

The Senate Committee on Public Safety offered the following substitute to HB 61:

**MOOT**

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to  
2 magistrate courts, so as to provide for magistrate court jurisdiction over certain proceedings;  
3 to amend Code Section 16-7-21.1 of the Official Code of Georgia Annotated, relating to  
4 unlawful squatting, so as to revise offense provisions; to amend Article 1 of Chapter 21 of  
5 Title 43 of the Official Code of Georgia Annotated, relating to rights, duties, and liabilities  
6 of innkeepers, so as to provide for certain guest removal procedures for innkeepers; to  
7 provide for an affidavit; to amend Title 44 of the Official Code of Georgia Annotated,  
8 relating to property, so as to provide for limitations and law enforcement officer safety  
9 regarding removal; to provide for legislative findings; to authorize real property owners to  
10 request assistance from law enforcement for the immediate removal of squatters from their  
11 property under certain conditions; to require such property owners to submit a verified  
12 complaint; to provide for complaint requirements; to provide for law enforcement  
13 requirements; to authorize arrest of squatters for legal cause; to authorize a fee for service;  
14 to provide for law enforcement and property owner immunity in certain instances; to provide  
15 for civil remedies; to provide for criminal penalties; to provide for definitions; to provide for  
16 an effective date and applicability; to provide for related matters; to provide for a short title;  
17 to repeal conflicting laws; and for other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 **SECTION 1.**

20 This Act shall be known and may be cited as the "Georgia Anti-Squatting Act of 2025."

21 **SECTION 2.**

22 Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to magistrate  
23 courts, is amended in subsection (a) of Code Section 15-10-2, relating to general jurisdiction  
24 and authority of magistrate to act, by revising paragraphs (18) and (19) and adding a new  
25 paragraph to read as follows:

26 "(18) The trial and sentencing of unlawful squatting violations as provided in Code  
27 Section 16-7-21.1; ~~and~~  
28 (19) Proceedings against intruders ~~and unlawful squatting~~ as provided in Code  
29 Sections 44-11-30, 44-11-31, 44-11-32, and 44-11-33; and  
30 (20) Proceedings against squatters as provided in Code Section 44-11-34."

31 **SECTION 3.**

32 Said chapter is further amended by revising Code Section 15-10-260, relating to jurisdiction  
33 and penalties, as follows:

34 "15-10-260.

35 (a) This article governs trials of misdemeanor violations of Code Sections 16-13-30,  
36 16-13-2, 16-8-14, 16-8-14.1, 3-3-23, ~~and 16-7-21~~, and 16-7-21.1.

37 (b) Magistrate courts are authorized to conduct trials and impose sentences for violations  
38 of misdemeanors specified in subsection (a) of this Code section; ~~provided, however, that~~  
39 as follows:

40 (1) For misdemeanor violations of Code Sections 16-13-30, 16-13-2, 16-8-14, 16-8-14.1,  
 41 3-3-23, and 16-7-21, the violation must shall have occurred in the unincorporated area  
 42 of the county; and

43 (2) For misdemeanor violations of Code Section 16-7-21.1, the violation may have  
 44 occurred anywhere in the county.

45 (c) A person convicted of violation of a misdemeanor specified in subsection (a) of this  
 46 Code section shall be punished as provided in paragraphs (1) through ~~(4)~~ (6) of this  
 47 subsection as follows:

48 (1) For possession of less than one ounce of marijuana, as provided in subsection (b) of  
 49 Code Section 16-13-2;

50 (2) For misdemeanor theft by shoplifting, as provided in paragraph (1) of subsection (b)  
 51 of Code Section 16-8-14;

52 (3) For misdemeanor refund fraud, as provided in paragraph (1) of subsection (b) of  
 53 Code Section 16-8-14.1;

54 (4) For furnishing alcoholic beverages to, and purchase and possession of alcoholic  
 55 beverages by, a person under 21 years of age, as provided in Code Section 3-3-23.1; and

56 (5) For criminal trespass, as provided in subsection (d) of Code Section 16-7-21; and

57 (6) For unlawful squatting, as provided in subsection (c) of Code Section 16-7-21.1.

58 (d) The jurisdiction of magistrate courts to try and dispose of the misdemeanor violations  
 59 enumerated in subsection (a) of this Code section shall be concurrent with the jurisdiction  
 60 of any other courts having jurisdiction to try and dispose of such cases."

61 **SECTION 4.**

62 Code Section 16-7-21.1 of the Official Code of Georgia Annotated, relating to unlawful  
 63 squatting, is amended as follows:

64 "16-7-21.1.

