

House Bill 1334

By: Representatives Seabaugh of the 34th, Crowe of the 118th, Kelley of the 16th, Hitchens of the 161st, and Vance of the 133rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Sections 16-3-24.2 and 51-11-9 of the Official Code of Georgia Annotated,
2 relating to immunity from prosecution and exception, and immunity from civil liability for
3 threat or use of force in defense of habitation, respectively, so as to provide for exemptions;
4 to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 16-3-24.2 of the Official Code of Georgia Annotated, relating to immunity
8 from prosecution and exception, is amended as follows:

9 "16-3-24.2.

10 A person who uses threats or force in accordance with Code Section 16-3-20, 16-3-21,
11 16-3-23, 16-3-23.1, ~~or 16-3-24~~, or 17-4-20 shall be immune from criminal prosecution
12 therefor unless in the use of deadly force, such person utilizes a weapon the carrying or
13 possession of which is unlawful by such person under Part 2 of Article 4 of Chapter 11 of
14 this title."

SECTION 2.

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16 Code Section 51-11-9 of the Official Code of Georgia Annotated, relating to immunity from
17 civil liability for threat or use of force in defense of habitation, is amended as follows:

18 "51-11-9.

19 A person who is justified in threatening or using force against another under the provisions
20 of Code Section 16-3-20, relating to justification, Code Section 16-3-21, relating to the use
21 of force in defense of self or others, Code Section 16-3-23, relating to the use of force in
22 defense of a habitation, ~~or~~ Code Section 16-3-24, relating to the use of force in defense of
23 property other than a habitation, or Code Section 17-4-20, relating to authorization of
24 arrests with and without warrants generally, use of deadly force, adoption or promulgation
25 of conflicting regulations, policies, ordinances, and resolutions, and authority of nuclear
26 power facility security officer, has no duty to retreat from the use of such force and shall
27 not be held liable to the person against whom the use of force was justified or to any person
28 acting as an accomplice or assistant to such person in any civil action brought as a result
29 of the threat or use of such force."

SECTION 3.

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