) Transportation, including bridges, roads, and public transit;

(G) Financial services;

(H) Education;

(I) Health care services; and

(J) Religious worship.

(3) 'Electronic communication service' shall have the same meaning as set forth in Code Section 16-9-92.

(4) 'Remote computing service' shall have the same meaning as set forth in Code Section 16-9-92.

(b) Notwithstanding any other provision of law, any person who commits, attempts to commit, conspires to commit, or solicits, coerces, or intimidates another to commit a violation of the laws of this state or of the United States for the purpose of domestic terrorism shall, except in cases for which the death penalty may be imposed and the state has served notice of its intention to seek the death penalty, be sentenced to the maximum term of imprisonment and a fine not to exceed the amount prescribed by Code Section 17-10-8, which penalty shall not be suspended, stayed, probated, or withheld.

(c) In addition to any other provision of law, evidence that a person committed an offense for which the death penalty may be imposed under the laws of this state for the purpose of domestic terrorism shall be admissible during the sentencing phase as a statutory aggravating circumstance. It shall be the duty of the judge to consider, or to instruct the jury to consider, in addition to the statutory aggravating circumstances provided in Code Section 17-10-30, that the offense was committed for the purpose of domestic terrorism.

(d)(1) In any investigation of a violation of this Code section, the Attorney General or district attorney shall be authorized to issue a subpoena to compel the production of books, records or papers or electronic communication service or remote computing service records or other information pertaining to a subscriber or customer of such service, exclusive of the contents of communications. All officers, boards, commissions, and departments of the state and the municipalities and political subdivisions thereof having information with respect thereto shall cooperate with and assist the Attorney General or district attorney for the purposes of this Code section.

(2) A provider of electronic communication service or remote computing service shall disclose to the Attorney General or district attorney the:

(A) Name;

(B) Address;

(C) Local and long distance telephone connection records, or records of session times and durations;

(D) Length of service, including the start date, and types of services utilized;

(E) Telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and

(F) Means and source of payment for such service, including any credit card or bank account number of a subscriber to or customer of such service.

(e) Upon failure of a person without lawful excuse to obey a subpoena, the Attorney General or district attorney may apply to a superior court having jurisdiction for an order compelling compliance. Such person may object to the subpoena on grounds that it fails to comply with this Code section or upon any constitutional or other legal right or privilege of such person. The court may issue an order modifying or setting aside such subpoena or directing compliance with the original subpoena.

(f) The Attorney General may request that a natural person who refuses to produce relevant matter on the ground that the production of records may incriminate such person be ordered by the court to provide such records. With the exception of a prosecution for perjury, a natural person who complies with the court order to provide such records asserting a privilege against self-incrimination to which he or she is entitled by law shall not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he or she may testify or produce evidence, documentary or otherwise.

(g)(1) Information obtained pursuant to a subpoena enforced by this Code section shall not be made public or, except as authorized in paragraph (2) of this subsection, disclosed by the Attorney General or district attorney beyond the extent necessary for the enforcement of this Code section.

(2) The Attorney General or district attorney shall be authorized to provide to any federal, state, or local law enforcement agency any information acquired under this Code section in furtherance of a criminal investigation.

(h) The district attorney and the Attorney General shall have concurrent authority to prosecute any criminal cases arising under the provisions of this Code section and to perform any duty that necessarily appertains thereto when such case involves occurrences within a single judicial circuit; provided, however, that when such case involves occurrences spanning two or more judicial circuits, the Attorney General shall have exclusive authority to prosecute such cases.

(i) In cases where the Attorney General has exclusive authority to prosecute, the Attorney General is authorized to call upon the district attorney to assist in or to conduct such prosecution; and, when so requested by the Attorney General, it shall be the duty of any

such district attorney to assist in or to conduct such prosecution for and on behalf of the Attorney General and the state.

(j) The Attorney General is authorized to appoint special assistant attorneys general for investigating and prosecuting violations under this Code section. Under the supervision of the Attorney General, such special assistant attorneys general may exercise the powers of the Attorney General under this Code section."

## SECTION 2-2.

Said title is further amended by revising paragraph (1) of Code Section 16-7-80, relating to definitions, as follows:

"(1) 'Bacteriological weapon' or 'biological weapon' means any device which is designed in such a manner as to permit the intentional release into the population or environment of microbial or other biological agents or toxins whatever their origin or method of production in a manner not otherwise authorized by law or any device the development, production, or stockpiling of which is prohibited pursuant to the 'Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction,' 26 U.S.T. 583, TIAS 8063, and including all substances found on Schedule 1 of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction."

## SECTION 2-3.

Said title is further amended by revising subsection (a) of Code Section 16-7-88, relating to possessing, transporting, or receiving explosives or destructive devices with intent to kill, injure, or intimidate individuals or destroy public buildings, sentencing, and enhanced penalties, as follows:

"(a) Any person who possesses, transports, or receives or attempts to possess, transport, or receive any destructive device, ~~or explosive, bacteriological weapon, or biological weapon~~ with the knowledge or intent that it will be used to kill, injure, or intimidate any individual or to destroy any public building shall be punished by imprisonment for not less than ten nor more than 20 years or by a fine of not more than \$125,000.00 or both or, if the defendant is a corporation, by a fine of not less than \$125,000.00 nor more than \$200,000.00 or sentenced to perform not fewer than 10,000 nor more than 20,000 hours of community service or both."

**SECTION 2-4.**

Said title is further amended by revising subsections (a), (b), and (c) of Code Section 16-11-37, relating to terroristic threats and acts, as follows:

"(a) As used in this Code section, the term:

(1) 'Domestic terrorism' shall have the same meaning as set forth in Code Section 16-4-10.

(2) 'Hazardous ~~hazardous~~ substance' shall have the same meaning as set forth in Code Section 12-8-92.

(b)(1) A person commits the offense of a terroristic threat when he or she threatens to:

(A) Commit any crime of violence, including, but not limited to, domestic terrorism;

(B) Release any hazardous substance; or

(C) Burn or damage property.

(2) Such terroristic threat shall be made:

(A) With the purpose of terrorizing another or the civilian population of this state or any of its political subdivisions;

(B) With the purpose of causing the evacuation of a building, place of assembly, or facility of public transportation;

(C) With the purpose of otherwise causing serious public inconvenience; or

(D) In reckless disregard of the risk of causing the terror, evacuation, or inconvenience described in subparagraph (A), (B), or (C) of this paragraph.

(3) No person shall be convicted under this subsection on the uncorroborated testimony of the party to whom the threat is communicated.

(c) A person commits the offense of a terroristic act when:

(1) He or she uses a burning or flaming cross or other burning or flaming symbol or flambeau with the intent to terrorize another or another's household;

(2) While not in the commission of a lawful act, he or she shoots at or throws an object at a conveyance which is being operated or which is occupied by passengers; or

(3) He or she releases any hazardous substance or any simulated hazardous substance under the guise of a hazardous substance:

(A) For the purpose of terrorizing another or the civilian population of this state or any of its political subdivisions;

(B) For the purpose of causing the evacuation of a building, place of assembly, or facility of public transportation;

(C) For the purpose of otherwise causing serious public inconvenience; or

(D) In reckless disregard of the risk of causing the terror, evacuation, or inconvenience described in subparagraph (A), (B), or (C) of this paragraph."