65 (a) As used in this Code section, the term 'resides' means to occupy, inhabit, or live.

66 ~~(a)(1)(b)~~ A person commits the offense of unlawful squatting when he or she enters upon  
67 the land or premises of another and resides on such land or premises for any period of time  
68 knowingly acting without the knowledge or ~~consent~~ authority of the property owner,  
69 rightful occupant of the property, or an authorized representative of the property owner.  
70 For purposes of this Code section, the term 'resides' means to inhabit or live on or within  
71 any land or premises.

72 ~~(2) Any person who commits or is accused of committing the offense of unlawful~~  
73 ~~squatting as provided for in paragraph (1) of this subsection shall receive a citation~~  
74 ~~advising that they must present to the head of the issuing law enforcement agency or their~~  
75 ~~designee within three business days of receiving the citation for such alleged offense~~  
76 ~~properly executed documentation that authorizes the person's entry on such land or~~  
77 ~~premises. Such documentation may include a properly executed lease or rental~~  
78 ~~agreement or proof of rental payments.~~

79 ~~(3) If such person is unable to provide the documentation required by paragraph (2) of~~  
80 ~~this subsection, such person shall be subject to arrest for unlawful squatting and upon~~  
81 ~~conviction to the penalty provided in subsection (b) of this Code section.~~

82 ~~(4) If such person does provide documentation that authorizes such person's entry on the~~  
83 ~~land or premises, a hearing shall be set within seven days of the submission of such~~  
84 ~~documentation and if the court finds that the submitted documentation was not properly~~  
85 ~~executed or is not meritorious, such person shall be subject to demand for possession and~~  
86 ~~removal as provided in Code Section 44-11-32, be subject to arrest and upon conviction~~  
87 ~~penalties as provided for in Code Sections 16-9-1 and 16-9-2, and shall be assessed an~~  
88 ~~additional fine based on the fair market monthly rental rate of the land or premises.~~

89 ~~(b)(c)~~ Any person who violates subsection ~~(a)~~ (b) of this Code section shall be guilty of  
90 a misdemeanor ~~which~~ and upon conviction thereof, shall be ~~punishable~~ punished as  
91 provided in Code Section 17-10-3 and, further, shall be ordered to make restitution to the  
92 property owner, rightful occupant of the property, or authorized representative of the

93 property owner. Such restitution shall be based upon the fair market monthly rental rate  
94 of the land or premises."

95 **SECTION 5.**

96 Article 1 of Chapter 21 of Title 43 of the Official Code of Georgia Annotated, relating to  
97 rights, duties, and liabilities of innkeepers, is amended by revising Code Section 43-21-3.2,  
98 relating to written statement of period of occupancy signed by guest and rights of innkeeper  
99 and guest under contract, as follows:

100 "43-21-3.2.

101 (a) A written statement prominently setting forth in bold type the time period during which  
102 a guest may occupy an assigned room, when separately signed or initialed by the guest, is  
103 a valid nonassignable contract. Such contract shall clearly state the terms under which a  
104 person may occupy the room and that he or she may be subject to removal for failing to  
105 comply with such contract. A copy of such contract shall be provided to the guest no less  
106 than 24 hours prior to such contract expiring. At the expiration of such time period, the  
107 guest may be restrained from entering such room and any personal property of the guest  
108 shall be subject to the innkeeper's lien as provided for in Code Section 43-21-5 and may  
109 be removed by the innkeeper to a secure place where the guest may recover his or her  
110 personal property upon payment by such guest of all sums due for food, lodging, or other  
111 accommodation without liability to the innkeeper, except for damages to or loss of such  
112 personal property attributable to its removal. The innkeeper shall not charge arbitrary or  
113 excess fees for the storage, handling, or retrieval of such guest's personal property beyond  
114 what is reasonably associated with such actions. If a guest vacates his or her room prior  
115 to the date contained in the written statement, that such guest shall not be liable for charges  
116 for the time after the room is vacated unless the guest has agreed otherwise before  
117 occupying the room.

118 (b)(1) Upon the expiration of the time period set forth in the written contract, an  
119 innkeeper may immediately deny a guest further access to the room or premises and may  
120 secure any personal property left behind by the guest which shall be subject to the  
121 innkeeper's lien as provided for in Code Section 43-21-5.

