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April 2, 2014

The Honorable Nathan Deal
The Office of the Governor
State of Georgia
203 State Capitol
Atlanta, Georgia 30334

Re: House Bill 60

Dear Governor Deal:

The Georgia Municipal Association opposes House Bill 60 and respectfully requests that the legislation be vetoed. This legislation subverts local control and undermines local officials' discretion to make decisions that best suit the interests of the communities they were elected to represent.

This legislation limits municipal authority to restrict weapons in city-owned buildings. Local elected officials are responsible for securing and maintaining public safety, and insurance coverage, in buildings owned and operated by the city. Therefore, they should have the authority to make a decision about whether to allow weapons in such buildings.

In order to restrict weapons access to a city government meeting or building (such as a city hall, library, recreational center, city office buildings and fire stations) a government is required to implement security staff and infrastructure, screen or restrict all persons entering such building with security personnel, and must bear the cost of such security personnel and equipment.

The legislation presents numerous public safety and police officer safety concerns, including the provision found on line 788 which prohibits certified law enforcement officers from requesting verification of a weapons carry license. This preemption exists even on a city's own property. The provision prevents law enforcement from effectively performing its public safety duties by limiting the response a police officer can exercise in a potentially dangerous situation.

Also under this provision, despite the officer's own experience that criminal activity may be afoot and contrary to United States Supreme Court Fourth Amendment jurisprudence (*Terry v. Ohio*, 392 U.S.1 (1968); *Florida v. J.L.*, 529 U.S. 266 (2000)), a police officer who *personally witnesses* an armed and potentially dangerous person walking towards a store late at night would be strongly discouraged from simply asking to see a weapons carry license until *after* the officer witnesses a crime being committed.

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Furthermore, not only does House Bill 60 create public safety and law enforcement safety issues, it also renders insignificant the sections of the legislation that differentiate license holders from persons who do not have a license. For example, if an individual carries a firearm into a city zoning hearing which does not have security controlling access to the building, a law enforcement officer would be prohibited from requesting verification of a weapons carry license from such individual. Therefore, the officer would be unable to determine whether such person is a license holder authorized to carry in the building or is not a license holder who is prohibited from carrying a weapon into a government building at all times.

The loss of law enforcement authority to verify weapons carry licenses would in effect afford persons who are not license holders, including criminals, the same protections afforded to law-abiding license holders, particularly in government buildings and commercial service airports.

In addition to the concerns noted above, House Bill 60, at line 848, encourages individuals to file litigation against city elected officials and city employees for any *perceived* violation of state weapons laws, regardless of whether the claim has any merit. Because the legislation provides that the city must bear the cost of litigation, attorney's fees and expenses, this provision will lead to frivolous claims. Local taxpayers will be responsible for the costs of litigation for lawsuits filed by individuals who have little to lose and everything to gain in filing litigation.

The State of Georgia has 538 cities and within those cities are thousands of police officers, city employees, and city elected officials. Providing the training necessary to implement any law enacted by the Georgia Legislature is among the highest priorities of the Georgia Municipal Association. To that end, House Bill 60 creates significant changes to current law in a short time-frame and the training required for compliance will be extensive and will create additional costs for municipalities.

This legislation will strain municipal budgets through increased costs of security, training and frivolous litigation. This cost will be borne by local taxpayers, and will compromise public safety. The Georgia Municipal Association respectfully asks that House Bill 60 be vetoed.

If you should have any questions or comments concerning this legislation please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "D. Lamar Norton". The signature is written in a cursive, flowing style.

D. Lamar Norton
Executive Director