

House Bill 1439

By: Representatives Franklin of the 43<sup>rd</sup>, Ralston of the 7<sup>th</sup>, Bearden of the 68<sup>th</sup>, Byrd of the 20<sup>th</sup>, Knox of the 24<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 for the crime of  
3 unlawful confiscation of legally owned and carried firearms; to amend Code Section 38-3-51  
4 of the Official Code of Georgia Annotated, relating to the emergency powers of the  
5 Governor, so as to limit the Governor's emergency powers with respect to firearms; to  
6 provide for criminal penalties; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,  
10 relating to carrying and possession of firearms, is amended by adding a new Code section at  
11 the end thereof, to be designated Code Section 16-11-135, to read as follows:

12 "16-11-135.

13 (a) It shall be unlawful for any law enforcement officer, any person acting as a law  
14 enforcement officer, or any public officer or official to confiscate or attempt to confiscate  
15 during a declared, official state of emergency any firearm from any person who legally  
16 owns and carries such firearm.

17 (b) Any person who violates subsection (a) of this Code section shall be guilty of a felony  
18 and, upon conviction thereof, shall be punished by a fine of not less than \$5,000.00 and  
19 imprisonment for not less than one year.

20 (c) Any person convicted of a violation of subsection (a) of this Code section shall receive  
21 a letter of reprimand from the chief law enforcement officer of the jurisdiction in which the  
22 offense occurs."

**SECTION 2.**

1  
2 Code Section 38-3-51 of the Official Code of Georgia Annotated, relating to the emergency  
3 powers of the Governor, is amended by striking paragraph (8) of subsection (d) and inserting  
4 in lieu thereof the following:

5 "(8) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages,  
6 firearms, explosives, and combustibles; ~~provided, however, that any limitation on~~  
7 ~~firearms under this Code section shall not include an individual firearm owned by a~~  
8 ~~private citizen which was legal and owned by that citizen prior to the declaration of state~~  
9 ~~of emergency or disaster or thereafter acquired in compliance with all applicable laws of~~  
10 ~~this state and the United States; and"~~

**SECTION 3.**

11  
12 All laws and parts of laws in conflict with this Act are repealed.