

Senate Bill 223

By: Senators Jones II of the 22nd, Jackson of the 41st, Parent of the 44th, Halpern of the 39th, Esteves of the 35th and others

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 relative to liability of owners and occupiers of land, so as to
3 limit liability for premises liability actions unless claimants can show certain facts; to provide
4 for affirmative defenses; to provide for rebuttable presumptions; to provide for a short title;
5 to provide for definitions; to provide for related matters; to provide for an effective date and
6 applicability; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and cited as the "Pro People, Pro Business Act."

10 **SECTION 2.**

11 Article 1 of Chapter 3 of Title 51 of the Official Code of Georgia Annotated, relating to
12 general provisions, is amended by adding a new Code section to read as follows:

13 "51-3-1.1.

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

- 15 (1) 'Claimant' means any person or any person's survivor, conservator, next friend, or
16 other legal representative, including, but not limited to, an administrator of a decedent's
17 estate, who seeks recovery of damages under this Code section.
- 18 (2) 'Crime deterrence and safety education' means training which instructs and
19 familiarizes employees of the owner or occupier with the security principles, devices, and
20 measures and which complies with standards as developed by the Commissioner of
21 Insurance and reviewed and updated at least every three years.
- 22 (3) 'Owner or occupier of land' means any person that owns, leases, occupies, operates,
23 maintains, or manages real property of any kind or any director, officer, employee, or
24 agent of such person.
- 25 (4) 'Premises' means the real property that is owned, leased, occupied, operated,
26 maintained, or managed by an owner or occupier.
- 27 (5) 'Security camera system' means a digital surveillance system that captures and
28 records video on a continuous basis consisting of at least four cameras that capture
29 images at a minimum resolution of 4MP, 1440p, and a minimum of 24 frames per second
30 that are arranged to record video from inside and outside a premises' entrances and exits
31 and at least 200 feet from outside the building, and any recording remains retrievable for
32 not less than 30 days.
- 33 (6) 'Security contractor' means any person or entity that by express or implied agreement,
34 or by law, assumes a duty, has authority to provide a service, or otherwise acts for or on
35 behalf of an owner or occupier of land to provide protective security services upon any
36 premises and any director, officer, employee, or agent of such person or entity.
- 37 (7) 'Third-party' means any person that is not a claimant, an owner or occupier of land,
38 including, but not limited, to any director, officer, employee, or agent of an owner or
39 occupier of land, or the employee, agent, or any other person on the premises or
40 approaches providing a service for or on behalf of the owner or occupier of land.
- 41 (8) 'Wrongful conduct' means:

42 (A) Any violation of a law or ordinance of this state, or any subdivision thereof,
43 including, but not limited to, counties, consolidated governments, and municipalities,
44 that could constitute a misdemeanor or felony regardless of whether such violation
45 results in an arrest, conviction, or guilty plea; or

46 (B) Any other act that amounts to an intentional tort or willful and wanton conduct.

47 (b) An owner or occupier of land shall not be liable for any injury arising from third-party
48 wrongful conduct unless a claimant can demonstrate that:

49 (1) The third-party wrongful conduct at issue was reasonably foreseeable pursuant to
50 subsection (c) of this Code section; and

51 (2) The owner or occupier of land failed to take reasonable precautions to protect
52 invitees from third-party wrongful conduct.

53 (c) Third-party wrongful conduct is reasonably foreseeable when:

54 (1) Such third-party wrongful conduct was sufficient to put the owner or occupier of land
55 on notice of the potential harm; and

56 (2)(A) Such third-party wrongful conduct was substantially similar to prior occurrences
57 of third-party wrongful conduct in close physical proximity to the premises;

58 (B) The condition of the premises or approaches gave the owner or occupier of land
59 sufficient notice to anticipate the criminal act giving rise to the claimant's injuries; or

60 (C) The danger of the third-party wrongful conduct occurrence is so obvious and
61 probable to occur that no reasonable argument could be made against foreseeability.