**PART III**  
**SECTION 3-1.**

Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and agencies, is amended by repealing in its entirety Article 3 of Chapter 3, relating to the Antiterrorism Task Force, and designating such article as reserved.

**SECTION 3-2.**

Said title is further amended by repealing in its entirety Article 9 of Chapter 3, relating to the Georgia Information Sharing and Analysis Center.

**SECTION 3-3.**

Said title is further amended by adding a new chapter to read as follows:

"CHAPTER 11  
ARTICLE 1

35-11-1.

As used in this chapter, the term:

(1) 'Bureau' means the Georgia Bureau of Investigation.

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

(3) 'Commissioner' means the commissioner of homeland security.

(4) 'Critical infrastructure' means public or private systems, functions, or assets, whether physical or virtual, vital to the security, governance, public health and safety, economy, or morale of this state or of the United States, including, but not limited to, systems, functions, or assets for:

(A) Electricity generating;

(B) Gas production, transport, and distribution;

(C) Telecommunications and cyber systems;

(D) Water supply;

(E) Agriculture;

(F) Transportation, including bridges, roads, and public transit;

(G) Financial services;

(H) Education;

(I) Health care services; and

(J) Religious worship.

(5) 'Department' means the Georgia Department of Homeland Security.

(6) 'Domestic terrorism' means any violation of, or attempt to violate, the laws of this state or of the United States which:

(A) Is intended or reasonably likely to injure or kill any individual or group of individuals or to damage, disrupt, or destroy critical infrastructure as part of a single unlawful act or a series of unlawful acts which are interrelated by distinguishing characteristics; and

(B)(i) Is intended to intimidate the civilian population of this state, any of its political subdivisions, or of the United States;

(ii) Is intended to alter, change, or coerce the policy of the government of this state or any of its political subdivisions by intimidation or coercion; or

(iii) Is intended to affect the conduct of the government of this state or any of its political subdivisions by use of destructive devices, assassination, or kidnapping.

Such term shall include violations of the law or attempted violations of the law that are intended to advance, further, or effectuate any ideology or belief whether such violations or attempted violations are committed alone or as part of a command structure involving an identifiable set of other individuals.

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

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

(A) Domestic terrorism;

(B) A hostile military or paramilitary action; or

(C) An extraordinary law enforcement emergency.

(9) 'Homeland security emergency' means an emergency precipitated by any activity related to:

(A) Domestic terrorism;

(B) A hostile military or paramilitary action; or

(C) An extraordinary law enforcement emergency.

(10) 'Homeland security information' means the product of systematic gathering, evaluation, and synthesis of raw data on individuals or activities suspected of being, or known to be, criminal in nature.

35-11-2.

(a) There is created a Board of Homeland Security. The board shall:

(1) Establish the general policy to be followed by the department; and

267 (2) Advise the Governor and commissioner on:

268 (A) The implementation of the homeland security strategy by state and local agencies  
269 and provide specific guidance and counsel for helping those agencies implement the  
270 strategy; and

271 (B) All matters related to the planning, development, coordination, and implementation  
272 of initiatives to promote the homeland security strategy of the state.

273 (b) The board shall consist of 17 members who shall be as follows:

274 (1) The Governor, ex officio, who shall be chairperson of the board;

275 (2) The commissioner of homeland security;

276 (3) The director of emergency management;

277 (4) The commissioner of public safety;

278 (5) The director of the Georgia Bureau of Investigation;

279 (6) The adjutant general;

280 (7) The commissioner of natural resources;

281 (8) The commissioner of public health;

282 (9) The Attorney General or his or her designee who shall be the deputy attorney general  
283 or an assistant attorney general;

284 (10) The commissioner of transportation;

285 (11) The Commissioner of Agriculture;

286 (12) The head of the Georgia Technology Authority; and

287 (13) Five appointees of the Governor who shall be individuals from the public or private  
288 sector who are directly involved in policy, program, security, or funding activities  
289 relevant to homeland security or infrastructure protection; provided, however, that one  
290 such appointment shall be the executive director of the Georgia Sheriffs' Association or  
291 a sheriff and one such appointment shall be the executive director of the Georgia  
292 Association of Chiefs of Police or a chief executive of a law enforcement agency of a  
293 county or a municipality. Such appointees under this paragraph shall serve at the  
294 pleasure of the Governor.

295 (c) The board shall adopt rules for its organization and by which its business shall be  
296 conducted.

297 (d)(1) Any legislative members of the board who may be appointed pursuant to  
298 paragraph (13) of subsection (b) of this Code section shall receive the allowances  
299 provided for in Code Section 28-1-8.

300 (2) Members of the board who are state or local government officials, other than  
301 legislative members, or state or local government employees shall receive no  
302 compensation for their services on the board, but they may be reimbursed for expenses  
303 incurred by them in the performance of their duties as members of the board in the same

manner as they are reimbursed for expenses in their capacities as state or local government officials or state or local government employees.

(3) Members of the board who are not legislators, state or local government officials, or state or local government employees shall receive a daily expense allowance in an amount the same as that specified in subsection (b) of Code Section 45-7-21, as well as the mileage or transportation allowance authorized for state employees.

(4) Funds for the reimbursement of the expenses of state or local government officials, other than legislative members, and state or local government employees shall come from funds appropriated to or otherwise available to their respective governments, departments, authorities, or agencies.

35-11-3.

(a) There is established the Department of Homeland Security with a commissioner of homeland security who shall be the head thereof. The department shall be assigned to the Office of Planning and Budget for administrative purposes only as provided in Code Section 50-4-3.

(b) The Governor shall appoint the commissioner of homeland security. He or she shall hold office at the pleasure of the Governor, who shall fix his or her compensation. The commissioner of homeland security shall hold no other state office.

(c) The commissioner may employ such professional, technical, clerical, stenographic, and other personnel, may fix their compensation, and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of homeland security, as may be necessary to carry out the purposes of this chapter.

(d) The commissioner, with the approval of the board, may establish units within the department as he or she deems proper for its administration and shall designate persons to be assistant commissioners of each unit and to exercise authority as he or she may delegate to them in writing.

(e) The commissioner and other personnel of the department shall be provided with appropriate office space, furniture, equipment, supplies, stationery, and printing in the same manner as provided for personnel of other state departments and agencies.

(f) The commissioner, with the approval of the board, shall have the power to make and publish reasonable rules and regulations not inconsistent with this title or other laws or with the Constitution of this state or of the United States for the administration of this chapter or any law or program which it is his or her duty to administer.

