

The Senate Judiciary Committee offered the following substitute to SB 396:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated,
2 relating to justification and excuse as a defense to certain crimes, so as to provide that a
3 person who is attacked has no duty to retreat; to provide that such person has a right to meet
4 force with force, including deadly force; to provide for civil immunity; to amend Article 1
5 of Chapter 11 of Title 51 of the Official Code of Georgia Annotated, relating to general
6 provisions relative to defense to tort actions, so as to provide for civil immunity; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

9 Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated, relating to
10 justification and excuse as a defense to certain crimes, is amended by inserting immediately
11 following Code Section 16-3-23 a new Code section to read as follows:
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13 "16-3-23.1.

14 A person who is not engaged in a criminal activity and who is attacked in any place where
15 he or she has a right to be has no duty to retreat and has the right to stand his or her ground
16 and meet force with force, including deadly force if he or she reasonably believes it is
17 necessary to do so to prevent death or great bodily harm to himself or herself or to another."

SECTION 2.

18 Said article is further amended by striking in its entirety Code Section 16-3-24.2, relating to
19 immunity from prosecution and exception, and inserting in lieu thereof the following:
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21 "16-3-24.2.

22 A person who uses threats or force in accordance with Code Section 16-3-23, 16-3-23.1,
23 or 16-3-24 shall be immune from criminal prosecution therefor unless any deadly force,
24 used by such person utilizes a weapon the carrying or possession of which is unlawful by
25 such person under Part 2 or 3 of Article 4 of Chapter 11 of this title."

SECTION 3.

Article 1 of Chapter 11 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions relative to defense to tort actions, is amended by striking in its entirety Code Section 51-11-9, relating to immunity from civil liability for threat or use of force in defense of habitation, and inserting in lieu thereof the following:

"51-11-9.

A person who is justified in threatening or using force against another under the provisions of Code Section 16-3-23, relating to the use of force in defense of a habitation, Code Section 16-3-23.1, relating to the use of deadly force by a person attacked in a place where he or she has a right to be, or Code Section 16-3-24, relating to the use of deadly force in defense of property other than a habitation, shall not be held liable in any civil action brought as a result of the threat or use of such force."

SECTION 4.

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