122 (2) If a guest refuses to vacate upon the expiration of the contracted time period and  
123 immediate denial of access is not possible, the innkeeper may execute and file an  
124 affidavit with the appropriate law enforcement agency, along with a copy of the signed  
125 contract, affirming the guest's lawful occupancy has expired. Upon receipt, the law  
126 enforcement agency shall treat the guest as a trespasser subject to removal under Code  
127 Section 16-7-21 and shall remove such person from the room or premises.

128 (c)(1) Notwithstanding any other provision of law, when an innkeeper furnishes  
129 accommodations to a guest on a day-to-day or week-to-week basis, an innkeeper-guest  
130 relationship shall be presumed to exist regardless of such guest's length of stay or  
131 frequency or method of payment, provided that such guest entered into a valid written  
132 contract designating the relationship between the parties as innkeeper and guest and such  
133 accommodations were provided on a day-to-day or week-to-week basis. An agreement  
134 of understanding to convert a guest to a tenant shall be in writing, be signed by both  
135 parties, and expressly state the intent to establish a landlord-tenant relationship.

136 (2) An innkeeper's acceptance of a missed or late payment tendered by a guest shall not  
137 create a landlord-tenant relationship nor waive an innkeeper's right to pursue immediate  
138 removal of a guest pursuant to this Code section or any other provision of law."

139

## SECTION 6.

140 Title 44 of the Official Code of Georgia Annotated, relating to property, is amended by  
141 revising subsection (e) of Code Section 44-7-55, relating to judgment, writ of possession,  
142 landlord's liability for wrongful conduct, distribution of funds paid into court, and personal  
143 property, as follows:

144 "(e)(1) Nothing in this Code section shall require a sheriff, ~~deputy sheriff~~, constable, or  
145 marshal to execute a writ of possession within 30 days from the issuance of any order  
146 granting a writ of possession, or the issuance, application, or request for the execution of  
147 the writ of possession; provided, however, that, in the event the sheriff, ~~sheriff~~ deputy  
148 ~~sheriff~~, constable, or marshal is unable to execute the writ within ~~14~~ seven days from the  
149 landlord's application or request for such execution, the landlord shall be entitled to  
150 utilize the services of an off-duty sheriff, ~~sheriff~~ deputy ~~sheriff~~, constable, marshal, or  
151 other ~~individual~~ peace officer certified by the Georgia Peace Officer Standards and  
152 Training Council having authority within the jurisdiction wherein the premises lie to  
153 execute such writ at the landlord's sole cost and expense.

154 (2) The sheriff, ~~sheriff~~ deputy ~~sheriff~~, constable, or marshal shall maintain a list of  
155 authorized off-duty sheriffs, ~~sheriff deputies~~ deputy sheriffs, constables, marshals, and  
156 other ~~individuals~~ peace officers certified by the Georgia Peace Officer Standards and  
157 Training Council and make the same available upon request by the landlord.

158 (3) The sheriff, ~~sheriff~~ deputy ~~sheriff~~, constable, or marshal shall maintain administrative  
159 authority over any persons executing writs under this subsection.

160 (4) Nothing in this Code section shall be construed to mandate that a sheriff or marshal  
161 must authorize any off-duty peace officer who is not under his or her administrative  
162 authority to enforce the provisions of this Code section.

163 (5) The landlord shall provide written notice to the sheriff, ~~sheriff~~ deputy ~~sheriff~~,  
164 constable, or marshal to whom the application for execution was originally submitted of  
165 the date and time of the scheduled execution of the writ by such off-duty sheriff, ~~sheriff~~  
166 deputy ~~sheriff~~, constable, marshal, or other ~~individuals~~ peace officer certified by the  
167 Georgia Peace Officer Standards and Training Council at least ~~five~~ three calendar days  
168 in advance of such execution in order to permit the sheriff, ~~sheriff~~ deputy ~~sheriff~~,  
169 constable, or marshal to note the same within ~~their~~ his or her own records.

170 (6) For officer safety purposes, a landlord that is utilizing the services of an off-duty  
171 sheriff, deputy sheriff, constable, marshal, or other peace officer certified by the Georgia  
172 Peace Officer Standards and Training Council pursuant to this Code section shall provide  
173 written notice to the sheriff of the county and, if applicable, the police chief and marshal  
174 of the county at least three calendar days in advance of any writ of possession being  
175 executed."

176 **SECTION 7.**

177 Said title is further amended by adding a new Code section to Chapter 11, relating to  
178 ejectment and proceedings against intruders, to read as follows:

179 "44-11-34.

180 (a) As used in this Code section, the term 'resides' shall have the same meaning as set forth  
181 in Code Section 16-7-21.1.