(g) The commissioner, subject to the direction and control of the Governor, shall:

(1) Be the executive head of the department and shall be responsible to the Governor for carrying out the program for homeland security in this state;

- (2) Serve as the central authority reporting to the Governor on all matters relating to homeland security;
- (3) Have command and control authority over all operational areas involving terrorist activity within this state, including, but not limited to, the center, the Homeland Security Task Force, and the Homeland Security Central Command when activated by the Governor;
- (4) Coordinate the activities of all organizations for homeland security within the state;
- (5) Maintain liaison with and cooperate with homeland security agencies and organizations of other states and of the federal government;
- (6) Oversee all risk and threat assessments and coordinate all plans for timely and complete responses through a network of state, local, and federal organizations, including, but not limited to, the coordination of efficient and timely flow of information;
- (7) Be responsible for measures to identify, acquire, and plan the use of resources needed to anticipate, prevent, or resolve a threat or act of terrorism;
- (8) Coordinate and review all activities involving homeland security within any agency, authority, or entity of this state, including, but not limited to, oversight of homeland security activities found within the Department of Public Safety, the Georgia Bureau of Investigation, the Georgia National Guard, the Department of Natural Resources, the Department of Community Health, and the Department of Public Health;
- (9) Evaluate information developed by the criminal justice community in regard to threats or potential threats of terrorism; and
- (10) Have such additional authority, duties, and responsibilities authorized by law.

35-11-4.

Appropriations to the bureau and the Georgia Emergency Management Agency for functions transferred to the department pursuant to this chapter shall be transferred to the department as provided for in Code Section 45-12-90. Personnel, equipment, and facilities previously employed by the bureau or the Georgia Emergency Management Agency for functions transferred to the department pursuant to this chapter shall likewise be transferred to the department. Any disagreement as to any of such transfers shall be resolved by the Governor.

35-11-5.

- (a) The department shall direct homeland security in this state and shall develop a state-wide homeland security strategy that improves the state's ability to:
- (1) Protect against domestic terrorism and other homeland security threats and hazards;
- (2) Respond to homeland security emergencies;

(3) Recover from homeland security emergencies; and

(4) Mitigate loss of life and property by lessening the impact of future homeland security threats and hazards.

(b) The department's homeland security strategy shall coordinate homeland security activities among and between local, state, and federal agencies and the private sector and shall include specific plans for:

(1) Intelligence gathering and analysis;

(2) Homeland security information and information sharing;

(3) Reducing the state's vulnerability to homeland security emergencies;

(4) Protecting critical infrastructure;

(5) Protecting the state's ports and airports;

(6) Detecting, deterring, and defending against terrorism, including, but not limited to, cyber, biological, chemical, and nuclear terrorism;

(7) Positioning equipment, technology, and personnel to improve the state's ability to respond to a homeland security emergency;

(8) Directing the center and giving the center certain forms of authority to implement the homeland security strategy of this state; and

(9) Using technological resources to:

(A) Facilitate the interoperability of governmental technology resources, including data, networks, and applications;

(B) Coordinate the warning and alert systems of state and local agencies;

(C) Incorporate multidisciplinary approaches to homeland security; and

(D) Improve the security of governmental and private sector information technology and information resources.

(c) The department's homeland security strategy shall complement and operate in coordination with federal strategic guidance on homeland security.

35-11-6.

A state or local agency that performs a homeland security activity shall cooperate with and assist the commissioner and the center in the performance of their duties under this chapter and other state or federal law.

35-11-7.

(a) Every state agency and authority, except those exempted in subsection (b) of this Code section, shall prepare an agency safety plan to address the threat of terrorism, to respond effectively to such incidents, and to provide a safe environment for state personnel and for those citizens conducting business with state agencies. In addition to acts of terrorism,

such plan shall also address preparedness for natural disasters, hazardous materials or radiological accidents, and acts of violence. The safety plans of agencies and authorities shall be prepared with input from the appropriate supervisors and rank-and-file employees and local law enforcement, fire service, public safety, and emergency management agencies. Such plans shall be reviewed internally and, if necessary, updated annually. Such plans shall be submitted to the department and local emergency management agency. The department shall provide for additional requirements for submission of such plans to the department, including, but not limited to, deadlines for submission, by rules and regulations.

(b) The Department of Public Safety, the Department of Corrections, and any other state agency which operates secured facilities shall be exempt from the requirements of subsection (a) of this Code section.

(c) Subject to the availability of funds for such purpose, the department shall provide training and technical assistance to agencies and authorities and may provide such training and technical assistance to local units of government and to critical facilities operated by the private sector. Such training and technical assistance shall include, but not be limited to, crisis response team development, site surveys and safety audits, crisis management planning, exercise design, safe school planning, emergency operations planning, search and seizure, bomb threat management, and model safety plans.

(d) The following records shall not be subject to public inspection or disclosure under Article 4 of Chapter 18 of Title 50:

(1) Site surveys, safety audits, and vulnerability assessments performed pursuant to subsection (a) of this Code section; and

(2) Any other record produced pursuant to this Code section the disclosure of which would, in the determination of the commissioner, endanger the life or physical safety of any person or persons or the physical safety of any public property.

35-11-8.

(a) As used in this Code section, the term:

(1) 'Airport Antiterrorism Training Committee' means a committee composed of five members: one appointed by and to serve at the pleasure of the commissioner; one appointed by and to serve at the pleasure of the director of emergency management; one appointed by and to serve at the pleasure of the commissioner of transportation; one appointed by and to serve at the pleasure of the State Board of the Technical College System of Georgia; and one appointed by and to serve at the pleasure of the commissioner of public safety.

(2) 'Airport manager' means, with respect to each airport located in this state, the person who serves as manager, serves as general manager, or otherwise serves as the chief administrative officer of such airport. If for any airport there is more than one person who may fit such definition, the local government, authority, or company operating such airport shall designate one such person as its airport manager for purposes of this Code section.

(b) The Airport Antiterrorism Training Committee shall establish and maintain an annual training program for persons who serve as airport managers. It shall be unlawful for any person to serve as an airport manager in this state unless such person is in compliance with rules and regulations of the Airport Antiterrorism Training Committee implementing this Code section. Such rules and regulations:

(1) Shall require each airport manager in this state to complete 14 hours of initial training and eight hours of annual training thereafter;

(2) Shall establish the curriculum of such annual training;

(3) May provide for exemption from or delay of the annual training otherwise required in cases of providential cause or hardship; and

(4) May provide for exemption from the annual training otherwise required for airport managers who demonstrate that they have or will otherwise obtain the competencies taught in the annual training curriculum.

(c) The Airport Antiterrorism Training Committee shall by agreement or by contract arrange for the annual training required under this Code section to be administered by the Georgia Aviation Technical College under the jurisdiction of the State Board of the Technical College System of Georgia.

(d) The tuition costs of providing such training may be paid in whole or in part from funds appropriated or otherwise available to any agency or entity represented on the Airport Antiterrorism Training Committee or may be paid in whole or in part by the airport managers being trained or any combination thereof, as established by the Airport Antiterrorism Training Committee.

(e) The department shall serve as staff and program manager for the committee.

## ARTICLE 2

35-11-20.

There is established the Georgia Information Sharing and Analysis Center within the department. The center shall be a fusion center maintaining homeland security information.

35-11-21.

(a) Responsibility for the development, maintenance, and operations of the center shall be vested in the commissioner.

(b) The commissioner shall appoint and maintain the necessary professional and support staff to enable the center to effectively and efficiently carry out its duties and responsibilities under this article.

35-11-22.

(a) The center shall serve as the state's primary entity for the planning, coordination, and integration of government communications capabilities in the implementation of the state's homeland security strategy and ensure an effective response in the event of a homeland security emergency.