62 (d) There shall be a rebuttable presumption that an owner or occupier of land is on notice
63 of substantially similar prior occurrences of third-party wrongful conduct when such
64 conduct:

65 (1) Occurred within 200 yards of the premises;

66 (2) Occurred on the premises or its approaches;

67 (3) Occurred reasonably close in time to the third-party wrongful conduct at issue;

68 (4) Occurred frequently; or

69 (5) Was of a kind of conduct that a reasonable person would find similar to the conduct
70 at issue.

71 (e) In addition to any other available defenses, it shall be an affirmative defense to an
72 action brought under this Code section if:

73 (1) No wrongful conduct had previously occurred on the premises or approaches other
74 than the third-party wrongful conduct giving rise to the claimant's injuries, even if such
75 premises or approaches are situated in a high crime area, except where the claimant can
76 establish that the owner or occupier of land had sufficient reason to anticipate the
77 third-party wrongful conduct; and

78 (2) The claimant:

79 (A) Entered the premises or approaches for the purpose of committing a crime against
80 the premises or approaches or against a person on the premises or approaches and is not
81 a victim of a crime under Code Section 16-5-46; or

82 (B) Is not an invitee.

83 (f) An owner or occupier of land shall have a rebuttable presumption against liability for
84 third-party wrongful conduct where, at the time of injury, the owner or occupier of land
85 establishes that he or she has:

86 (1) Provided crime deterrence and safety education to current employees by July 1, 2026,
87 and after July 1, 2026, provides such training to new employees within 60 days of the
88 date of hire; and

89 (2) Substantially complied with this subsection by implementing the following security
90 measures on the premises:

91 (A) An installed security camera system;

92 (B) A lighted parking lot illuminated at an intensity of at least an average of 1.8
93 foot-candles per square foot at 18 inches above the surface from dusk until dawn or
94 controlled by photocell or any similar device which provides light from dusk until
95 dawn;

- 96 (C) Window signage that allows a clear and unobstructed view from outside the
97 building and in a normal line of sight of the cash register and sales transaction area;
98 (D) A drop safe or cash management device for restricted access to cash receipts;
99 (E) No window tinting that reduces exterior or interior view in a normal line of sight;
100 and
- 101 (F) A security contractor on the premises at all times after 5 P.M. and before 7 A.M.
102 (g) If the premises contain a residential building, or a group of residential buildings, such
103 as apartments, townhouses, or condominiums, consisting of at least five dwelling units, in
104 addition to the security measures in paragraph (2) of subsection (f) of this Code section, an
105 owner or occupier shall have a rebuttable presumption against premises liability for
106 third-party wrongful conduct where, at the time of injury, the owner or occupier has:
- 107 (1) By July 1, 2026, a crime prevention through environmental design assessment
108 conducted by a certified practitioner or law enforcement agency within the past three
109 years, where the residential building or buildings are in substantial compliance with the
110 assessment; and
- 111 (2) Substantially complied with this subsection by implementing the following safety
112 measures on the premises:
- 113 (A) At least a one-inch deadbolt in each dwelling exterior door;
114 (B) A locking device on each window, each exterior sliding door, and any other doors
115 not used for community purposes;
116 (C) A peephole or other door view on each dwelling unit that does not have a window
117 or a window next to the exterior door;
118 (D) Lighting in walkways and laundry rooms, common areas, and porches, provided
119 that such lighting is illuminated from dusk until dawn or controlled by photocell or any
120 similar electronic device that provides light from dusk until dawn; and
121 (E) Locked gates with key or fob access along pool fence areas if applicable.

122 (h) The rebuttable presumption created by this Code section shall only be overcome by
123 clear and convincing evidence.

124 (i) Failure to provide the safety measures in subsections (f) and (g) of this Code section
125 shall not create a presumption that the premises are not safe.

126 (j) The state shall have no liability in connection with providing a training curriculum
127 under this Code section."

128 **SECTION 3.**

129 This Act shall become effective on July 1, 2025, and shall apply to all causes of action
130 arising and all insurance policies issued on or after such date.

131 **SECTION 4.**

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