

Senate Bill 245

By: Senators Robertson of the 29th, Harper of the 7th, Gooch of the 51st, Miller of the 49th,
Tillery of the 19th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
2 relating to dangerous instrumentalities and practices, so as to prohibit public officers from
3 ordering the enforcement of certain federal acts regarding the right to keep and bear arms;
4 to provide for exceptions; to provide for definitions; to provide for civil and criminal
5 penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to
9 dangerous instrumentalities and practices, is amended by adding a new part to read as
10 follows:

11 "Part 6

12 16-11-180.

13 (a) As used in this part, the term:

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14 (1) 'Agency or political subdivision' means any department, agency, authority,
15 commission, or government entity of this state or of any county, municipality, or other
16 subdivision of this state.

17 (2) 'Public official' means an elected or appointed official or an employee or an agent of
18 an agency or political subdivision.

19 (b) Except when required to do so by court order or otherwise by law, no federal executive
20 order, agency order, law, statute, rule, or regulation issued, enacted, or promulgated on or
21 after July 1, 2021, shall be knowingly or willfully ordered to be enforced by any public
22 official if contrary to Article I, Section I, Paragraph VIII of the Constitution of this state.

23 (c) Any public official who knowingly and willfully orders another public official to
24 enforce any federal executive order, agency order, law, statute, rule, or regulation as
25 prohibited in subsection (b) of this Code section shall, upon a first violation, be liable for
26 a civil penalty not to exceed \$1,000.00, which shall be paid into the treasury of this state
27 and shall, upon a second or subsequent violation, be guilty of a misdemeanor.

28 (d) Nothing in this Code section shall be construed to affect the law of search and seizure
29 or the performance of any act solely for the purpose of facilitating the transfer of firearms
30 under federal law."

31

SECTION 2.

32 All laws and parts of laws in conflict with this Act are repealed.