(b)(1) The center shall:

(A) Promote readiness for homeland security activities;

(B) Receive and analyze information, assessment of threats, and issuance of public warnings related to homeland security emergencies; and

(C) Authorize and facilitate cooperative efforts related to emergency response and recovery efforts in the event of a homeland security emergency.

(2) In performing its duties, the center shall aim to:

(A) Reduce the vulnerability of critical infrastructure to homeland security emergencies; and

(B) Prevent or minimize damage, injury, loss of life, and loss of property in the event of a homeland security emergency.

(c) The commissioner through the center shall share and provide homeland security activity information to the director of the bureau and such other persons qualified to know, including, but not limited to, threats, warnings, and developing situations, whenever an investigation reveals conduct of a terroristic nature or in material support of terroristic activities, recruitment of terrorists, or information on the activities of known terrorist organizations.

(d) The center shall liaise with the bureau, Federal Bureau of Investigation, Joint Terrorism Task Force, United States Department of Homeland Security, and other local, state, and federal intelligence and law enforcement officials for purposes of carrying out its duties and responsibilities under this article.

(e) The center shall allow unrestricted access to secure communications equipment to the director of the bureau and his or her representatives who possess the appropriate federally approved security clearances for the dissemination of homeland security activity information by the United States Department of Homeland Security.

515 (f) The commissioner shall serve as this state's security manager for the purpose of  
516 identifying and processing state personnel for security clearances through the United States  
517 Department of Homeland Security.

518 35-11-23.

519 (a) Membership in the center shall consist of the commissioner, the director of the bureau,  
520 the director of emergency management, the commissioner of public safety, the  
521 commissioner of natural resources, the commissioner of corrections, the state fire marshal,  
522 the Attorney General, the adjutant general, and state and local fire service, law  
523 enforcement, homeland security, emergency management, corrections, and other  
524 appropriate agencies and disciplines as determined by the commissioner. Such members  
525 shall assign or make available their analysts or other personnel to the center as such need  
526 is determined by the commissioner.

527 (b) The commissioner shall maintain the department's analysts in the center as needed as  
528 determined by the commissioner.

529 35-11-24.

530 (a) As used in this Code section, the term:

531 (1) 'Agency' means any board, department, authority, commission, or entity of this state.

532 (2) 'Domestic terrorism' shall have the same meaning as set forth in 18 U.S.C. Section  
533 2331.

534 (3) 'Identifying information' means any personally identifying data of an individual.

535 (4) 'International terrorism' shall have the same meaning as set forth in 18 U.S.C. Section  
536 2331.

537 (5) 'Known terrorist' means an individual who the government of the United States  
538 publicly acknowledges to be engaged or has been engaged or believes intends to be  
539 engaged in terrorism; who has been charged, arrested, indicted, or convicted for a crime  
540 related to terrorism; or who has been identified as a terrorist or member of a designated  
541 foreign terrorist organization pursuant to federal law.

542 (6) 'Suspected terrorist' means an individual who is reasonably suspected to be or has  
543 been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism.

544 (7) 'Terrorism' means international terrorism and domestic terrorism.

545 (b) To the extent permitted by law, each agency shall submit to the center identifying  
546 information of known terrorists or suspected terrorists. The identifying information shall  
547 be transmitted in such form and at such intervals as promulgated by rules and regulations  
548 of the director of the bureau.

(c) To the fullest extent permissible under the law, the center shall use the identifying information as provided for under this Code section in furtherance of the center's purposes.

### ARTICLE 3

35-11-30.

This article shall be known and may be cited as the 'Antiterrorism Act.'

35-11-31.

(a) This article is enacted as a direct response to the high level of reactivation of violent and terroristic acts against persons residing within the State of Georgia and in response to the outcry of the communities for assistance from the State of Georgia in combating these violent and terroristic acts.

(b) The purpose of this article shall be to assist law enforcement personnel in the State of Georgia to identify, investigate, arrest, and prosecute individuals or groups of individuals who illegally threaten, harass, terrorize, or otherwise injure or damage the person or property of persons on the basis of their race, national origin, or religious persuasion.

(c) It is the intent of the General Assembly that this article be interpreted and construed liberally to accomplish its purposes.

35-11-32.

As used in this article, the term 'terroristic act' means an act which constitutes a crime against the person or against the residence of an individual which is committed with the specific intent of instilling and may reasonably be expected to instill fear into such person or persons or which is committed for the purpose of restraining such person or persons from exercising their rights under the Constitution and laws of this state and the United States and any illegal act directed at other persons or their property because of those persons' political beliefs or political affiliations.

35-11-33.

There is established a special Antiterrorism Task Force within the department. This Antiterrorism Task Force shall operate in conjunction and collaboration with the bureau and shall devote itself to the tasks of identifying, investigating, arresting, and prosecuting individuals or groups of individuals who perform terroristic acts against a person or his or her residence on the basis of such person's race, national origin, or religious persuasion.

579 35-11-34.  
580 All efforts shall be made to maintain the confidentiality of the investigative efforts of the  
581 Antiterrorism Task Force and the identity of agents who operate in undercover  
582 assignments. Information may, however, be shared with other law enforcement agencies  
583 when, in the sole discretion of the commissioner, in consultation with the director of the  
584 bureau, the sharing of such information would not compromise the successful completion  
585 of the investigations or cases being made.

586 35-11-35.  
587 The Antiterrorism Task Force shall be authorized to work with and seek the assistance of  
588 other law enforcement agencies when, in the sole discretion of the commissioner, such  
589 assistance would not compromise the successful completion of the investigations or cases  
590 being made."

591 **SECTION 3-4.**  
592 Article 2 of Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to  
593 emergency management organization and administration, is amended by repealing in its  
594 entirety Code Section 38-3-22.1, relating to safety plan addressing threat of terrorism  
595 required of state agencies or authorities, exemptions, training and technical assistance, and  
596 confidentiality of plans and related documentation, and designating such Code section as  
597 reserved.

598 **SECTION 3-5.**  
599 Said article is further amended by repealing in its entirety Code Section 38-3-22.2, relating  
600 to establishment of Airport Antiterrorism Training Committee and annual training, and  
601 designating such Code section as reserved.

602 **SECTION 3-6.**  
603 Said article is further amended by repealing in its entirety Code Section 38-3-23, relating to  
604 investigations and surveys, subpoena power, and cooperation, and designating such Code  
605 section as reserved.

**PART IV****SECTION 4-1.**

Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to water resources, is amended by revising subsection (c) of Code Section 12-5-30.4, relating to establishment of water emergency response procedures, as follows:

"(c) If the division determines that there is a threat to the health or property of downstream users of the waters of this state, the division shall as soon as possible, but not more than 24 hours after such determination, notify and consult with the Georgia Emergency Management and ~~Homeland Security~~ Agency, the appropriate local emergency management agency, the appropriate local county health department, and other appropriate divisions within the department as necessary to determine if it is necessary to prepare and distribute a public notice concerning such threat. Upon notification by the division, the local emergency management agency or the local county health department shall prepare and post such public notice through electronic media and print. Such public notice shall be located at places where the public regularly uses the waters of this state or seeks information about such waters."

