

The House Committee on Judiciary offers the following substitute to SB 463:

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 provide for construction; to amend Title 44 of the Official Code  
8 of Georgia Annotated, relating to property, so as to provide for limitations and law  
9 enforcement officer safety regarding removal; to provide for legislative findings; to authorize  
10 real property owners to request assistance from law enforcement for the immediate removal  
11 of squatters from their property under certain conditions; to require such property owners to  
12 submit a verified complaint; to provide for complaint requirements; to provide for law  
13 enforcement requirements; to authorize arrest of squatters for legal cause; to authorize a fee  
14 for service; to provide for law enforcement and property owner immunity in certain  
15 instances; to provide for civil remedies; to provide for criminal penalties; to provide for  
16 definitions; to provide for an effective date and applicability; to provide for related matters;  
17 to provide for a short title; to repeal conflicting laws; and for other purposes.

S. B. 463 (SUB)

- 1 -

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; provided, however, that the contract shall include a provision  
108 that an innkeeper shall not require a guest who stays for more than 90 consecutive days to  
109 vacate such guest's room or the premises as set forth in subsection (b) of this Code section  
110 until at least ten days, excluding legal holidays, after such innkeeper has served the guest  
111 with written notice to vacate the room and premises. Such notice shall state the date by  
112 which such guest is required to vacate and shall be posted conspicuously in a sealed  
113 envelope on the door of the guest's assigned room and shall also be delivered by another  
114 reasonable method to such guest or representative of such guest, including, but not limited  
115 to, hand delivery, email, text message, mail, or placement under the door of the guest's  
116 assigned room. Upon the expiration of the contracted time period and any applicable grace  
117 At the expiration of such time period, the guest may be restrained from entering such room  
118 and any personal property of the guest shall be subject to the innkeeper's lien as provided

119 for in Code Section 43-21-5 and may be removed by the innkeeper to a secure place where  
120 the guest may recover his or her personal property upon payment by such guest of all sums  
121 due for food, lodging, or other accommodation without liability to the innkeeper, except  
122 for damages to or loss of such personal property attributable to its removal. The innkeeper  
123 shall not charge arbitrary or excess fees for the storage, handling, or retrieval of such  
124 guest's personal property beyond what is reasonably associated with such actions. If a  
125 guest vacates his or her room prior to the date contained in the written statement, ~~that~~ such  
126 guest shall not be liable for charges for the time after the room is vacated unless the guest  
127 has agreed otherwise before occupying the room.

128 (b)(1) Upon the expiration of the contracted time period and any applicable grace period  
129 set forth in the written contract, an innkeeper may immediately deny a guest further  
130 access to the room or premises and may secure any personal property left behind by the  
131 guest which shall be subject to the innkeeper's lien as provided for in Code Section  
132 43-21-5.

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

140 (c)(1) Notwithstanding any other provision of law, when an innkeeper furnishes  
141 accommodations to a guest on a day-to-day or week-to-week basis, an innkeeper-guest  
142 relationship shall be presumed to exist regardless of such guest's length of stay or  
143 frequency or method of payment, provided that such guest entered into a valid written  
144 contract designating the relationship between the parties as innkeeper and guest and such  
145 accommodations were provided on a day-to-day or week-to-week basis. An agreement

146 of understanding to convert a guest to a tenant shall be in writing, be signed by both  
 147 parties, and expressly state the intent to establish a landlord-tenant relationship.

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

151 (d) Nothing in this Code section shall be construed to prohibit the innkeeper and guest  
 152 from agreeing to an alternative remedy in lieu of removal from the property upon the  
 153 expiration of a written contract under this Code section."

154 **SECTION 6.**

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

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

169 (2) The sheriff, deputy sheriff, constable, or marshal shall maintain a list of authorized  
 170 off-duty sheriffs, deputy sheriffs, constables, marshals, and other ~~individuals~~ peace

171 officers certified by the Georgia Peace Officer Standards and Training Council and make  
172 the same available upon request by the landlord.

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

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

178 (5) The landlord shall provide written notice to the sheriff, deputy sheriff, constable, or  
179 marshal to whom the application for execution was originally submitted of the date and  
180 time of the scheduled execution of the writ by such off-duty sheriff, deputy sheriff,  
181 constable, marshal, or other individual peace officer certified by the Georgia Peace  
182 Officer Standards and Training Council at least ~~five~~ three calendar days in advance of  
183 such execution in order to permit the sheriff, deputy sheriff, constable, or marshal to note  
184 the same within his or her own records.

