

The Senate Committee on Judiciary offered the following substitute to HB 1371:

A BILL TO BE ENTITLED
AN ACT

To amend Title 51 of the Official Code of Georgia Annotated, relating to torts, so as to clarify liability regarding third-party criminal activity; to provide for apportionment of fault and awards; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"51-3-4.

(a) An owner or occupier of land shall not be liable under Code Section 51-3-1, 51-3-2, or 51-3-3 to a plaintiff for injuries incurred by such plaintiff arising from third-party criminal activity:

(1) Where the plaintiff came upon the owner's or occupier's premises or approaches without express or implied invitation; or

(2) Where the plaintiff came upon the owner's or occupier's premises or approaches for the purpose of committing a crime punishable by more than one year of imprisonment

under the laws of this state or under Chapter 8 of Title 16; provided, however, that this paragraph shall not apply to a plaintiff who is a victim of a crime under Code Section 16-5-46.

(b) Under Code Sections 51-3-1, 51-3-2, and 51-3-3, for injuries arising from third-party criminal activity, whether the premises or approaches are located in a high-crime area may be considered by the trier of fact regarding reasonable foreseeability; provided, however, that the mere fact that the premises is situated in a high-crime area is not, on its own, sufficient to establish a duty to keep the premises and approaches safe from criminal activity."

SECTION 2.

Said title is further amended in Article 2 of Chapter 12, relating to joint tort-feasors, by revising Code Section 51-12-33, relating to reduction and apportionment of award or bar of recovery according to percentage of fault of parties and nonparties, by adding a new subsection to read as follows:

"(d.1) For injuries arising from third-party criminal activity under Code Section 51-3-1, 51-3-2, or 51-3-3, the trier of fact in making an apportionment of damages under this Code section shall apportion a reasonable percentage of fault to the third party that committed the criminal activity giving rise to the plaintiff's injuries, provided that all requirements of this Code section are otherwise satisfied."

SECTION 3.

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

SECTION 4.

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