

Senate Bill 45

By: Senators Brown of the 26th and Staton of the 18th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to general  
2 regulation of alcoholic beverages, so as to impose penalties and remedies with respect to  
3 businesses where alcoholic beverages are consumed and where there are repeated incidents  
4 of violent conduct; to define terms; to provide for civil monetary penalties; to provide for  
5 practice and procedure; to provide for related matters; to repeal conflicting laws; and for  
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 SECTION 1.

9 Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to general regulation  
10 of alcoholic beverages, is amended by adding a new article to read as follows:

11 "ARTICLE 4

12 3-3-60.

13 As used in this article, the term:

14 (1) 'Alcohol sales establishment' means any place of business which is licensed for the  
15 sale of any alcoholic beverage for consumption on the premises.

16 (2) 'Premises' includes the entire area of an alcohol sales establishment together with:

17 (A) The entire tract or parcel of land on which the alcohol sales establishment is  
18 located;

19 (B) Any immediately adjacent public sidewalk and any immediately adjacent public  
20 right of way; and

21 (C) Any adjacent parking area used exclusively or primarily by employees and  
22 customers of the alcohol sales establishment.

23 (3) 'Violent incident' means an act committed which constitutes any violation of Chapter  
24 5 of Title 16, relating to crimes against persons; Chapter 6 of Title 16, relating to sexual

25 offenses; Article 1 or Article 2 of Chapter 8 of Title 16, relating to offenses involving  
26 theft and robbery; or any criminal act involving the use or possession of a knife or  
27 handgun as such terms are defined in Code Section 16-11-125.1.

28 3-3-61.

29 (a) Each alcohol sales establishment shall report each violent incident which occurs on its  
30 premises to the commissioner within 72 hours of the occurrence of such act, irrespective  
31 of criminal charges or arrests being made. In the event that law enforcement investigates  
32 a violent incident at an alcohol sales establishment premises, and a manager or owner of  
33 such establishment is not present for such investigation, law enforcement shall notify such  
34 establishment of its investigation, irrespective of criminal charges or arrests being made,  
35 within 48 hours so that the alcohol sales establishment can report the incident to the  
36 commissioner within 72 hours of its occurrence.

37 (b) In the event there is a dispute as to whether a violent incident occurred, it shall be  
38 established by a preponderance of the evidence.

39 3-3-62.

40 (a) Except as provided in subsection (b) of this Code section, when the commissioner  
41 determines that an alcohol sales establishment has had three violent incidents occur on its  
42 premises within a 90 day period, the commissioner shall assess such establishment with a  
43 civil penalty of \$2,500.00. If a fourth violent incident occurs in the 90 day period  
44 immediately subsequent to the previous 90 day period, the commissioner shall assess an  
45 additional \$2,500.00 penalty.

46 (b) This Code section shall not apply with respect to:

47 (1) A violent incident on a public sidewalk or right of way or in a parking area if no  
48 customer or employee of the alcohol sales establishment is a victim, witness, or accused  
49 in the violent incident; or

50 (2) A violent incident wherein the alcohol sales establishment is the victim of such  
51 incident."

52 **SECTION 2.**

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