**SECTION 4-2.**

Said chapter is further amended by revising subsection (a) of Code Section 12-5-204, relating to completion and submission of emergency plan and costs, as follows:

"(a) The authority shall ensure the completion of the emergency plan not later than September 1, 2011, and shall submit the emergency plan to the director of the Environmental Protection Division of the Department of Natural Resources, the director of the Georgia Emergency Management and ~~Homeland Security~~ Agency, the commissioner of homeland security, the Governor, Lieutenant Governor, Speaker of the House of Representatives, and chairpersons of the Senate and House Committees on Natural Resources and Environment and of the Senate and House Committees on Appropriations not later than September 15, 2011."

**SECTION 4-3.**

Code Section 20-2-1185 of the Official Code of Georgia Annotated, relating to school safety plans, is amended by revising subsections (b) and (d) as follows:

"(b) A public school may request funding assistance from the state for the installation of safety equipment, including, but not limited to, video surveillance cameras, metal detectors, and other similar security devices. Funding may be provided to a public school in accordance with a school safety plan prepared by the school and approved by the local

board of education, the Department of Education, the Georgia Department of Homeland Security, and the Georgia Emergency Management ~~and Homeland Security~~ Agency."

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

#### SECTION 4-4.

Code Section 31-12-2.1 of the Official Code of Georgia Annotated, relating to investigation of potential bioterrorism activity and regulations and planning for public health emergencies, is amended by revising subsections (b) and (c) as follows:

"(b) The department shall promulgate rules and regulations appropriate for management of any public health emergency declared pursuant to the provisions of Code Section 38-3-51, with particular regard to coordination of the public health emergency response of the state pursuant to subsection (i) of said Code section. Such rules and regulations shall be applicable to the activities of all entities created pursuant to Chapter 3 of this title in such circumstances, notwithstanding any other provisions of law. In developing such rules and regulations, the department shall consult and coordinate as appropriate with the Georgia Department of Homeland Security, the Georgia Emergency Management and Homeland Security Agency, the Federal Emergency Management Agency, the Georgia Department of Public Safety, the Georgia Department of Agriculture, and the federal Centers for Disease Control and Prevention. The department is authorized, in the course of management of a declared public health emergency, to adopt and implement emergency rules and regulations pursuant to the provisions of subsection (b) of Code Section 50-13-4. Such rules and regulations shall be adopted pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' but shall be automatically referred by the Office of Legislative Counsel to the House of Representatives and Senate Committees on Judiciary.

(c) The department shall promulgate, prepare, and maintain a public health emergency plan and draft executive order for the declaration of a public health emergency pursuant to Code Section 38-3-51 and Chapter 13 of Title 50. In preparation of such public health emergency plan and draft executive order, the department shall consult and coordinate as appropriate with the Georgia Department of Homeland Security, the Georgia Emergency

676 Management ~~and Homeland Security~~ Agency, the Federal Emergency Management  
677 Agency, the Georgia Department of Public Safety, the Georgia Department of Agriculture,  
678 and the federal Centers for Disease Control and Prevention."

679 **SECTION 4-5.**

680 Code Section 35-6A-3 of the Official Code of Georgia Annotated, relating to membership  
681 of the Criminal Justice Coordinating Council, vacancies, and membership not bar to holding  
682 public office, is amended by revising paragraph (1) of subsection (a) as follows:

683 "(1) The chairperson of the Georgia Peace Officer Standards and Training Council, the  
684 ~~director~~ commissioner of homeland security, the chairperson of the Judicial Council of  
685 Georgia, the chairperson of the Council of Accountability Court Judges of Georgia, the  
686 chairperson of the Prosecuting Attorneys' Council of the State of Georgia, the  
687 commissioner of corrections, the chairperson of the Board of Corrections, the  
688 commissioner of community supervision, the chairperson of the Board of Community  
689 Supervision, the vice chairperson of the Board of Public Safety, the chairperson of the State  
690 Board of Pardons and Paroles, the State School Superintendent, the commissioner of  
691 community affairs, the president of the Council of Juvenile Court Judges, the chairperson  
692 of the Georgia Public Defender Council, the chairperson of the Governor's Office for  
693 Children and Families, and the commissioner of juvenile justice or their designees shall be  
694 ex officio members of the council, as full voting members of the council by reason of their  
695 office; and"

696 **SECTION 4-6.**

697 Code Section 36-80-23 of the Official Code of Georgia Annotated, relating to prohibition on  
698 immigration sanctuary policies by local governmental entities and certification of  
699 compliance, is amended by revising paragraph (3) of subsection (a) as follows:

700 "(3) 'Immigration status information' means any information, not including any  
701 information required by law to be kept confidential but otherwise including but not  
702 limited to any statement, document, computer generated data, recording, or photograph,  
703 which is relevant to immigration status or the identity or location of an individual who  
704 is reasonably believed to be illegally residing within the United States or who is  
705 reasonably believed to be involved in domestic terrorism as that term is defined in Code  
706 Section 16-4-10 or a terroristic act as that term is defined by Code Section ~~35-3-62~~  
707 35-11-32."

**SECTION 4-7.**

Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency management, is amended by revising Code Section 38-3-20, relating to Georgia Emergency Management Agency created, director, staff, offices, director's duties, and disaster coordinator, as follows:

"38-3-20.

(a) There is established the Georgia Emergency Management ~~and Homeland Security~~ Agency with a director of emergency management ~~and homeland security~~ who shall be the head thereof. The Georgia Emergency Management ~~and Homeland Security~~ Agency shall be assigned to the Office of Planning and Budget for administrative purposes only as provided in Code Section 50-4-3.

(b) The Governor shall appoint the director of emergency management ~~and homeland security~~. He or she shall hold office at the pleasure of the Governor, who shall fix his or her compensation. The director of emergency management ~~and homeland security~~ shall hold no other state office.

(c) The director may employ such professional, technical, clerical, stenographic, and other personnel, may fix their compensation, and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of emergency management ~~and homeland security~~, as may be necessary to carry out the purposes of ~~Article 9 of Chapter 3 of Title 35~~, Article 1, this article, and Article 3 of this chapter, and the duties of the agency and the director described in Part 4 of Article 2 of Chapter 5 of Title 46, the 'Georgia Emergency Telephone Number 9-1-1 Service Act of 1977,' as amended.

(d) The director and other personnel of the Georgia Emergency Management ~~and Homeland Security~~ Agency shall be provided with appropriate office space, furniture, equipment, supplies, stationery, and printing in the same manner as provided for personnel of other state agencies.

