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## LAW ENFORCEMENT AND OTHER AGENCIES Employment and Training and Peace Officers; Restrict Public Access to Bomb Technicians' Training Materials

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## LAW ENFORCEMENT AND OTHER AGENCIES

### *Employment and Training of Peace Officers: Restrict Public Access to Bomb Technicians' Training Materials*

CODE SECTION: O.C.G.A. § 35-8-25 (amended)  
BILL NUMBER: SB 173  
ACT NUMBER: 20  
GEORGIA LAWS: 1997 Ga. Laws 160  
SUMMARY: The Act removes bomb technician training materials from the domain of the Georgia Open Records Act and requires a judge's order to access the restricted information. The Act also expands the resource sharing authorization for bomb technicians to include emergency medical technicians with specialty training in blast trauma; the Act changes the titles of bomb technicians to conform with national standards.  
EFFECTIVE DATE: March 28, 1997<sup>1</sup>

#### *History*

The combination of the terrorist attack on the World Trade Center, the Oklahoma City bombing, and the anticipation of hosting the 1996 Olympics,<sup>2</sup> led the 1996 Georgia General Assembly to enact broad legislation concerning bombs and explosives.<sup>3</sup> Included was a requirement for those employed as bomb technicians, explosive ordnance disposal technicians, and animal handlers trained to detect explosives to complete an initial training program, an apprenticeship, and annual recertification.<sup>4</sup> In order for Georgia to be able to conduct effective recertification training required by the 1996 law, it needed access to the latest intelligence concerning terrorist devices. Many federal, state, and foreign experts are unwilling to make those classified materials available to state and local officers for use in training programs if they will become available to the public through state open records laws.<sup>5</sup> The 1997 amendment is designed to exempt materials

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1. The Act became effective upon approval by the Governor.

2. See *Legislative Review*, 13 GA. ST. U. L. REV. 108, 110 (1996).

3. See 1996 Ga. Laws 416.

4. See *id.*

5. *E.g.*, 1994 Ga. Laws 618 (codified at O.C.G.A. § 50-18-70 (1994)). A considerable amount of the material contained in the Anarchist Cookbook, a guidebook for amateur bomb makers and terrorists available on the Internet, was originally obtained from government sources using the Freedom of Information Act and similar state laws.

used to train bomb technicians and bomb detection animals from the Georgia Open Records Act<sup>6</sup> and limit access to them through discovery in civil and criminal cases.

DeKalb County has a unique, pre-eminent, emergency medical technician team specially trained in blast trauma that responds concurrently with the bomb technicians.<sup>7</sup> This team is unique in the nation and travels all over the Southeast in response to potential explosive device situations.<sup>8</sup> However, emergency medical technicians were omitted from the resource sharing provisions of the 1996 legislation; the Act allows for DeKalb County to recover the costs of this unique medical team's responses to bomb threats in other counties.<sup>9</sup>

### *SB 173*

The Act amends Code section 35-8-25, relating to the training and certification of bomb technicians.<sup>10</sup> The Act was designed to make it more difficult for terrorists to learn how to make a bomb, to allow for utilization of the DeKalb specialized emergency medical unit, and to encourage other jurisdictions to train a medical response team.<sup>11</sup> In addition, the Act makes some technical corrections.<sup>12</sup> SB 173 passed both the Senate and the House with no opposition and with little or no debate.<sup>13</sup>

The technical change amends the titles for those who qualify as senior and master explosive ordnance disposal technicians to conform with the International Association of Bomb Technicians and Investigator's designations currently in use by other agencies.<sup>14</sup> The Act also includes a minor grammatical change substituting the term "any person" for "persons."<sup>15</sup>

The Act adds emergency medical technicians or emergency medical professionals who provide medical support for explosive ordnance disposal operations to the resource sharing provisions of the Code.<sup>16</sup>

6. *See id.*

7. *See* Telephone Interview with Sen. Terrell Starr, Senate District 44 (Apr. 22, 1997) [hereinafter Starr Interview].

8. *See* Olson Interview, *supra* note 5.

9. *See* Starr Interview, *supra* note 7.

10. *Compare* O.C.G.A. § 35-8-25 (Supp. 1997), *with* 1996 Ga. Laws 416, § 10, at 438-40 (codified at O.C.G.A. § 35-8-25 (Supp. 1996)).

11. *See* Starr Interview, *supra* note 7.

12. *See id.*

13. *See id.*; Telephone Interview with Rep. Ralph Twiggs, House District No. 8 (Apr. 22, 1997). Representative Twiggs served as the Chairman of the Public Safety Committee. *Id.*

14. *See* Olson Interview, *supra* note 5.

15. *Compare* O.C.G.A. § 35-8-25 (Supp. 1997), *with* 1996 Ga. Laws 416, § 10, at 438-40 (codified at O.C.G.A. § 35-8-25 (Supp. 1996)).

16. *Compare* O.C.G.A. § 35-8-25 (Supp. 1997), *with* 1996 Ga. Laws 416, § 10, at

The Act also provides for resource sharing by any agency, not just law enforcement agencies, in connection with disposal of explosive ordnances.<sup>17</sup>

The Act adds a subsection that prohibits the disclosure of documents relating to training materials, techniques, or procedures for the rendering safe or manufacture of destructive devices, explosives, or chemical, biological, or nuclear devices.<sup>18</sup> Any request for such materials must be served on the Attorney General and approved by a superior court judge prior to dissemination.<sup>19</sup>

Senator Terrell Starr, who introduced SB 173, amended the bill on the Senate floor to change the effective date to “upon [its] approval by the Governor.”<sup>20</sup> This amendment was necessary to allow Georgia to train bomb disposal technicians prior to July 1, 1997, the date the Act was to originally take effect.<sup>21</sup> This amendment also enabled jurisdictions that are in the process of creating their certification process to use the proper titles without amending their programs at a later date.<sup>22</sup>

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438-40 (codified at O.C.G.A. § 35-8-25 (Supp. 1996)).

17. O.C.G.A. § 35-8-25(e) (Supp. 1997).

18. *See id.*

19. *See id.*

20. SB 173 (SFA), 1997 Ga. Gen Assem.

21. *See Starr Interview, supra* note 7.

22. *See id.*