

House Bill 568

By: Representatives Camp of the 135th, Ballinger of the 23rd, Mathiak of the 74th, Jasperse of the 11th, and Corbett of the 174th

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 weapon on such property shall assume
5 absolute custodial responsibility for the safety of such lawful weapons carrier from certain
6 threats; to provide for public notices; to provide for a cause of action for any lawful weapons
7 carrier who is harmed while on certain property after being prohibited by the person,
8 business, or other entity that owns or legally controls such property from possessing a
9 weapon on such property; to provide for damages; to provide for limitations; to provide for
10 definitions; to provide for related matters; to provide for applicability; to repeal conflicting
11 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 while on such property and any other property such lawful weapons
27 carrier is required to traverse in order to store or retrieve such weapon.

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

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

36 (c)(1) Any lawful weapons carrier who is prohibited from carrying his or her weapon and
37 who is injured, suffers bodily injury or death, or incurs economic loss or expense,
38 property damage, or any other compensable loss as the result of conduct of another
39 person occurring on property where the lawful possession of weapons is prohibited, shall
40 have a cause of action against the person, business, or other entity that owns or legally
41 controls such property and causes such prohibition to occur. In addition to damages, the
42 lawful weapons carrier shall be entitled to reasonable attorney's fees, expert witness costs,
43 and other costs necessary to bring the cause of action.

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

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

48 (B) The plaintiff was prohibited from carrying a weapon on the property where the
49 incident occurred by the person, business, or other entity that owns or legally controls
50 such property; and

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

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

55 **SECTION 2.**

56 This Act shall apply to causes of action accruing on or after July 1, 2023.

57 **SECTION 3.**

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