(e) The director, subject to the direction and control of the Governor, shall:

(1) Be the executive head of the Georgia Emergency Management ~~and Homeland Security~~ Agency and shall be responsible to the Governor for carrying out the program for emergency management ~~and homeland security~~ in this state;

~~(2) Serve as the central authority reporting to the Governor on all matters relating to homeland security;~~

~~(3) Have command and control authority over all operational areas involving terrorist activity within this state, including, but not limited to, the Homeland Security Task Force and the Homeland Security Central Command when activated by the Governor;~~

(4)(3) Coordinate the activities of all organizations for emergency management and  
 homeland security within the state;  
 (5)(4) Maintain liaison with and cooperate with emergency management agencies and  
 organizations of other states and of the federal government; and  
 (6) ~~Oversee all risk and threat assessments and coordinate all plans for timely and  
 complete responses through a network of state, local, and federal organizations,  
 including, but not limited to, the coordination of efficient and timely flow of information;~~  
 (7) ~~Be responsible for crisis and consequence management planning, including, but not  
 limited to, measures to identify, acquire, and plan the use of resources needed to  
 anticipate, prevent, or resolve a threat or act of terrorism;~~  
 (8) ~~Coordinate and review all activities involving homeland security within any agency,  
 authority, or entity of this state, including, but not limited to, oversight of homeland  
 security activities found within the Department of Public Safety, the Georgia Bureau of  
 Investigation, the Georgia National Guard, the Department of Natural Resources, the  
 Department of Community Health, and the Department of Public Health;~~  
 (9) ~~Evaluate information developed by the criminal justice community in regard to  
 threats or potential threats of terrorism; and~~  
 (10)(5) Have such additional authority, duties, and responsibilities authorized by Article  
 1, this article, and Article 3 of this chapter as may be prescribed by the Governor and  
 such additional authority, duties, and responsibilities as described in Article 9 of Chapter  
 3 of Title 35 and Part 4 of Article 2 of Chapter 5 of Title 46, the 'Georgia Emergency  
 Telephone Number 9-1-1 Service Act of 1977,' as amended.  
 (f) The director of emergency management and homeland security shall also be the  
 disaster coordinator and shall act for the Governor when requested to do so."

#### SECTION 4-8.

Said chapter is further amended by revising subsection (a) of Code Section 38-3-22, relating to Governor's emergency management powers and duties, as follows:

"(a) The Governor shall have general direction and control of the Georgia Emergency  
 Management and Homeland Security Agency and shall be responsible for the carrying out  
 of the provisions of Article 1, this article, and Article 3 of this chapter and, in the event of  
 disaster or emergency beyond local control, may assume direct operational control over all  
 or any part of the emergency management functions within this state."

#### SECTION 4-9.

Said chapter is further amended by revising subsection (c) and paragraph (2) of subsection (d) of Code Section 38-3-22.1, relating to safety plan addressing threat of terrorism required

of state agencies or authorities, exemptions, training and technical assistance, and confidentiality of plans and related documentation, as follows:

"(c) Subject to the availability of funds for such purpose, the Georgia Emergency Management ~~and Homeland Security~~ Agency shall provide training and technical assistance to agencies and authorities and may provide such training and technical assistance to local units of government and to critical facilities operated by the private sector. Such training and technical assistance shall include, but not be limited to, crisis response team development, site surveys and safety audits, crisis management planning, exercise design, safe school planning, emergency operations planning, search and seizure, bomb threat management, and model safety plans."

"(2) Any other record produced pursuant to this Code section the disclosure of which would, in the determination of the director of the Georgia Emergency Management ~~and Homeland Security~~ Agency, endanger the life or physical safety of any person or persons or the physical safety of any public property."

#### **SECTION 4-10.**

Said chapter is further amended by revising subparagraph (a)(3)(F) and paragraph (6) of subsection (a) of Code Section 38-3-27, relating to local organizations for emergency management, creation, structure, powers, directors, appointment, qualifications, and compensation, state to provide financial assistance, and entitlement for funding, as follows:

"(F) Except as provided in this subparagraph, any director or deputy director of a local emergency management organization appointed after July 1, 1999, shall be a certified emergency manager under the Georgia Emergency Management ~~and Homeland Security~~ Agency's Certified Emergency Manager Program. The curriculum of the Certified Emergency Manager Program and requirements for certification shall be determined by the director of emergency management ~~and homeland security~~ and shall include, but not be limited to, professional development series training, independent study courses, emergency preparedness courses, and field-delivered courses. Certification may be obtained by an appointed director or deputy director within six months of his or her appointment. Certification shall expire biennially. As a condition of certification renewal, such emergency management personnel shall be required to satisfactorily complete continuing education requirements provided for in subparagraph (G) of this paragraph."

"(6) A local director whose salary is reimbursed in part or in full by the Georgia Emergency Management ~~and Homeland Security~~ Agency shall also meet all requirements which may be imposed by the federal emergency management agency or its successor."

**SECTION 4-11.**

Said chapter is further amended by revising subsection (d) of Code Section 38-3-50, relating to emergency interim successors to various officials and necessity of declared emergency, as follows:

"(d) Designations of emergency interim successors to state officers shall become official upon the officer filing a list of the successors with the Secretary of State, who shall inform the Governor, the Georgia Emergency Management and ~~Homeland Security~~ Agency, all emergency interim successors to the officer involved, and the judge of the probate court of the county of legal residence of the successors of all such designations and any changes therein. Any designation of an emergency interim successor may be changed or altered by the officer concerned filing a notice of the change or alteration with the Secretary of State."

**SECTION 4-12.**

Said chapter is further amended by revising Code Section 38-3-57, relating to establishment of standardized, verifiable, performance based unified incident command system, utilization, training, implementation, funding, and first informer broadcasters, as follows:

"38-3-57.

(a) The Georgia Emergency Management and ~~Homeland Security~~ Agency shall establish and maintain, in collaboration with all appropriate state agencies and volunteer organizations with emergency support function roles and professional organizations that represent local public safety agencies, including the Emergency Management Association of Georgia, the Georgia Association of Police Chiefs, the Georgia Fire Chiefs' Association, and the Georgia Sheriffs' Association, a standardized, verifiable, performance based unified incident command system.

(b) Such system shall be consistent with the Georgia Emergency Operations Plan and shall be utilized in response to emergencies and disasters referenced in the Georgia Emergency Operations Plan, including presidentially declared disasters and states of emergency issued by the Governor.

(c) The Georgia Emergency Management and ~~Homeland Security~~ Agency, in cooperation with the Georgia Public Safety Training Center and the State Forestry Commission, shall develop or adopt a course of instruction for use in training and certifying emergency response personnel in unified incident command.

(d) All local public safety and emergency response organizations, including emergency management agencies, law enforcement agencies, fire departments, and emergency medical services, shall implement the standardized unified incident command system provided for in subsection (a) of this Code section by October 1, 2004.

(e) Local agencies that have not established such system by October 1, 2004, shall not be eligible for state reimbursement for any response or recovery related expenses.

(f)(1) As used in this subsection, the term:

(A) 'Broadcaster' means any corporation or other entity that is primarily engaged in the business of broadcasting video or audio programming, whether through the public airwaves, cable, direct or indirect satellite transmission, or any other similar means of communication.

(B) 'Emergency' means the declaration of a state of emergency or disaster as provided in Code Section 38-3-51 or as presidentially declared.

(C) 'First informer broadcaster' means a broadcaster in Georgia who makes application to the Georgia Emergency Management and ~~Homeland Security~~ Agency for designation as a first informer broadcaster and who is granted such designation as a first informer broadcaster pursuant to rules and regulations promulgated by the director of emergency management and ~~homeland security~~.

