

House Bill 1371

By: Representative Burchett of the 176th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 3 of Title 51 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding liability of owners and occupiers of land, so as to
3 provide for legislative findings, to clarify liability regarding third-party criminal activity; to
4 provide for definitions; to amend Chapter 3 of Title 9 of the Official Code of Georgia
5 Annotated, relating to tolling of limitations, so as to change provisions relating to tolling of
6 limitations for a civil cause of action arising from criminal activity; to provide for related
7 matters; to provide for an effective date and applicability; to repeal conflicting laws; and for
8 other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **PART I**

11 **SECTION 1-1.**

12 It is the intent of the General Assembly in enacting this Act to clarify premises liability
13 arising from third-party criminal activity as interpreted by the Georgia Supreme Court as of
14 July 1, 2024. Unless displaced by the particular provisions of this Act, the General Assembly
15 intends that the substantive law of premises liability in Georgia as it existed on
16 June 30, 2024, be retained.

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SECTION 1-2.

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18 Article 1 of Chapter 3 of Title 51 of the Official Code of Georgia Annotated, relating to
19 general provisions regarding liability of owners and occupiers of land, is amended by adding
20 a new Code section to read as follows:

21 "51-3-4.

22 (a) As used in this Code Section, the term:

23 (1) 'Claimant' means any person or any person's survivor, conservator, next friend, or
24 other form of legal representative, including, but not limited to, an administrator of a
25 decedent's estate, who seeks recovery of damages under this Code section.

26 (2) 'Criminal activity' means any violation of a law or ordinance of this state, or any
27 political subdivision thereof, including, but not limited to, counties, consolidated
28 governments, and municipalities, that could constitute a misdemeanor or a felony,
29 regardless of whether such violation results in an arrest, conviction, or guilty plea.

30 (3) 'Third-party' means any person that is not a claimant, an owner or occupier of land,
31 or the employee, agent, or other person on the premises or approaches providing a service
32 for or on behalf of the owner or occupier of land.

33 (b) An owner or occupier of land shall not be liable:

34 (1) Under Code Section 51-3-1 to a claimant for injuries arising from third-party criminal
35 activity where:

36 (A) The third-party criminal activity giving rise to the claimant's injuries was not
37 reasonably foreseeable based on the totality of the circumstances;

38 (B) The owner or occupier of land exercised ordinary care in keeping the premises and
39 approaches safe from reasonably foreseeable third-party criminal activity; or

40 (C) The kind of harm suffered by the claimant was not a reasonably foreseeable result
41 of the failure of the owner or occupier of land to exercise ordinary care in keeping the
42 premises and approaches safe;

43 (2) Where the claimant came upon the owner or occupier's premises or approaches for
44 the purpose of committing a crime punishable by more than one year of imprisonment
45 under the laws of this state or under Chapter 8 of Title 16; provided, however, that this
46 paragraph shall not apply to a victim of a crime under Code Section 16-5-46;

47 (3) Under Code Section 51-3-2 to a claimant for injuries arising from third-party criminal
48 activity where the owner or occupier lacks actual knowledge of prior criminal activity
49 similar to the third-party criminal activity giving rise to the claimant's injuries; or

50 (4) Under Code Section 51-3-3 to a claimant for injuries arising from third-party criminal
51 activity.

52 (c) An owner or occupier of land is liable in damages:

53 (1) Under Code Section 51-3-1 to a claimant for injuries arising from third-party criminal
54 activity where the claimant establishes that:

55 (A) The owner or occupier of land:

56 (i) Had reason to anticipate, based on the totality of the circumstances, the third-party
57 criminal activity giving rise to the claimant's injuries; and

58 (ii) Failed to exercise ordinary care in keeping the premises and approaches safe from
59 such reasonably foreseeable third-party criminal activity; and

60 (B) The kind of harm suffered by the claimant was a reasonably foreseeable result of
61 the failure of the owner or occupier of land to exercise ordinary care in keeping the
62 premises and approaches safe; and

63 (2) Under Code Section 51-3-2 to a claimant for injuries arising from third-party criminal
64 activity where the claimant establishes that:

65 (A) The owner or occupier of land:

66 (i) Had actual knowledge of prior third-party criminal activity similar to the
67 third-party criminal activity giving rise to the claimant's injuries; and

68 (ii) Failed to exercise ordinary care in keeping the premises and approaches safe from
69 such known third-party criminal activity; and

70 (B) The kind of harm suffered by the claimant was a reasonably foreseeable result of
71 the failure of the owner or occupier of land to exercise ordinary care in keeping the
72 premises and approaches safe.

73 (d)(1) An owner or occupier of land may meet the duty to exercise ordinary care in
74 keeping the premises and approaches safe from reasonably foreseeable third-party
75 criminal activity under Code Section 51-3-1 by providing feasible safety measures that,
76 under the totality of the circumstances, reasonably keep the premises and approaches safe
77 from reasonably foreseeable third-party criminal activity, which may include providing
78 security or surveillance, lighting, notice or warning of crime or dangerous conditions, or
79 such other safety measures.

80 (2) An owner or occupier of land is not required to exercise extraordinary care to satisfy
81 the duty to keep the premises and approaches safe from third-party criminal activity
82 under Code Section 51-3-1.

83 (3) Whether the premises is located in a high-crime area may be considered by the trier
84 of fact regarding reasonable foreseeability; provided, however, that the mere fact that the
85 premises is situated in a high-crime area is not, on its own, sufficient to establish a duty
86 to keep the premises and approaches safe from criminal activity.

87 (e) This Code section:

88 (1) Does not create a new claim and shall apply only to claims made under Code
89 Sections 51-3-1, 51-3-2, and 51-3-3 that arise from damages caused by third-party
90 criminal activity; and

91 (2) Shall not be construed to eliminate or modify other causes of action arising under
92 Title 41, relating to nuisances; Chapter 7 of Title 44, relating to landlords and tenants; or
93 any other statutory or common law cause of action not made under Code
94 Sections 51-3-1, 51-3-2, and 51-3-3."

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PART II

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SECTION 2-1.

97 Chapter 3 of Title 9 of the Official Code of Georgia Annotated, relating to tolling of
98 limitations, is amended by revising Code Section 9-3-99, relating to tolling of limitations for
99 tort actions while criminal prosecution is pending, as follows:

100 "9-3-99.

101 The running of the period of limitations with respect to any cause of action in tort that may
102 be brought by the victim of an alleged crime or that may be brought under Code
103 Sections 19-7-1, 51-4-2, or 51-4-4, for the wrongful death of such victim of an alleged
104 crime, which arises out of the facts and circumstances relating to the commission of such
105 alleged crime committed in this state shall be tolled from the date of the commission of the
106 alleged crime or the act giving rise to such action in tort until the prosecution of such crime
107 or act has become final or otherwise terminated, provided that such time does not exceed
108 six years, except as otherwise provided in Code Section 9-3-33.1."

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PART III

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SECTION 3-1.

111 This Act shall become effective on July 1, 2024, and shall be applicable to causes of action
112 accruing on or after July 1, 2024.

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SECTION 3-2.

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