182 (b) The General Assembly finds that the right to exclude others from entering, and the  
183 right to direct others to immediately vacate, real property are the most important real  
184 property rights. The General Assembly further finds that existing remedies regarding a  
185 squatter, also known as an unauthorized person who unlawfully remains or resides on real  
186 property, fail to adequately protect the rights of the real property owner and fail to  
187 adequately discourage theft and vandalism. The intent of this Code section is to swiftly  
188 restore possession of real property to the lawful owner of the property when such property  
189 is being unlawfully occupied and to thereby preserve real property rights while limiting the  
190 opportunity for criminal activity.

191 (c) A real property owner or his or her authorized agent may request from the sheriff,  
192 deputy sheriff, constable, marshal, or other peace officer certified by the Georgia Peace  
193 Officer Standards and Training Council of the county in which the real property is located  
194 the immediate removal of a person or persons unlawfully residing on or within the real  
195 property pursuant to this Code section, subject to the following conditions:

- 196 (1) The requesting person is the real property owner or authorized agent of the real  
 197 property owner;
- 198 (2) An unauthorized person or persons have unlawfully entered and remain or continue  
 199 to reside on or within the property owner's real property;
- 200 (3) The real property was not open to members of the public at the time the unauthorized  
 201 person or persons entered;
- 202 (4) The real property owner has directed the unauthorized person or persons to leave the  
 203 real property;
- 204 (5) The unauthorized person or persons are not current tenants pursuant to a written or  
 205 oral rental agreement authorized by the real property owner;
- 206 (6) The unauthorized person or persons are not immediate family members of the real  
 207 property owner; and
- 208 (7) There is no pending litigation related to the real property between the real property  
 209 owner and any known, unauthorized person.
- 210 (d) To request the immediate removal of a person or persons unlawfully residing on or  
 211 within the real property, the real property owner or his or her authorized agent shall submit  
 212 a complaint by presenting a completed and verified Complaint to Remove Persons  
 213 Unlawfully Residing On or Within Real Property to the sheriff, deputy sheriff, constable,  
 214 marshal, or other peace officer certified by the Georgia Peace Officer Standards and  
 215 Training Council of the county in which the real property is located. The submitted  
 216 complaint shall be in substantially the following form:

217 'COMPLAINT TO REMOVE PERSONS UNLAWFULLY RESIDING ON  
 218 OR WITHIN REAL PROPERTY

219 I, the owner or authorized agent of the owner of the real property located at \_\_\_\_\_  
 220 \_\_\_\_\_, declare under the penalty of perjury that (initial each box):

- 221 1.  I am the owner of the real property or the authorized agent of the owner  
222 of the real property.
- 223 2.  I purchased the property on \_\_\_\_\_ (date).
- 224 3.  An unauthorized person or persons have unlawfully entered and are  
225 remaining or residing unlawfully on or within the real property.
- 226 4.  The real property was not open to members of the public at the time the  
227 unauthorized person or persons entered.
- 228 5.  I have directed the unauthorized person or persons to leave the real  
229 property, but they have not done so.
- 230 6.  The unauthorized person or persons are not current tenants pursuant to  
231 any valid lease I authorized, and any lease that may be produced by such  
232 person or persons is fraudulent or expired.
- 233 7.  The unauthorized person or persons sought to be removed are not an  
234 owner or a co-owner of the real property and have not been listed on the  
235 title to the real property unless the person or persons have engaged in title  
236 fraud.
- 237 8.  The unauthorized person or persons sought to be removed are not  
238 immediate family members of mine.
- 239 9.  There is no litigation related to the real property pending between myself  
240 and any person or persons sought to be removed.
- 241 10.  I understand that a person or persons removed from the real property  
242 pursuant to this procedure may bring a cause of action against me for any  
243 false statements made in this complaint, or for wrongfully using this  
244 procedure, and that as a result of such action I may be held liable for  
245 actual damages, statutory damages, penalties, costs, and reasonable  
246 attorney's fees.

247 11.  I am requesting the sheriff, deputy sheriff, constable, marshal, or other  
 248 peace officer certified by the Georgia Peace Officer Standards and  
 249 Training Council to immediately remove the unauthorized person or  
 250 persons from the real property.

251 12.  A copy of my valid government issued identification is attached, or I am  
 252 an agent of the real property owner and documents evidencing my  
 253 authority to act on the real property owner's behalf are attached.

254 I HAVE READ EVERY STATEMENT MADE IN THIS COMPLAINT AND EACH  
 255 STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE  
 256 STATEMENTS MADE IN THIS COMPLAINT ARE BEING MADE UNDER  
 257 PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN O.C.G.A. 16-10-70.

