

Senate Bill 515

By: Senators Williams of the 39th, Jordan of the 6th, Jones II of the 22nd, Harrell of the 40th, Anderson of the 43rd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated,
2 relating to justification and excuse, so as to repeal the "stand your ground" law; to amend
3 Titles 15, 17, and 51 of the Official Code of Georgia Annotated, relating to courts, criminal
4 procedure, and torts, respectively, so as to make conforming changes; to provide for related
5 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated, relating to
9 justification and excuse, is amended by repealing Code Section 16-3-23.1, relating to no duty
10 to retreat prior to use of force in self-defense, in its entirety.

11 **SECTION 2.**

12 Said article is further amended by revising Code Section 16-3-24.2, relating to immunity
13 from prosecution and exception, 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 of Article 4 of Chapter 11 of this title."

19 **SECTION 3.**

20 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising
21 subparagraph (b)(5)(E) of Code Section 15-12-71, relating to duties of a grand jury, as
22 follows:

23 "(E) Prior to the introduction of any evidence or the first witness being sworn, the
24 district attorney shall advise the grand jury of the laws applicable to the conduct of such

25 review. In particular, the grand jury shall be advised of Code Sections 16-3-20,
26 16-3-21, ~~16-3-23.1~~, and 17-4-20."

27 **SECTION 4.**

28 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is
29 amended by revising subsection (c) of Code Section 17-7-52, relating to procedure for
30 indictment or special presentment of peace officer for crime in performance of duties,
31 notification, and rights of officer, as follows:

32 "(c) Prior to the introduction of any evidence or the first witness being sworn, the
33 prosecuting attorney shall advise the grand jury of the laws applicable to the conduct of
34 such proceedings, all relevant sections of the Code relating to the crime or crimes alleged
35 in the bill of indictment, and any Code section that excuses or justifies such conduct. In
36 particular, the grand jury shall be advised of Code Sections 16-3-20, 16-3-21, ~~16-3-23.1~~,
37 and 17-4-20."

38 **SECTION 5.**

39 Title 51 of the Official Code of Georgia Annotated, relating to torts, is amended by revising
40 Code Section 51-11-9, relating to immunity from civil liability for threat or use of force in
41 defense of habitation, as follows:

42 "51-11-9.

43 A person who is justified in threatening or using force against another under the provisions
44 of Code Section 16-3-21, relating to the use of force in defense of self or others, Code
45 Section 16-3-23, relating to the use of force in defense of a habitation, or Code
46 Section 16-3-24, relating to the use of force in defense of property other than a habitation,
47 ~~has no duty to retreat from the use of such force~~ and shall not be held liable to the person
48 against whom the use of force was justified or to any person acting as an accomplice or
49 assistant to such person in any civil action brought as a result of the threat or use of such
50 force."

51 **SECTION 6.**

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

54 **SECTION 7.**

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