

Senate Bill 49

By: Senators Fort of the 39th, Jones of the 10th, Henson of the 41st, Davenport of the 44th,
Tate of the 38th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and
2 offenses, so as to repeal the statute relating to no duty to retreat prior to the use of force; to
3 correct cross-references; to repeal the defense of self or others as an absolute defense; to
4 provide for related matters; to provide an effective date; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
9 amended by repealing in its entirety Code Section 16-3-23.1, relating to no duty to retreat
10 prior to the use of force in self-defense.

11 **SECTION 2.**

12 Said title is further amended by revising Code Section 16-3-24.2, relating to immunity from
13 prosecution, as follows:

14 "16-3-24.2.

15 A person who uses threats or force in accordance with Code Section 16-3-21, 16-3-23,
16 ~~16-3-23.1~~, or 16-3-24 shall be immune from criminal prosecution therefor unless in the use
17 of deadly force, such person utilizes a weapon the carrying or possession of which is
18 unlawful by such person under Part 2 or 3 of Article 4 of Chapter 11 of this title."

19 **SECTION 3.**

20 Said title is further amended by repealing in its entirety Code Section 16-11-138, relating to
21 defense of self or others as absolute defense.

22 **SECTION 4.**

23 Said title is further amended by repealing in its entirety Code Section 16-12-129, relating to
24 defense of self or others an absolute defense to a violation under this part.

25 **SECTION 5.**

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

28 **SECTION 6.**

29 All laws and parts of laws in conflict with this Act are repealed.