

Senate Bill 26

By: Senators Shafer of the 48th, Sims of the 12th, Seabaugh of the 28th, Albers of the 56th,
Ginn of the 47th and others

AS PASSED SENATE

**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 prohibit any additional
3 limitations on carrying firearms during states of emergency; to provide civil remedies for
4 violations; to provide for related matters; to provide an effective date; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
9 relating to carrying and possession of firearms, is amended by adding a new Code section to
10 read as follows:

11 "16-11-136.

12 (a) No officer or employee of the state or any political subdivision thereof, member of the
13 National Guard in the service of the state, or any person operating pursuant to or under
14 color of state law, receiving state funds, under control of any official of the state or political
15 subdivision thereof, or providing services to such officer, employee, or other person, while
16 acting during a declared official state of emergency, shall:

17 (1) Temporarily or permanently seize, or authorize seizure of, any firearm the possession
18 of which is not prohibited under Article 4 of Chapter 11 of this title, other than as
19 evidence in a criminal investigation;

20 (2) Require registration of any firearm for which registration is not required by Article 4
21 of Chapter 11 of this title;

22 (3) Prohibit possession of any firearm, or promulgate any rule, regulation, or order
23 prohibiting possession of any firearm, in any place or by any person where such
24 possession is not otherwise prohibited by Article 4 of Chapter 11 of this title; or

25 (4) Prohibit the carrying of firearms by any person otherwise authorized to carry firearms
26 under Article 4 of Chapter 11 of this title, solely because such person is operating under

27 the direction, control, or supervision of an agency of the state or political subdivision
28 thereof during a declared official state of emergency.

29 (b) Any individual aggrieved by a violation of this Code section may seek in the courts of
30 this state relief in an action at law or in equity or other proper proceeding for redress
31 against any person who subjects such individual, or causes such individual to be subjected,
32 to the deprivation of any of the rights, privileges, or immunities provided by this Code
33 section.

34 (c) In addition to any other remedy at law or in equity, an individual aggrieved by the
35 seizure or confiscation of a firearm in violation of this Code section may bring an action
36 for return of such firearm in the superior court of the county in which that individual
37 resides or in which such firearm is located. In any action or proceeding to enforce this
38 Code section, the court shall award the prevailing party, other than the state or political
39 subdivision thereof, reasonable attorney fees."

40 **SECTION 2.**

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

43 **SECTION 3.**

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