

## HOUSE SUBSTITUTE TO SENATE BILL 15

A BILL TO BE ENTITLED  
AN ACT

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

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

24 **SECTION 1.**

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

26 **SECTION 2.**

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

30 "20-2-1185.

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

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

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

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

63 shall provide for ~~the~~ coordination with local law enforcement agencies and the local  
 64 juvenile court system. School safety plans shall include, at a minimum, the following  
 65 strategy areas:

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

70 (2) Evaluating and refining school security measures;

71 (3) Updating and exercising school emergency preparedness plans;

72 (4) Strengthening partnerships with public safety officials; ~~and~~

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

74 (6) Addressing security issues in school safety zones as defined in Code Section  
 75 16-11-127.1;

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

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

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

87 ~~(b)~~(e) A public school may request funding assistance from the state for facilities,  
 88 technology, or other safety improvements or initiatives, such as the installation of safety  
 89 equipment, including, but not limited to, video surveillance cameras, metal detectors,  
 90 alarms, communications systems, building access controls, and other similar security  
 91 devices. The Department of Education shall establish criteria that will be applied in  
 92 reviewing funding requests pursuant to this subsection which shall take into consideration  
 93 the physical security needs of the public school in evaluating how the school safety plan  
 94 and funding request will support such physical security needs. Funding may be provided  
 95 to a public school in accordance with a school safety plan prepared by the school and  
 96 approved ~~by the local board of education, the local law enforcement agency, the~~  
 97 ~~Department of Education, and the Georgia Emergency Management and Homeland~~  
 98 ~~Security Agency~~ as provided for in subsection (c) of this Code section; provided, however,

99 that a public school shall be required to match the state funding with local funds unless the  
100 school can demonstrate a substantial hardship.

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

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

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

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

132 (i) Each principal of each public school shall serve as the school safety coordinator or shall  
133 designate a school safety coordinator from among such school's administrative, teaching,  
134 or counseling staff. Such school safety coordinator shall:

135 (1) At least annually beginning on June 1, 2020, and within 15 days of June 1 in every  
 136 year thereafter, issue a report to the local board of education on a form provided by the  
 137 local board of education regarding the fulfillment of the requirements provided for under  
 138 this Code section;

139 (2) Coordinate with the Georgia Bureau of Investigation, the Georgia Emergency  
 140 Management and Homeland Security Agency, the Georgia Information Sharing and  
 141 Analysis Center, and the Department of Education concerning consideration and  
 142 distribution of school security best practices;

143 (3) When reasonable suspicion of violent criminal activity exists, report such suspicion  
 144 to any local law enforcement agency having jurisdiction over the geographical area of the  
 145 school; provided, however, that reasonable suspicion of other criminal activity may also  
 146 be reported; and

147 (4) Work with all levels of law enforcement and mental health and social services  
 148 providers whenever information regarding student behavior warrants."

149 **SECTION 3.**

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

151 "20-2-1186.

152 (a) The Department of Education shall work with all state and local governmental entities  
 153 having a role in school safety to ensure proper communication and sharing of pertinent  
 154 information relating to threats, warnings, and developing situations regarding public  
 155 schools in this state. The Department of Education shall study, evaluate, develop, and  
 156 share best practices to keep such schools and students safe from internal and external  
 157 manmade threats. The Department of Education is authorized to apply for, receive, and use  
 158 federal or state grant funding relating to school safety.

159 (b) The officer or agent charged with operating the Georgia Information Sharing and  
 160 Analysis Center as provided for in Article 9 of Chapter 3 of Title 35 shall track, share, and  
 161 provide homeland security activity information to the director of emergency management  
 162 and homeland security, the state school superintendent, and the local law enforcement  
 163 agency with jurisdiction relating to threats, warnings, and developing situations regarding  
 164 public schools in this state.

165 20-2-1187.

166 (a) The Georgia Information Sharing and Analysis Center shall maintain a smartphone or  
 167 other digital application whereby persons may report observations of what such persons  
 168 believe to be suspicious, unsafe, or unlawful activity. Such information submitted through  
 169 such application shall be submitted directly to the Georgia Information Sharing and

170 Analysis Center in a manner that does not intentionally identify through the application the  
 171 name, home address, email address, telephone number, or other identifying information of  
 172 such person who submits such reports.

