

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

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 2026."

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, the
69 rightful occupant of the property, or an authorized representative of the property owner.
70 ~~As used in this Code section, the term 'resides' means to inhabit or live on or within any~~
71 ~~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 he or she shall present to the head of the issuing law enforcement agency~~
75 ~~or its designee, within three business days of receiving the citation for such alleged~~
76 ~~offense, properly executed documentation that authorizes the person's entry on such land~~
77 ~~or 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 thereof, shall be subject to the penalty provided in subsection (b) of this Code~~
82 ~~section.~~

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

91 ~~(b)(c)~~ Any person who violates subsection ~~(a)~~ (b) of this Code section shall be guilty of
92 a misdemeanor ~~which~~ and upon conviction thereof, shall be punished as provided in Code

93 Section 17-10-3 and, further, shall be ordered to make restitution to the property owner, the
94 rightful occupant of the property, or an authorized representative of the property owner.
95 Such restitution shall be based upon the fair market monthly rental rate of the land or
96 premises."

97 **SECTION 5.**

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

102 "43-21-3.2.

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

118 for the time after the room is vacated unless the guest has agreed otherwise before
119 occupying the room.

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

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

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

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

141

SECTION 6.

142 Title 44 of the Official Code of Georgia Annotated, relating to property, is amended in Code
143 Section 44-7-55, relating to judgment, writ of possession, landlord's liability for wrongful

144 conduct, distribution of funds paid into court, and personal property, by revising
145 subsection (e) as follows:

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

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

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

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

165 (5) The landlord shall provide written notice to the sheriff, deputy sheriff, constable, or
166 marshal to whom the application for execution was originally submitted of the date and
167 time of the scheduled execution of the writ by such off-duty sheriff, deputy sheriff,
168 constable, marshal, or other ~~individual~~ peace officer certified by the Georgia Peace
169 Officer Standards and Training Council at least ~~five~~ three calendar days in advance of

170 such execution in order to permit the sheriff, deputy sheriff, constable, or marshal to note
171 the same within his or her own records.

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

178 **SECTION 7.**

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

181 "44-11-34.

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

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

193 (c) A real property owner or his or her authorized agent may request from the sheriff,
194 deputy sheriff, constable, marshal, or other peace officer certified by the Georgia Peace
195 Officer Standards and Training Council of the county in which the real property is located

196 the immediate removal of a person or persons unlawfully residing on or within the real
197 property pursuant to this Code section, subject to the following conditions:

198 (1) The requesting person is the real property owner or authorized agent of the real
199 property owner;

200 (2) An unauthorized person or persons have unlawfully entered and remain or continue
201 to reside on or within the property owner's real property;

202 (3) The real property was not open to members of the public at the time the unauthorized
203 person or persons entered;

204 (4) The real property owner has directed the unauthorized person or persons to leave the
205 real property;

206 (5) The unauthorized person or persons are not current tenants pursuant to a written or
207 oral rental agreement authorized by the real property owner;

208 (6) The unauthorized person or persons are not immediate family members of the real
209 property owner; and

210 (7) There is no pending litigation related to the real property between the real property
211 owner and any known, unauthorized person.

212 (d) To request the immediate removal of a person or persons unlawfully residing on or
213 within the real property, the real property owner or his or her authorized agent shall submit
214 a complaint by presenting a completed and verified Complaint to Remove Persons
215 Unlawfully Residing On or Within Real Property to the sheriff, deputy sheriff, constable,
216 marshal, or other peace officer certified by the Georgia Peace Officer Standards and
217 Training Council of the county in which the real property is located. The submitted
218 complaint shall be in substantially the following form:

219 'COMPLAINT TO REMOVE PERSONS UNLAWFULLY RESIDING ON
220 OR WITHIN REAL PROPERTY

221 I, the owner or authorized agent of the owner of the real property located at _____
222 _____, declare under the penalty of perjury that (initial each box):

223 1. I am the owner of the real property or the authorized agent of the owner
224 of the real property.

225 2. I purchased the property on _____ (date).

226 3. An unauthorized person or persons have unlawfully entered and are
227 remaining or residing unlawfully on or within the real property.

228 4. The real property was not open to members of the public at the time the
229 unauthorized person or persons entered.

230 5. I have directed the unauthorized person or persons to leave the real
231 property, but they have not done so.

232 6. The unauthorized person or persons are not current tenants pursuant to
233 any valid lease I authorized, and any lease that may be produced by such
234 person or persons is fraudulent or expired.

235 7. The unauthorized person or persons sought to be removed are not an
236 owner or a co-owner of the real property and have not been listed on the
237 title to the real property unless the person or persons have engaged in title
238 fraud.

239 8. The unauthorized person or persons sought to be removed are not
240 immediate family members of mine.

241 9. There is no litigation related to the real property pending between myself
242 and any person or persons sought to be removed.

243 10. I understand that a person or persons removed from the real property
244 pursuant to this procedure may bring a cause of action against me for any

245 false statements made in this complaint, or for wrongfully using this
 246 procedure, and that as a result of such action I may be held liable for
 247 actual damages, statutory damages, penalties, costs, and reasonable
 248 attorney's fees.

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

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

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

260

261 (Signature of Real Property Owner or Agent of Real Property Owner)

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

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

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

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

298 (g) Any person who, with the intent to remain or reside upon real property, knowingly and
299 willfully presents to another person a false document purporting to be a valid lease
300 agreement, deed, or other instrument conveying real property rights commits a felony, and
301 upon conviction thereof, shall be sentenced to a mandatory minimum term of imprisonment
302 of not less than one year nor more than five years, and no portion of the mandatory
303 minimum sentence imposed shall be suspended, stayed, probated, deferred, or otherwise
304 withheld by the sentencing court.

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

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

319

SECTION 8.

320 This Act shall become effective upon its approval by the Governor or upon its becoming law
321 without such approval.

322

SECTION 9.

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