(2) The unified incident command system and the Georgia Emergency Operations Plan shall, by July 1, 2016, establish planning for first informer broadcasters such that first informer broadcasters, to any extent practicable, may during an emergency:

(A) Have access to areas affected by an emergency for the purpose of restoring, repairing, or resupplying any facility or equipment critical to the ability of a broadcaster to acquire, produce, or transmit emergency related programming, including but not limited to repairing and maintaining transmitters and generators and transporting fuel for generators;

(B) Have access to the distribution of fuel, food, water, supplies, equipment, and any other materials necessary for maintaining or producing a broadcast or broadcasting signal; and

(C) Not have vehicles, fuel, food, water, and any other materials seized or condemned that are essential for maintaining or producing a broadcast or broadcasting signal.

(3) The Georgia Emergency Management and ~~Homeland Security~~ Agency may develop or adopt courses of instruction for use in training personnel of first informer broadcasters on personal safety and navigation in an area affected by an emergency. The requirements of any such training shall be established pursuant to rules and regulations promulgated by the director of emergency management and ~~homeland security~~. The costs of any such training shall be paid by the first informer broadcasters participating in the training."

#### **SECTION 4-13.**

Said chapter is further amended by revising Code Section 38-3-140, relating to short title, as follows:

885 "38-3-140.

886 This article shall be known and may be cited as the 'Georgia Emergency Management and  
887 ~~Homeland Security~~ Agency Nomenclature Act of 2008.'

888 **SECTION 4-14.**

889 Said chapter is further amended by revising Code Section 38-3-141, relating to definitions,  
890 as follows:

891 "38-3-141.

892 As used in this article, the term:

893 (1) 'Badge' means any official badge, identification card, or security pass used by  
894 members of the Georgia Emergency Management and ~~Homeland Security~~ Agency, either  
895 in the past or currently.

896 (2) 'Director' means the director of the Georgia Emergency Management and ~~Homeland~~  
897 ~~Security~~ Agency.

898 (3) 'Emblem' means any official patch or other emblem worn currently or formerly or  
899 used by the Georgia Emergency Management and ~~Homeland Security~~ Agency to identify  
900 the agency, a division of the agency, or employees of the agency.

901 (4) 'Person' means any person, corporation, organization, or political subdivision of the  
902 State of Georgia.

903 (5) 'Seal' means any official symbol, mark, or abbreviation which represents and is used,  
904 currently or in the past, by the Georgia Emergency Management and ~~Homeland Security~~  
905 Agency or any other division or operation under the command of the Georgia Emergency  
906 Management and ~~Homeland Security~~ Agency to identify the agency, a division of the  
907 agency, or employees of the agency.

908 (6) 'Willful violator' means any person who knowingly violates the provisions of this  
909 article. Any person who violates this article after being advised in writing by the director  
910 that such person's activity is in violation of this article shall be considered a willful  
911 violator and shall be considered in willful violation of this article. Any person whose  
912 agent or representative is a willful violator and who has knowledge of the violation by  
913 the agent or representative shall also be considered a willful violator and in willful  
914 violation of this article unless, upon learning of the violation, he or she immediately  
915 terminates the agency or other relationship with such violator."

916 **SECTION 4-15.**

917 Said chapter is further amended by revising Code Section 38-3-142, relating to use of agency  
918 name without written permission prohibited in certain circumstances, as follows:

919 "38-3-142.  
920 Whoever, except with the written permission of the director, knowingly uses the words  
921 'Georgia Emergency Management Agency,' '~~Georgia Homeland Security Agency,~~  
922 'Emergency Management Agency,' '~~Homeland Security Agency,~~' 'GEMA,' 'GEMHSA,' or  
923 '~~GEMA/HS~~' or 'GEMA' in referring to Georgia's Emergency Management and Homeland  
924 Security Agency in connection with any advertisement, circular, book, pamphlet, or other  
925 publication, play, motion picture, broadcast, telecast, or other production in a manner  
926 reasonably calculated to convey the impression that such advertisement, circular, book,  
927 pamphlet, or other publication, play, motion picture, broadcast, telecast, or other production  
928 is approved, endorsed, or authorized by or associated with the Georgia Emergency  
929 Management and Homeland Security Agency shall be in violation of this article."

930 **SECTION 4-16.**

931 Said chapter is further amended by revising Code Section 38-3-143, relating to use or display  
932 of agency symbols without written permission prohibited, as follows:

933 "38-3-143.  
934 Any person who uses or displays any symbol, including any emblem, seal, or badge,  
935 current or historical, used by the Georgia Emergency Management and Homeland Security  
936 Agency without written permission from the director shall be in violation of this article."

937 **SECTION 4-17.**

938 Said chapter is further amended by revising Code Section 38-3-144, relating to requests for  
939 permission and grants of permission at director's discretion, as follows:

940 "38-3-144.  
941 Any person seeking permission to use or display the nomenclature or symbols of the  
942 Georgia Emergency Management and Homeland Security Agency may request such  
943 permission in writing to the director. The director shall serve notice on the requesting party  
944 within 15 calendar days after receipt of the request of his or her decision on whether the  
945 person may use the nomenclature or the symbol. If the director does not respond within  
946 the 15 day time period, then the request is presumed to have been denied. The grant of  
947 permission under this article shall be at the discretion of the director and under such  
948 conditions as the director may impose."

949 **SECTION 4-18.**

950 Said chapter is further amended by revising Code Section 38-3-151, relating to definitions,  
951 as follows:

"38-3-151.

As used in this article, the term:

(1) 'Agency' means the Georgia Emergency Management ~~and Homeland Security~~ Agency established by Code Section 38-3-20.

(2) 'Building mapping information system' means a state-wide informational system containing maps of designated public buildings.

(3) 'Director' means the director of the agency."

#### **SECTION 4-19.**

Said chapter is further amended by revising paragraph (2) of Code Section 38-3-161, relating to definitions, as follows:

"(2) 'Disaster relief organization' means an entity that provides emergency or disaster relief services that include health services or veterinary services provided by volunteer health practitioners and that:

(A) Is designated or recognized as a provider of those services pursuant to a disaster response and recovery plan adopted by an agency of the federal government or the Georgia Emergency Management ~~and Homeland Security~~ Agency; or

(B) Regularly plans and conducts its activities in coordination with an agency of the federal government, the Department of Public Health, a local emergency management agency, a local public health district, or the Georgia Emergency Management ~~and Homeland Security~~ Agency."

#### **SECTION 4-20.**

Said chapter is further amended by revising paragraph (1) of subsection (c) of Code Section 38-3-163, relating to regulation of volunteer health practitioners during an emergency, as follows:

"(1) Consult and coordinate its activities with the Georgia Emergency Management ~~and Homeland Security~~ Agency, consistent with the Georgia Emergency Operations Plan, to provide for the efficient and effective use of volunteer health practitioners; and"

#### **SECTION 4-21.**

Said chapter is further amended by revising subparagraph (a)(4)(D) and subsection (b) of Code Section 38-3-164, relating to registration systems, as follows:

"(D) Be designated by the Georgia Emergency Management ~~and Homeland Security~~ Agency as a registration system for purposes of this article.

(b) While an emergency declaration is in effect, the Georgia Emergency Management ~~and Homeland Security~~ Agency, consistent with the Georgia Emergency Operations Plan; a

person authorized to act on behalf of the Georgia Emergency Management and Homeland Security Agency; or a host entity may confirm whether volunteer health practitioners utilized in this state are registered with a registration system that complies with subsection (a) of this Code section. Confirmation shall be limited to obtaining the identities of the volunteer health practitioners from the system and determining whether the system indicates that the volunteer health practitioners are licensed and in good standing."

