

Senate Bill 517

By: Senator Robertson of the 29th

AS PASSED SENATE

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 under defenses to criminal prosecutions, so as to provide
3 for immunity from certain criminal prosecutions against law enforcement officers whose
4 threat or use of force is justified or otherwise lawful; to amend Article 1 of Chapter 11 of
5 Title 51 of the Official Code of Georgia Annotated, relating to general provisions regarding
6 defenses to tort actions, so as to provide for immunity from civil liability against law
7 enforcement officers whose threat or use of force is justified or otherwise lawful; to provide
8 for related matters; to provide for an effective date and applicability; to repeal conflicting
9 laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated, relating to
13 justification and excuse under defenses to criminal prosecutions, is amended by revising
14 Code Section 16-3-24.2, relating to immunity from prosecution and exception, as follows:

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15 "16-3-24.2.

16 A person who uses threats or force in accordance with Code Section 16-3-20, 16-3-21,
17 16-3-23, 16-3-23.1, ~~or 16-3-24~~, or 17-4-20 shall be immune from criminal prosecution
18 therefor unless in the use of deadly force, such person utilizes a weapon the carrying or
19 possession of which is unlawful by such person under Part 2 of Article 4 of Chapter 11 of
20 this title."

21 **SECTION 2.**

22 Article 1 of Chapter 11 of Title 51 of the Official Code of Georgia Annotated, relating to
23 general provisions regarding defenses to tort actions, is amended by revising Code Section
24 51-11-9, relating to immunity from civil liability for threat or use of force in defense of
25 habitation, as follows:

26 "51-11-9.

27 A person who is justified in threatening or using force against another under the provisions
28 of Code Section 16-3-20, relating to justification as a defense, Code Section 16-3-21,
29 relating to the use of force in defense of self or others, Code Section 16-3-23, relating to
30 the use of force in defense of a habitation, ~~or~~ Code Section 16-3-24, relating to the use of
31 force in defense of property other than a habitation, or Code Section 17-4-20, relating to
32 arrests and use of force by law enforcement officers, has no duty to retreat from the use of
33 such force and shall not be held liable to the person against whom the use of force was
34 justified or to any person acting as an accomplice or assistant to such person in any civil
35 action brought as a result of the threat or use of such force."

36 **SECTION 3.**

37 This Act shall become effective upon its approval by the Governor or upon its becoming law
38 without such approval and shall apply to all offenses committed and causes of action
39 accruing on or after such date.

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SECTION 4.

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