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

191 **SECTION 7.**

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

194 "44-11-34.

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

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

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

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

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

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

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

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

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

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

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

232 'COMPLAINT TO REMOVE PERSONS UNLAWFULLY RESIDING ON  
 233 OR WITHIN REAL PROPERTY

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

- 236 1.  I am the owner of the real property or the authorized agent of the owner  
 237 of the real property.
- 238 2.  I purchased the property on \_\_\_\_\_ (date).
- 239 3.  An unauthorized person or persons have unlawfully entered and are  
 240 remaining or residing unlawfully on or within the real property.
- 241 4.  The real property was not open to members of the public at the time the  
 242 unauthorized person or persons entered.
- 243 5.  I have directed the unauthorized person or persons to leave the real  
 244 property, but they have not done so.
- 245 6.  The unauthorized person or persons are not current tenants pursuant to  
 246 any valid lease I authorized, and any lease that may be produced by such  
 247 person or persons is fraudulent or expired.

- 248 7.  The unauthorized person or persons sought to be removed are not an  
249 owner or a co-owner of the real property and have not been listed on the  
250 title to the real property unless the person or persons have engaged in title  
251 fraud.
- 252 8.  The unauthorized person or persons sought to be removed are not  
253 immediate family members of mine.
- 254 9.  There is no litigation related to the real property pending between myself  
255 and any person or persons sought to be removed.
- 256 10.  I understand that a person or persons removed from the real property  
257 pursuant to this procedure may bring a cause of action against me for any  
258 false statements made in this complaint, or for wrongfully using this  
259 procedure, and that as a result of such action I may be held liable for  
260 actual damages, statutory damages, penalties, costs, and reasonable  
261 attorney's fees.
- 262 11.  I am requesting the sheriff, deputy sheriff, constable, marshal, or other  
263 peace officer certified by the Georgia Peace Officer Standards and  
264 Training Council to immediately remove the unauthorized person or  
265 persons from the real property.
- 266 12.  A copy of my valid government issued identification is attached, or I am  
267 an agent of the real property owner and documents evidencing my  
268 authority to act on the real property owner's behalf are attached.

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

273  
274

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

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

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

286 (f)(1) The sheriff, deputy sheriff, constable, marshal, or other peace officer certified by  
287 the Georgia Peace Officer Standards and Training Council shall be entitled to the same  
288 fee for service of the notice to immediately vacate as if such sheriff, deputy sheriff,  
289 constable, marshal, or other peace officer certified by the Georgia Peace Officer  
290 Standards and Training Council were serving a writ of possession. After such sheriff,  
291 deputy sheriff, constable, marshal, or other peace officer certified by the Georgia Peace  
292 Officer Standards and Training Council serves the notice to immediately vacate, the real  
293 property owner or his or her authorized agent may request the sheriff, deputy sheriff,  
294 constable, marshal, or other peace officer certified by the Georgia Peace Officer  
295 Standards and Training Council to stand by to keep the peace while the verified real  
296 property owner or authorized agent of the real property owner changes the locks and  
297 removes any personal property of the unauthorized person or persons from the land or  
298 premises to or near the property line. When such request is made, such sheriff, deputy  
299 sheriff, constable, marshal, or other peace officer certified by the Georgia Peace Officer

300 Standards and Training Council may charge a reasonable hourly rate, and the real  
301 property owner or agent requesting such service shall be responsible for paying the  
302 reasonable hourly rate set by such sheriff, deputy sheriff, constable, marshal, or other  
303 peace officer certified by the Georgia Peace Officer Standards and Training Council. The  
304 sheriff, deputy sheriff, constable, marshal, or other peace officer certified by the Georgia  
305 Peace Officer Standards and Training Council shall not be liable to the unauthorized  
306 person or persons or any other party for the loss of or destruction or damage to the  
307 property.

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

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

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

324 (i) Nothing in this Code section shall prohibit or otherwise limit the rights of a real  
325 property owner or the authority of a sheriff, deputy sheriff, constable, marshal, or other  
326 peace officer certified by the Georgia Peace Officer Standards and Training Council to

327 arrest an unauthorized person or persons for criminal trespass as provided in Code  
328 Section 16-7-21, unlawful squatting as provided in Code Section 16-7-21.1, criminal  
329 damage to property in the first degree as provided in Code Section 16-7-22, criminal  
330 damage to property in the second degree as provided in Code Section 16-7-23, theft in  
331 violation of Article 1 of Chapter 8 of Title 16, or any other offense."

332 **SECTION 8.**

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

335 **SECTION 9.**

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