

The Senate Committee on Judiciary offered the following substitute to SB 523:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to
2 offenses against public order and safety, so as to provide for criminal offenses related to
3 material support of terrorism; to provide for penalties; to provide for legislative intent; to
4 provide for the creation of guidelines for law enforcement investigations; to provide for
5 definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against
9 public order and safety, is amended by adding a new article to read as follows:

10 "ARTICLE 7

11 16-11-230.

12 (a) As used in this article, the term:

13 (1) 'Act of terrorism' means an activity that:

- 14 (A) Involves violent acts that are dangerous to human life and are a violation of the
15 criminal laws of the United States or of any state; and
- 16 (B) Is intended to:
- 17 (i) Intimidate, injure, or coerce a civilian population;
18 (ii) Influence the policy of a government by intimidation or coercion; or
19 (iii) Affect the conduct of government through mass destruction, assassination, or
20 kidnapping.
- 21 (2) 'Designated foreign terrorist organization' means an organization designated as a
22 terrorist organization under 8 U.S.C. Section 1189.
- 23 (3) 'Expert advice or assistance' means advice or assistance derived from scientific,
24 technical, or other specialized knowledge.
- 25 (4) 'Material support or resources' means any property, tangible or intangible, or service,
26 including currency or monetary instruments or financial securities, financial services,
27 lodging, training, expert advice or assistance, safe houses, false documentation or
28 identification, communications equipment, facilities, weapons, lethal substances,
29 explosives, personnel, or transportation. Such term does not include medicine or
30 religious materials.
- 31 (5) 'Training' means instruction or teaching designed to impart a specific skill rather than
32 general knowledge.
- 33 (b) A person commits a felony punishable by imprisonment for not more than 20 years or
34 a fine of not more than \$100,000.00, or both, if the person:
- 35 (1) Provides material support or resources or conceals or disguises the nature, location,
36 source, or ownership of the material support or resources, knowing or intending that the
37 support or resources are to be used in preparation for or in carrying out an act of
38 terrorism;
- 39 (2) Conceals an escape from the commission of a violation of paragraph (1) of this
40 subsection; or

41 (3) Attempts or conspires to commit a violation of paragraph (1) of this subsection.

42 (c) A person who knowingly provides material support or resources to a designated foreign
43 terrorist organization, or attempts or conspires to do so, commits a felony punishable by
44 imprisonment for not more than 20 years or a fine of not more than \$100,000.00, or both.

45 To violate this subsection, a person shall have knowledge that the organization is a
46 designated foreign terrorist organization or that the organization has engaged in or engages
47 in acts of terrorism.

48 (d)(1) For purposes of prosecution under subsection (b) or (c) of this Code section, a
49 person is deemed to provide material support or resources by providing personnel if the
50 person knowingly provides, attempts to provide, or conspires to provide himself or
51 herself or another person to:

52 (A) Work under the direction and control of a designated foreign terrorist organization
53 or a person engaged in, or intending to engage in, an act of terrorism; or

54 (B) Organize, manage, supervise, or otherwise direct the operations of a designated
55 foreign terrorist organization or a person engaged in, or intending to engage in, an act
56 of terrorism.

57 (2) An individual who acts entirely independently of the designated foreign terrorist
58 organization or the person engaged in, or intending to engage in, an act of terrorism to
59 advance the organization's or person's goals or objectives is not working under the
60 direction and control of the designated foreign terrorist organization or person engaged
61 in, or intending to engage in, an act of terrorism.

62 (e) A person shall not be prosecuted under this article if his or her activity was authorized
63 by a governmental or law enforcement agency of this state or of the United States in the
64 agency's official capacity and pursuant to a lawful purpose or if the activity is that of an
65 attorney who is authorized to practice law and is providing legal services to an individual
66 who is accused of a violation of a criminal law of the United States or of any state.

67 (f) It is the intent of the General Assembly that subsections (b) and (c) of this Code section
68 be interpreted in a manner consistent with federal case law interpreting 18 U.S.C. Sections
69 2339A and 2339B.

70 (g) The Attorney General shall create guidelines for law enforcement investigations
71 conducted pursuant to this article to ensure the protection of privacy rights, civil rights, and
72 civil liberties."

73 **SECTION 2.**

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