258

259 (Signature of Real Property Owner or Agent of Real Property Owner)'

260 (e)(1) Upon receipt of the complaint, the sheriff, deputy sheriff, constable, marshal, or  
 261 other peace officer certified by the Georgia Peace Officer Standards and Training Council  
 262 shall verify in good faith that the person submitting the complaint is the true property  
 263 owner of the real property or the authorized agent of the property owner and appears  
 264 otherwise entitled to relief under this Code section. If verified, such sheriff, deputy  
 265 sheriff, constable, marshal, or other peace officer shall, without delay, serve notice to  
 266 immediately vacate on all unauthorized persons and shall put the real property owner in  
 267 possession of the real property.

268 (2) Service pursuant to paragraph (1) of this subsection may be accomplished by hand  
 269 delivery of the notice to an unauthorized person or by posting the notice on the front door  
 270 or entrance of the real property.

271 (f)(1) The sheriff, deputy sheriff, constable, marshal, or other peace officer certified by  
272 the Georgia Peace Officer Standards and Training Council shall be entitled to the same  
273 fee for service of the notice to immediately vacate as if such sheriff, deputy sheriff,  
274 constable, marshal, or other peace officer certified by the Georgia Peace Officer  
275 Standards and Training Council were serving a writ of possession. After such sheriff,  
276 deputy sheriff, constable, marshal, or other peace officer certified by the Georgia Peace  
277 Officer Standards and Training Council serves the notice to immediately vacate, the real  
278 property owner or his or her authorized agent may request the sheriff, deputy sheriff,  
279 constable, marshal, or other peace officer certified by the Georgia Peace Officer  
280 Standards and Training Council to stand by to keep the peace while the verified real  
281 property owner or authorized agent of the real property owner changes the locks and  
282 removes any personal property of the unauthorized person or persons from the land or  
283 premises to or near the property line. When such request is made, such sheriff, deputy  
284 sheriff, constable, marshal, or other peace officer certified by the Georgia Peace Officer  
285 Standards and Training Council may charge a reasonable hourly rate, and the real  
286 property owner or agent requesting such service shall be responsible for paying the  
287 reasonable hourly rate set by such sheriff, deputy sheriff, constable, marshal, or other  
288 peace officer certified by the Georgia Peace Officer Standards and Training Council. The  
289 sheriff, deputy sheriff, constable, marshal, or other peace officer certified by the Georgia  
290 Peace Officer Standards and Training Council shall not be liable to the unauthorized  
291 person or persons or any other party for the loss of or destruction or damage to the  
292 property.

293 (2) The real property owner or his or her authorized agent shall not be liable to an  
294 unauthorized person or persons or any other party for the loss of or destruction or damage  
295 to such personal property unless the removal was wrongful.

296 (g) Any person who, with the intent to remain or reside upon real property, knowingly and  
297 willfully presents to another person a false document purporting to be a valid lease

298 agreement, deed, or other instrument conveying real property rights commits a felony, and  
299 upon conviction thereof, shall be sentenced to a mandatory minimum term of imprisonment  
300 of not less than one year nor more than five years, and no portion of the mandatory  
301 minimum sentence imposed shall be suspended, stayed, probated, deferred, or otherwise  
302 withheld by the sentencing court.

303 (h) A person may bring a civil cause of action for wrongful removal under this Code  
304 section. A person harmed by a wrongful removal under this Code section may be restored  
305 to possession of the real property and may recover actual damages incurred, statutory  
306 damages equal to three times the fair market monthly rental rate of the property, court  
307 costs, and reasonable attorney's fees. The court shall expedite such cause of action on the  
308 court calendar.

309 (i) Nothing in this Code section shall prohibit or otherwise limit the rights of a real  
310 property owner or the authority of a sheriff, deputy sheriff, constable, marshal, or other  
311 peace officer certified by the Georgia Peace Officer Standards and Training Council to  
312 arrest an unauthorized person or persons for criminal trespass as provided in Code  
313 Section 16-7-21, unlawful squatting as provided in Code Section 16-7-21.1, criminal  
314 damage to property in the first degree as provided in Code Section 16-7-22, criminal  
315 damage to property in the second degree as provided in Code Section 16-7-23, theft in  
316 violation of Article 1 of Chapter 8 of Title 16, or any other offense."

317 **SECTION 8.**

318 This Act shall become effective on July 1, 2025, and shall apply to all offenses committed  
319 on or after such date.

320 **SECTION 9.**

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