

House Bill 1364

By: Representatives Momtahan of the 17<sup>th</sup>, Jasperse of the 11<sup>th</sup>, Ballinger of the 23<sup>rd</sup>, Bonner of the 73<sup>rd</sup>, and Horner of the 3<sup>rd</sup>

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 regarding liability of owners and occupiers of land, so as to  
3 provide that a person, business, or other entity that owns or legally controls a property and  
4 prohibits a lawful weapons carrier from possessing a concealed weapon on such property  
5 shall assume absolute custodial responsibility for the safety of such lawful weapons carrier  
6 from certain threats; to provide for public notices; to provide for a cause of action for any  
7 lawful weapons carrier who is harmed while on certain property after being prohibited by the  
8 person, business, or other entity that owns or legally controls such property from possessing  
9 a concealed weapon on such property; to provide for damages; to provide for limitations; to  
10 provide for definitions; to provide for related matters; to provide for applicability; to repeal  
11 conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

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

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17 "51-3-4.

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

19 (1) 'Lawful weapons carrier' shall have the same meaning as provided for in Code  
20 Section 16-11-125.1.

21 (2) 'Weapon' shall have the same meaning as provided for in Code Section 16-11-125.1.

22 (b)(1) A person, business, or other entity that owns or legally controls a property and has  
23 the authority to prohibit weapons on such property, including, but not limited to, such  
24 authority provided by Code Section 16-11-127, assumes absolute custodial responsibility  
25 for the safety and defense of a lawful weapons carrier who is prohibited from carrying  
26 his or her weapon, including a concealed weapon, while on such property and any other  
27 property such lawful weapons carrier is required to traverse in order to store or retrieve  
28 such weapon.

29 (2) The absolute custodial responsibility imposed upon the person, business, or other  
30 entity provided for in paragraph (1) of this subsection extends to the conduct of other  
31 invitees, trespassers, and employees of such person, business, or other entity.

32 (3) Any public notice posted on a property that includes language which provides that  
33 weapons are prohibited on such property shall also contain language citing this Code  
34 section and providing that any lawful weapons carrier who is prohibited from carrying  
35 his or her weapon, including a concealed weapon, while on such property shall be under  
36 the absolute custodial care of the person, business, or other entity that owns or legally  
37 controls such property.

38 (c)(1) Any lawful weapons carrier who is prohibited from carrying his or her weapon,  
39 including a concealed weapon, and who is injured, suffers bodily injury or death, or  
40 incurs economic loss or expense, property damage, or any other compensable loss as the  
41 result of conduct of another person occurring on property where the lawful possession of  
42 weapons is prohibited, shall have a cause of action against the person, business, or other  
43 entity that owns or legally controls such property and causes such prohibition to occur.

44 In addition to damages, the lawful weapons carrier shall be entitled to reasonable  
45 attorney's fees, expert witness costs, and other costs necessary to bring the cause of  
46 action.

47 (2) To prevail in an action brought under this subsection, the plaintiff shall show by a  
48 preponderance of the evidence that:

49 (A) The plaintiff was a lawful weapons carrier at the time of the incident giving rise  
50 to the action;

51 (B) The plaintiff was prohibited from carrying a weapon, including a concealed  
52 weapon, on the property where the incident occurred by the person, business, or other  
53 entity that owns or legally controls such property; and

54 (C) The prohibition provided for in subparagraph (B) of this paragraph was not  
55 required by state or federal law but was imposed at the discretion of the defendant.

56 (3) The statute of limitations for such an action shall be two years from the date of the  
57 occurrence giving rise to the damages, loss, or injury."

58 **SECTION 2.**

59 This Act shall apply to causes of action accruing on or after July 1, 2024.

60 **SECTION 3.**

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