

TO: All Active, Life & Professional Members
FROM: Frank V. Rotondo, GACP Executive Director
SUBJECT: Firearms Legislative Alert – HB 6 and HB 89 - - Immediate Action Needed
DATE: January 31, 2007

There are two House Bills regarding firearms that will be of interest to our membership. House Bill 6 removes the Governor's Emergency Powers over the sale, transport and distribution of firearms during a declared state of emergency. Currently, the Governor has emergency powers over combustibles, explosives, alcohol and firearms during an emergency. The current law exempts those firearms legally owned by individuals or purchased legally after the State of Emergency has been declared. House Bill 6 will prohibit the confiscation of a weapon by any law enforcement officer or National Guard member during a state of emergency and stipulates that **a law enforcement officer will be subject to personal liability and payment of court costs if they are personally sued.** This House Bill states:

- b) Any individual aggrieved by a violation of this Code section may seek in the courts of this state relief in an action at law or in equity or other proper proceeding for redress against any person who subjects such individual, or causes such individual to be subjected, to the deprivation of any of the rights, privileges, or immunities provided by this Code section.
- (c) In addition to any other remedy at law or in equity, an individual aggrieved by the seizure or confiscation of a firearm in violation of this Code section may bring an action for return of such firearm in the superior court of the county in which that individual resides or in which such firearm is located. In any action or proceeding to enforce this Code section, the court shall award the prevailing party, other than the state or political subdivision thereof, reasonable attorneys' fees.

The House Judiciary Non Civil Committee passed this bill by a vote of 10-7. **If you are concerned about the "personal liability" assigned to you or your officers as a result of this legislation, please contact your State Representative immediately. This legislation is moving quickly!**

The second piece of legislation is House Bill 89. House Bill 89 would remove any requirements about the placement of a loaded firearm in a vehicle. Currently, the law requires that non-permit holders keep their loaded firearms in plain view, in the console, or in the glove compartment. Concealed weapons permit holders may place the loaded firearm anywhere in the vehicle. The House Judiciary Non Civil Committee members voted 12-5 to pass HB 89. Please note that when one committee member was asked if the bill would allow anyone to conceal the firearm on their person in the vehicle, the author answered that it would.

I am aware that our membership has differing views about the right to carry firearms. However, if this bill becomes law it appears your patrol officers will have increased safety concerns especially during traffic stops. What are the ramifications if your officer uses deadly force during a traffic stop because the officer believes someone in the vehicle is pulling out a concealed weapon?

If you are concerned about officer safety issues related to this legislation, please contact your State Representative immediately. This legislation is moving quickly!

In case you need help identifying your State Representative or contact information for your Representative, click on the link below:

http://www.legis.ga.gov/legis/2007_08/house/index.htm