

The House Committee on Judiciary offers the following substitute to SB 26:

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 a civil remedy for  
4 violations of the Code section; to provide for related matters; to provide an effective date;  
5 to repeal conflicting 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) In addition to any other remedy at law or in equity, an individual aggrieved by the  
30 seizure or confiscation of a firearm in violation of this Code section may bring a civil  
31 action for return of such firearm in the superior court of the county in which that individual  
32 resides or in which such firearm is located. In any civil action to enforce this Code section,  
33 the court shall award the prevailing party, other than the state or political subdivision  
34 thereof, reasonable attorney's fees."

35 **SECTION 2.**

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

38 **SECTION 3.**

39 All laws and parts of laws in conflict with this Act are repealed.