#### **SECTION 4-22.**

Said chapter is further amended by revising subsection (b) of Code Section 38-3-168, relating to construction with other provisions and inclusion, as follows:

"(b) The Georgia Emergency Management and Homeland Security Agency, pursuant to the Emergency Management Assistance Compact, may incorporate into the emergency forces of this state volunteer health practitioners who are not officers or employees of this state, a political subdivision of this state, or a municipality or other local government within this state."

#### **SECTION 4-23.**

Said chapter is further amended by revising Code Section 38-3-169, relating to regulatory authority, as follows:

"38-3-169.

The Department of Public Health may promulgate rules and regulations to implement this article. In doing so, the Department of Public Health shall consult with and consider the recommendations of the Georgia Emergency Management and Homeland Security Agency, consistent with the Georgia Emergency Operations Plan, and shall also consult with and consider rules and regulations promulgated by similarly empowered agencies in other states to promote uniformity of application of this article and make the emergency response systems in the various states reasonably compatible."

#### **SECTION 4-24.**

Code Section 40-1-23 of the Official Code of Georgia Annotated, relating to regulatory compliance inspections, notifications, contacts with state, permit required for transporting hazardous materials, escorts or inspections, exceptions, recovery for damage or discharge, civil monetary penalties, routing agencies, and adoption of regulations, is amended by revising subsection (q) as follows:

"(q) The department is designated as the routing agency as defined in Title 49 C.F.R. Part 397, Subpart E. Routing determinations for hazardous materials shall be made in accordance with the provisions of Federal Hazardous Materials Law, 49 U.S.C. Section

5112. The commissioner or his or her designee shall consult with Georgia Department of Transportation, Georgia Department of Natural Resources, Georgia Emergency Management and Homeland Security Agency, Georgia Department of Homeland Security, or other agencies as necessary to carry out these responsibilities."

#### **SECTION 4-25.**

Code Section 46-5-122 of the Official Code of Georgia Annotated, relating to definitions for the emergency telephone number 9-1-1 system, is amended by revising paragraph (2) as follows:

"(2) 'Agency' means the Georgia Emergency Management ~~and Homeland Security~~ Agency established pursuant to Code Section 38-3-20 unless the context clearly requires otherwise."

#### **SECTION 4-26.**

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by revising subsections (g) and (h) of Code Section 48-2-100, relating to short title, definitions, legislative findings, certain exemptions for out-of-state businesses and employees conducting operations related to declared state of emergency, and post-emergency application of state laws and requirements, as follows:

"(g)(1) Any out-of-state business that enters this state to perform qualified work during a disaster or emergency period shall provide to the department and to the Georgia Emergency Management ~~and Homeland Security~~ Agency a statement that it is in this state for purposes of responding to the disaster or emergency, which statement shall include the ~~business'~~ business's name, state of domicile, principal business address, federal tax identification number, date of entry, and contact information.

(2) A registered business in this state shall provide the information required in paragraph (1) of this subsection to the department and to the Georgia Emergency Management ~~and Homeland Security~~ Agency for any affiliate that enters this state that is an out-of-state business. The notification shall also include contact information for the registered business in this state.

(h) The Georgia Emergency Management ~~and Homeland Security~~ Agency and the department shall promulgate regulations as necessary to comply with the requirements of this Code section."

#### **SECTION 4-27.**

Said title is further amended by revising subsection (a) of Code Section 48-7-29.4, relating to tax credit for disaster assistance funds received and rules and regulations, as follows:

"(a) A taxpayer who receives disaster assistance during a taxable year from the Georgia Emergency Management and Homeland Security Agency or the Federal Emergency Management Agency shall be allowed a credit against the tax imposed by Code Section 48-7-20 in an amount equal to \$500.00 or the actual amount of such disaster assistance, whichever is less. The commissioner may require adequate supporting documentation showing that the taxpayer received such assistance."

#### **SECTION 4-28.**

Said title is further amended by revising subsection (f) of Code Section 48-8-13, relating to taxing jurisdiction for mobile telecommunications services, as follows:

"(f) A home service provider shall identify each customer's place of primary use and shall provide at least quarterly a complete listing of the total number of customers to the Georgia Emergency Management and Homeland Security Agency. The home service provider shall indicate in such report whether it is employing an enhanced ZIP Code to assign each street address to a specific taxing jurisdiction so as to qualify for the safe harbor provisions of 4 U.S.C. Section 120. Further, each home service provider shall, upon request, provide information showing the total number of billings and the amount of fees collected to any taxing jurisdiction as to the customers whose place of primary use is within the jurisdiction of such taxing jurisdiction; provided, however, that in no event shall customer identification be required to be released. Such information shall initially be made available not later than July 1, 2006."

#### **SECTION 4-29.**

Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions regarding torts, is amended by revising Code Section 51-1-50, relating to immunity of broadcasters from liability for Levi's Call: Georgia's Amber Alert Program, as follows:

"51-1-50.

(a) As used in this Code section, the term:

(1) 'Broadcast' means the transmission of video or audio programming by an electronic or other signal conducted by radiowaves or microwaves, by wires, lines, coaxial cables, wave guides or fiber optics, by satellite transmissions directly or indirectly to viewers or listeners, or by any other means of communication.

(2) 'Broadcaster' means any corporation or other entity that is engaged in the business of broadcasting video or audio programming, whether through the public airwaves, by cable, by direct or indirect satellite transmission, or by any other means of communication.

(3) 'Levi's Call: Georgia's Amber Alert Program' means the voluntary program entered into by the Georgia Bureau of Investigation, the Georgia Emergency Management and ~~Homeland Security~~ Agency, the Georgia Association of Broadcasters, and certain broadcasters licensed to serve in the State of Georgia, which program provides that if the Georgia Bureau of Investigation verifies that a child has been abducted and is in danger, an alert containing known details of the abduction is transmitted to the Georgia Emergency Management and ~~Homeland Security~~ Agency, which is then transmitted by the Georgia Emergency Management and ~~Homeland Security~~ Agency to broadcasters in Georgia; and those broadcasters participating in the program then broadcast or otherwise disseminate the alert to listeners, viewers, or subscribers.

(b) Any broadcaster participating in Levi's Call: Georgia's Amber Alert Program shall not be liable for any civil damages arising from the broadcast or other dissemination of any alert generated pursuant to the Levi's Call: Georgia's Amber Alert Program. The immunity provided for in this Code section shall apply to any broadcast or dissemination of information that is substantially consistent with the information transmitted by the Georgia Emergency Management and ~~Homeland Security~~ Agency and that takes place during an alert requested by the Georgia Emergency Management and ~~Homeland Security~~ Agency and for a period of two hours after such alert has ended or the Georgia Emergency Management and ~~Homeland Security~~ Agency informs the participating broadcasters that the alert has changed in content.

(c) Nothing in this Code section shall be construed to limit or restrict in any way any legal protection a broadcaster may have under any other law for broadcasting or otherwise disseminating any information."

## **PART V**

### **SECTION 5-1.**

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