

House Bill 21

By: Representative Franklin of the 43<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Part 1 of Article 1 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to general provisions relative to treason and other subversive activities, so as to provide findings of the General Assembly regarding the constitutionality of certain federal laws and other mandates; to provide that any judicial officer, law enforcement officer, agent, or employee of the federal government, any multinational government, any international government, or any global government commits the offense of racketeering by color of law when he or she attempts to enforce any law not recognized as valid; to provide for a short title; to provide for penalties; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

This Act shall be known as the "State Authority and Anti-racketeering Act."

**SECTION 2.**

Part 1 of Article 1 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to general provisions relative to treason and other subversive activities, is amended by adding a new Code section to read as follows:

"16-11-5.

(a) The General Assembly finds that:

(1) The Tenth Amendment to the United States Constitution guarantees to the states and the people all powers not granted to the federal government elsewhere in the Constitution and not prohibited by the Constitution;

(2) The Ninth Amendment to the United States Constitution guarantees to the people all rights not otherwise enumerated in the Constitution;

24 (3) Article I, Section 8, Clause 6 of the United States Constitution grants the federal  
25 government the power to punish persons for counterfeiting the securities and current coin  
26 of the United States;

27 (4) Article I, Section 8, Clause 10 of the United States Constitution grants the federal  
28 government the power to punish persons for piracies and felonies on the high seas and  
29 for offenses against the law of nations;

30 (5) Article III, Section 3 of the United States Constitution grants the federal government  
31 the power to prescribe the punishment for treason;

32 (6) The United States Constitution contains no other grant of power, general or specific,  
33 to Congress or the federal government to provide for the punishment of any other crimes;

34 (7) The states granted supremacy only to the Constitution of the United States, laws  
35 made pursuant to the Constitution of the United States, and treaties made under the  
36 limited constitutional authority of the United States;

37 (8) The United States may not delegate by treaty that which has not been delegated to  
38 it by the states;

39 (9) Congress and the federal government have enacted laws, executive orders, rules,  
40 regulations, and other mandates and have entered into treaties that are beyond the scope  
41 of these constitutionally delegated powers;

42 (10) Any actions taken by the federal government through its agents or employees that  
43 are not authorized by the Constitution of the United States are unlawful; and being  
44 unlawful, they are criminal offenses against the affected parties; and

45 (11) The State of Georgia hereby reclaims authority under the Tenth Amendment to the  
46 Constitution of the United States over all powers not otherwise enumerated and granted  
47 to the federal government by the states in the Constitution of the United States.

48 (b) Any judicial officer, law enforcement officer, agent, or employee of the federal  
49 government, any multinational government, any international government, or any global  
50 government commits the offense of racketeering by color of law when he or she attempts  
51 to enforce any federal, multinational, international, or global law not recognized as valid  
52 by application of the standards set forth in subsection (a) of this Code section.

53 (c) It shall not be an affirmative defense to a prosecution under subsection (b) of this Code  
54 section that the defendant was acting under color of law unless he or she is enforcing an  
55 order based upon a conviction for a crime recognized as valid in subsection (a) of this Code  
56 section.

57 (d) A person convicted of a violation of subsection (b) of this Code section shall be guilty  
58 of a felony and shall be punished by imprisonment for up to 30 years for each offense."

59 **SECTION 4.**

60 This Act shall become effective upon its approval by the Governor or upon its becoming law  
61 without such approval.

62 **SECTION 5.**

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