

Senate Bill 634

By: Senators Mullis of the 53rd, Bulloch of the 11th, Heath of the 31st, Goggans of the 7th and Rogers of the 21st

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 related matters;
11 to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 style="text-align:center">**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 or 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 or stored in a vehicle for a lawful
26 purpose. It is not the intent of this Code section to repeal any existing Code section or

1 federal law, rule, or regulation which, by law, prohibits the possession or transportation of
2 weapons or firearms on public or private property. This Code section shall not apply to an
3 electric generating facility owned or operated by a public utility.

4 (c) As used in this Code section, the term 'motor vehicle' means any automobile, truck,
5 minivan, sports utility vehicle, motorcycle, motor scooter, or any other vehicle.

6 (d) It shall be lawful for any person who may lawfully possess firearms to park a motor
7 vehicle on any property set aside for the parking of a motor vehicle, whether or not such
8 property is designated as a parking lot, parking facility, or parking space, when the person
9 is lawfully transporting or storing a firearm or firearms in the motor vehicle and the firearm
10 or firearms are locked in or locked to the motor vehicle; provided, however, that a property
11 owner may prohibit persons from possessing or storing firearms in motor vehicles on such
12 owner's property if such owner provides and maintains a system for the checking, storing,
13 and securing of such firearms during the time such persons are present on the owner's
14 property and such owner gives notice of such prohibition and the availability of the system
15 for checking, storing, and securing of such firearms while on such property. This
16 subsection shall be liberally construed in favor of the lawful use, ownership, and possession
17 of firearms and other weapons, including lawful self-defense.

18 (e) No person or business entity shall be liable in any civil action for any occurrence which
19 results from, is connected with, or is incidental to the use of a firearm which is being
20 lawfully transported or stored in a locked motor vehicle on any property set aside for the
21 parking of motor vehicles as provided in subsection (d) of this Code section, unless such
22 person or owner of the business entity commits a criminal act involving the use of such
23 firearm or unless the person or owner of the business entity had prior knowledge or, in the
24 exercise of ordinary care, should have had prior knowledge that the person using such a
25 firearm presented a threat of harm to others on the business premises.

26 (f) Nothing in this Code section shall be construed to create a duty of inspecting motor
27 vehicles or otherwise give rise to civil liability against a business entity or property owner
28 or possessor as a result of any occurrence which results from, is connected with, or is
29 incidental to the use of a firearm being transported and stored in a motor vehicle whether
30 such transport and storage is lawful or not. The business entity or property owner or
31 possessor is entitled to presume any such transport or storage is lawful."

32 SECTION 2.

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