

House Bill 998

By: Representatives Graves of the 12<sup>th</sup>, Ehrhart of the 36<sup>th</sup>, Day of the 163<sup>rd</sup>, Jones of the 46<sup>th</sup>, Sheldon of the 105<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia  
2 Annotated, relating to carrying and possession of firearms, so as to provide a short title; to  
3 provide for legislative intent; to provide a definition; to provide that it shall be lawful for any  
4 person who may lawfully possess firearms to park a motor vehicle on any property set aside  
5 for the parking of a motor vehicle when the person is lawfully transporting and storing a  
6 firearm or firearms in the motor vehicle and the firearm or firearms are locked in or locked  
7 to the motor vehicle; to provide for certain civil immunity for occurrences which result from,  
8 are connected with, or are incidental to the use of a firearm which is being lawfully  
9 transported and stored in a locked motor vehicle on any property set aside for the parking of  
10 motor vehicles; to provide for an exception to such immunity; to provide for certain civil  
11 remedies; to provide for related matters; to repeal conflicting laws; and for other purposes.

12 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

13 **SECTION 1.**

14 Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,  
15 relating to carrying and possession of firearms, is amended by adding a new Code Section  
16 16-11-135 to read as follows:

17 "16-11-135.

18 (a) This Code section shall be known and may be cited as the 'Georgia's Self-defense Act.'

19 (b) It is the intent of this Code section to reinforce and protect the right of each  
20 law-abiding citizen to enter and exit any parking lot, parking facility, or space used for the  
21 parking of motor vehicles while such person is lawfully transporting and storing a firearm  
22 or firearms in the motor vehicle and the firearm or firearms are locked in or locked to the  
23 motor vehicle, to avail himself or herself of temporary or long-term parking or storage of  
24 a motor vehicle, and to prohibit any infringement of the right to lawful possession of  
25 firearms when such firearms are being transported and stored in a vehicle for a lawful  
26 purpose.

1 (c) As used in this Code section, the term 'motor vehicle' means any automobile, truck,  
2 minivan, sports utility vehicle, motorcycle, motor scooter, or any other vehicle required to  
3 be registered under Georgia law.

4 (d) It shall be lawful for any person who may lawfully possess firearms to park a motor  
5 vehicle on any property set aside for the parking of a motor vehicle, whether or not such  
6 property is designated as a parking lot, parking facility, or parking space, when the person  
7 is lawfully transporting and storing a firearm or firearms in the motor vehicle and the  
8 firearm or firearms are locked in or locked to the motor vehicle. This subsection shall be  
9 liberally construed in favor of the lawful use, ownership, and possession of firearms and  
10 other weapons, including lawful self-defense.

11 (e) No person or business entity shall be liable in any civil action for any occurrence which  
12 results from, is connected with, or is incidental to the use of a firearm which is being  
13 lawfully transported and stored in a locked motor vehicle on any property set aside for the  
14 parking of motor vehicles as provided in subsection (d) of this Code section, unless such  
15 person or owner of the business entity commits a criminal act involving the use of such  
16 firearm.

17 (f)(1) A person who is aggrieved as a result of any policy or rule adopted by any person  
18 or business entity in violation of subsection (d) of this Code section or is prohibited or  
19 otherwise prevented by a person or business entity from parking on any property set aside  
20 for the parking of a motor vehicle in violation of subsection (d) of this Code section may  
21 bring a civil action in the appropriate court against such person or business entity,  
22 including an action to enforce this subsection. If a plaintiff prevails in a civil action  
23 related to a violation of subsection (d) of this Code section, the court shall award actual  
24 damages, enjoin further violations of this Code section, and award court costs and  
25 attorney's fees to the prevailing plaintiff.

26 (2) An employee discharged by an employer or business entity for parking on any  
27 property set aside for the parking of a motor vehicle in violation of subsection (d) of this  
28 Code section, when such employee was lawfully transporting or storing a firearm in a  
29 locked motor vehicle on property set aside by the employer or business entity for the  
30 parking of motor vehicles as provided in subsection (d) of this Code section, is entitled  
31 to full recovery as specified in this paragraph. In the event the demand for such recovery  
32 is denied, the employee may bring a civil action in the courts of this state against the  
33 employer and shall be entitled to:

34 (A) Reinstatement to the same position held at the time of his or her termination from  
35 employment, or to an equivalent position;

36 (B) Reinstatement of the employee's full fringe benefits and seniority rights, as  
37 appropriate;

- 1 (C) Compensation, if appropriate, for lost wages, benefits, or other lost remuneration  
2 caused by the termination; and  
3 (D) Payment of reasonable attorney's fees and costs incurred."

4 **SECTION 2.**

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