

House Bill 43

By: Representative Sims of the 169<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to  
2 general provisions applicable to law enforcement officers and agencies, so as to clarify that  
3 persons leaving establishments licensed to sell alcoholic beverages by the drink shall be  
4 entitled to the defense of entrapment under certain circumstances; to provide for related  
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general  
9 provisions applicable to law enforcement officers and agencies, is amended by adding a new  
10 Code section as follows:

11 "35-1-18.

12 A law enforcement officer approaching a person leaving an establishment licensed to sell  
13 alcoholic beverages by the drink when the person is on the property of such an  
14 establishment and the officer approaches the person for the purpose of obtaining probable  
15 cause for crimes and offenses related to the consumption of alcoholic beverages shall be  
16 considered to have entrapped such person for any such offense. A person subjected to such  
17 police entrapment shall be entitled to the defense of entrapment provided for in Code  
18 Section 16-3-25."

19 **SECTION 2.**

20 All laws and parts of laws in conflict with this Act are repealed.