Senate Bill 15
By: Senators Albers of the 56th, Mullis of the 53rd, Dugan of the 30th, Miller of the 49th, Gooch of the 51st and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
This Act shall be known and may be cited as the "Keeping Georgia's Schools Safe Act."

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SECTION 2.

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

"20-2-1185.

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

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

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

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

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

(2) Evaluating and refining school security measures;

(3) Updating and exercising school emergency preparedness plans;

(4) Strengthening partnerships with public safety officials; and

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

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

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

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

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

(e) A public school may request funding assistance from the state for facilities, technology, or other safety improvements or initiatives, such as the installation of safety equipment, including, but not limited to, video surveillance cameras, metal detectors, alarms, communications systems, building access controls, and other similar security devices. The Department of Education shall establish criteria that will be applied in reviewing funding requests pursuant to this subsection which shall take into consideration the physical security needs of the public school in evaluating how the school safety plan and funding request will support such physical security needs. 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 local law enforcement agency, the Department of Education, and the Georgia Emergency Management and Homeland Security Agency as provided for in subsection (c) of this Code section; provided, however,
that a public school shall be required to match the state funding with local funds unless the school can demonstrate a substantial hardship.

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

(f) The Georgia Emergency Management and Homeland Security Agency 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 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, site threat assessments, crisis management planning, exercise design, safe school planning, emergency operations planning, search and seizure, bomb threat management, and model school safety plans.

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

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

(i) Each principal of each public school shall serve as the school safety coordinator or shall designate a school safety coordinator from among such school's administrative, teaching, or counseling staff. Such school safety coordinator shall:
(1) At least annually beginning on June 1, 2020, and within 15 days of June 1 in every
year thereafter, issue a report to the local board of education on a form provided by the
local board of education regarding the fulfillment of the requirements provided for under
this Code section;
(2) Coordinate with the Georgia Bureau of Investigation, the Georgia Emergency
Management and Homeland Security Agency, the Georgia Information Sharing and
Analysis Center, and the Department of Education concerning consideration and
distribution of school security best practices;
(3) When reasonable suspicion of violent criminal activity exists, report such suspicion
to any local law enforcement agency having jurisdiction over the geographical area of the
school; provided, however, that reasonable suspicion of other criminal activity may also
be reported; and
(4) Work with all levels of law enforcement and mental health and social services
providers whenever information regarding student behavior warrants.

SECTION 3.

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

20-2-1186. (a) The Department of Education shall work with all state and local governmental entities
having a role in school safety to ensure proper communication and sharing of pertinent
information relating to threats, warnings, and developing situations regarding public
schools in this state. The Department of Education shall study, evaluate, develop, and
share best practices to keep such schools and students safe from internal and external
manned threats. The Department of Education is authorized to apply for, receive, and use
federal or state grant funding relating to school safety.
(b) The officer or agent charged with operating the Georgia Information Sharing and
Analysis Center as provided for in Article 9 of Chapter 3 of Title 35 shall track, share, and
provide homeland security activity information to the director of emergency management
and homeland security, the state school superintendent, and the local law enforcement
agency with jurisdiction relating to threats, warnings, and developing situations regarding
public schools in this state.

20-2-1187. (a) The Georgia Information Sharing and Analysis Center shall maintain a smartphone or
other digital application whereby persons may report observations of what such persons
believe to be suspicious, unsafe, or unlawful activity. Such information submitted through
such application shall be submitted directly to the Georgia Information Sharing and
(b)(1) The Georgia Bureau of Investigation shall develop and distribute to every public school a digital copy of information that can be used by such schools to create paper displays of at least 24 inches by 36 inches advertising the smartphone or other digital application provided for under subsection (a) of this Code section.

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

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

SECTION 4.

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

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

(15)(A) Acquire, collect, analyze, and provide to the board any information which will assist the board in determining a sexual offender's risk assessment classification in accordance with the board's duties as specified in Code Section 42-1-14, including, but not limited to, obtaining:

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

(ii) Records from clerks of court;

(iii) Records and information maintained by prosecuting attorneys;

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

(v) Other documents or information as requested by the board.
(B) As used in this paragraph, the term:
(i) 'Board' means the Sexual Offender Registration Review Board.
(ii) 'Risk assessment classification' means the level into which a sexual offender is placed based on the board's assessment.
(iii) 'Sexual offender' has the same meaning as set forth in Code Section 42-1-12; and

(16) Act as the primary state law enforcement agency with limited jurisdiction throughout this state for identifying and investigating threats, warnings, and developing situations involving homeland security activity as defined by Code Section 35-3-200."

SECTION 5.

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

"35-3-4.5.
(a) In any investigation involving paragraph (2) of subsection (a) of Code Section 35-3-8, the director, assistant director, or deputy director for investigations shall be authorized to issue a subpoena, with the consent of the Attorney General, to compel the production of books, papers, documents, or other tangible things, including records and documents contained within, or generated by, a computer or any other electronic device.
(b) A provider of electronic communication service or remote computing service shall not provide notification of the subpoena issued pursuant to subsection (a) of this Code section to the subscriber or customer of such service.
(c) Upon the failure of a person without lawful excuse to obey a subpoena, the director, assistant director, or deputy director for investigations, through 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. Failure to obey a subpoena issued under this Code section may be punished by the court as contempt of court."

SECTION 6.

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

"35-3-8.
(a) All properly appointed agents of the bureau shall have the powers, including the power of making arrests and appearing in court, for the:
(1) The enforcement of all criminal statutes pertaining to the manufacture, transportation, distribution, sale, or possession of liquor, wine, beer, alcoholic beverages, cigars,
cigarettes, little cigars, cheroots, stogies, and loose or smokeless tobacco and shall concurrently with agents and enforcement officers appointed by the state revenue commissioner have the authority throughout the state as provided for under subsection (b) of this Code section; and

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

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

(1) Obtain and execute warrants for the arrest of persons charged with violations of such laws;
(2) Obtain and execute search warrants in the enforcement of such laws;
(3) Arrest without warrant any person found in violation of such laws, or endeavoring to escape, 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 to go upon any property outside of 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 their duties.

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

(d)(1) For the purposes of consistent reporting and to avoid conflict, upon discovery of information or events relevant to paragraph (2) of subsection (a) of this Code section, a local law enforcement agency shall notify the bureau of such discovery and, upon actual receipt, the bureau shall immediately acknowledge receipt of such information.
(2) Upon discovery of information or events relevant to paragraph (2) of subsection (a) of this Code section that is not provided for in paragraph (1) of this subsection, the bureau shall notify the sheriff and any other local law enforcement agency having jurisdiction.

SECTION 7.

Said chapter is further amended by revising Code Section 35-3-200, relating to definitions, as follows:
As used in this article, the term:

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

(2) '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.

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

(A) A terrorist attack;

(B) A hostile military or paramilitary action; or

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

SECTION 8.

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