

The House Committee on Judiciary offers the following substitute to HB 100:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to  
2 emergency management, so as to prohibit certain limitations regarding firearms during a  
3 declared state of emergency; to provide for definitions; to change provisions relating to  
4 emergency powers of the Governor; to provide for related matters; to provide for an effective  
5 date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency  
9 management, is amended by adding a new Code section to read as follows:

10 "38-3-37.

11 (a) As used in this Code section, the term:

12 (1) 'Firearm' means any handgun, rifle, shotgun, or similar device or weapon which will  
13 or can be converted to expel a projectile by the action of an explosive or electrical charge.

14 (2) 'License holder' shall have the same meaning as set forth in Code Section  
15 16-11-125.1.

16 (3) 'Weapon' shall have the same meaning as set forth in Code Section 16-11-125.1.

17 (b) No official or employee of the state or any political subdivision thereof, member of the  
18 National Guard in the service of the state, or any person operating pursuant to or under  
19 color of state law, while acting during or pursuant to a declared state of emergency, shall:

20 (1) Temporarily or permanently seize, or authorize the seizure of, any firearm or  
21 ammunition or any component thereof the possession of which was not prohibited by law  
22 at the time immediately prior to the declaration of a state of emergency, other than as  
23 provided by the criminal or forfeiture laws of this state;

24 (2) Prohibit possession of any firearm or ammunition or any component thereof or  
25 promulgate any rule, regulation, or order prohibiting possession of any firearm or

26 ammunition or any component thereof if such possession was not otherwise prohibited  
 27 by law at the time immediately prior to the declaration of a state of emergency;  
 28 (3) Prohibit any license holder from carrying any weapon or promulgate any rule,  
 29 regulation, or order prohibiting such carrying if such carrying was not otherwise  
 30 prohibited by law at the time immediately prior to the declaration of a state of emergency;  
 31 or  
 32 (4) Require the registration of any firearm."

33 **SECTION 2.**

34 Said chapter is further amended by revising paragraph (8) of subsection (d) of Code Section  
 35 38-3-51, relating to emergency powers of the Governor, as follows:

36 "(8) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages,  
 37 ~~firearms, explosives, and or combustibles;~~ provided, however, that ~~any limitation on~~  
 38 ~~firearms under this Code section shall not include an individual firearm owned by a~~  
 39 ~~private citizen which was legal and owned by that citizen prior to the declaration of state~~  
 40 ~~of emergency or disaster or thereafter acquired in compliance with all applicable laws of~~  
 41 ~~this state and the United States~~ for purposes of this paragraph, the terms 'explosives' and  
 42 'combustibles' shall not include firearms or ammunition or any component thereof; and"

43 **SECTION 3.**

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

46 **SECTION 4.**

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