173 (b)(1) The Georgia Bureau of Investigation shall develop and distribute to every public  
 174 school a digital copy of information that can be used by such schools to create paper  
 175 displays of at least 24 inches by 36 inches advertising the smartphone or other digital  
 176 application provided for under subsection (a) of this Code section.

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

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

186 **SECTION 4.**

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

191 "(14) Identify and investigate violations of Article 8 of Chapter 5 of Title 16; and  
 192 (15)(A) Acquire, collect, analyze, and provide to the board any information which will  
 193 assist the board in determining a sexual offender's risk assessment classification in  
 194 accordance with the board's duties as specified in Code Section 42-1-14, including, but  
 195 not limited to, obtaining:

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

198 (ii) Records from clerks of court;

199 (iii) Records and information maintained by prosecuting attorneys;

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

205 (v) Other documents or information as requested by the board.

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

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

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

210 (iii) 'Sexual offender' has the same meaning as set forth in Code Section 42-1-12; and  
211 (16) Act as the primary state law enforcement agency with limited jurisdiction  
212 throughout this state for identifying and investigating threats, warnings, and developing  
213 situations involving homeland security activity as defined by Code Section 35-3-200."

214 **SECTION 5.**

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

216 "35-3-4.5.

217 (a) In any investigation involving paragraph (2) of subsection (a) of Code Section 35-3-8,  
218 the director, assistant director, or deputy director for investigations shall be authorized to  
219 issue a subpoena, with the consent of the Attorney General, to compel the production of  
220 books, papers, documents, or other tangible things, including records and documents  
221 contained within, or generated by, a computer or any other electronic device.

222 (b) A provider of electronic communication service or remote computing service shall not  
223 provide notification of the subpoena issued pursuant to subsection (a) of this Code section  
224 to the subscriber or customer of such service.

225 (c) Upon the failure of a person without lawful excuse to obey a subpoena, the director,  
226 assistant director, or deputy director for investigations, through the Attorney General or  
227 district attorney, may apply to a superior court having jurisdiction for an order compelling  
228 compliance. Such person may object to the subpoena on grounds that it fails to comply  
229 with this Code section or upon any constitutional or other legal right or privilege of such  
230 person. The court may issue an order modifying or setting aside such subpoena or  
231 directing compliance with the original subpoena. Failure to obey a subpoena issued under  
232 this Code section may be punished by the court as contempt of court."

233 **SECTION 6.**

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

236 "35-3-8.

237 (a) All properly appointed agents of the bureau shall have the powers, including the power  
238 of making arrests and appearing in court, for ~~the~~:

239 (1) The enforcement of all criminal statutes pertaining to the manufacture, transportation,  
240 distribution, sale, or possession of liquor, wine, beer, alcoholic beverages, cigars,

241 cigarettes, little cigars, cheroots, stogies, and loose or smokeless tobacco and shall  
 242 concurrently with agents and enforcement officers appointed by the state revenue  
 243 commissioner have the authority throughout the state as provided for under subsection (b)  
 244 of this Code section; and

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

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

249 (1) Obtain and execute warrants for the arrest of persons charged with violations of such  
 250 laws;

251 (2) Obtain and execute search warrants in the enforcement of such laws;

252 (3) Arrest without warrant any person found in violation of such laws, or endeavoring  
 253 to escape, or if for other cause there is likely to be a failure of enforcement of such laws  
 254 for want of an officer to issue a warrant;

255 (4) Make investigations in the enforcement of such laws and in connection therewith to  
 256 go upon any property outside of buildings, posted or otherwise, in the performance of  
 257 such duties;

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

260 (6) Carry firearms while performing their duties.

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

267 (d)(1) For the purposes of consistent reporting and to avoid conflict, upon discovery of  
 268 information or events relevant to paragraph (2) of subsection (a) of this Code section, a  
 269 local law enforcement agency shall notify the bureau of such discovery and, upon actual  
 270 receipt, the bureau shall immediately acknowledge receipt of such information.

271 (2) Upon discovery of information or events relevant to paragraph (2) of subsection (a)  
 272 of this Code section that is not provided for in paragraph (1) of this subsection, the bureau  
 273 shall notify the sheriff and any other local law enforcement agency having jurisdiction."

274 **SECTION 7.**

275 Said chapter is further amended by revising Code Section 35-3-200, relating to definitions,  
 276 as follows:



277 "35-3-200.

278 As used in this article, the term:

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

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

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

286 (A) A terrorist attack;

287 (B) A hostile military or paramilitary action; or

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

293 **SECTION 8.**

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