

The Stone Law Firm, PC

ATTORNEY AT LAW

EDWARD A. STONE

Direct Dial: 404-919-4842

stonelawfirmpc@gmail.com

May 9, 2014

VIA EMAIL gcboe@gradycountyga.gov
AND REGULAR MAIL

Grady County Board of Commissioners
250 North Broad Street
Cairo, GA 39828-2107

**Subject: Municipal Ordinance Sec. 142-88
Violation of Express Preemption**

Dear Grady County Board of Commissioners:

I represent GeorgiaCarry.Org, Inc. ("GCO"), an organization dedicated to fostering the right of its members to keep and bear arms. I am writing you because of the recent news stories claiming that Grady County discussed on Tuesday evening whether it would violate state law and attempt to regulate the carry and possession of firearms in contravention of Georgia's express preemption law, O.C.G.A. 16-11-173, which has been the law in Georgia for almost 20 years. Specifically, Grady County is considering an ordinance to ban firearms from its local parks and recreational facilities.

This very action by local government has been the source of several appellate court opinions. *See, generally, GeorgiaCarry.Org, Inc. v. Coweta County*, 288 Ga. App. 748, 655 S.E.2d 346 (2007) and *GeorgiaCarry.Org, Inc. v. City of Roswell*, 298 Ga. App. 686, 680 S.E.2d 697 (2009).

I am writing to inform the commission that its proposed course of action is not in compliance with state law. O.C.G.A. § 16-11-173 expressly preempts all local regulation of the carrying or possession of firearms. This state's express preemption law has been interpreted very broadly and strictly against local municipalities. *See Sturm Ruger v. City of Atlanta*, 253 Ga. App. 713, 560 S.E.2d 525 (2002) (Atlanta may not attempt to regulate

firearms even by suing manufacturers); *GeorgiaCarry.Org, Inc. v. Coweta County*, 288 Ga. App. 748, 655 S.E.2d 346 (2007) (preemption statute prohibits banning the carry of firearms in parks and recreation facilities). Since it is within the core of GCO's mission to ensure that its members' right to bear arms is not violated by local government action, it has sued the City of Atlanta over its regulation of firearms in city parks, along with Fulton County, Roswell, John's Creek, Milton, Sandy Springs, East Point, and Coweta County, and GCO has sued or induced ordinance changes in Kennesaw, Gwinnett County, Fayette County, Lee County, Forsyth County, and many others.

In 2010, the General Assembly passed another law preempting Grady County's proposed ordinance. O.C.G.A. § 16-11-127 provides that, with the exception of a short list of specific locations, a person with a Georgia Weapons Carry License "shall be authorized to carry a weapon . . . *in every location in this state*." Legislative language does not get much clearer than that.

HB 60, recently signed by Governor Deal, provides for reasonable attorney's fees and expenses of litigation should Grady County decide to move forward with violating state law and force GeorgiaCarry.Org to file a lawsuit in order to protect its members' right to bear arms.

Grady County's proposed ordinance directly affects members of GCO who wish to carry peaceably at parks and recreation areas without fear of harassment, arrest, and incarceration. I ask that your county attorney, who is copied on this letter, review the proposed ordinance and respond to me promptly that Grady County will be taking measures to ensure that it is fully in compliance with state law on this important issue.

Yours sincerely,

Edward A. Stone

cc: Kevin S. Cauley
County Attorney

Troy Washington
WALB