

JOHN R. MONROE ATTORNEY AT LAW

September 13, 2012

Chehaw Park Authority
105 Chehaw Park Road
Albany, GA 31701

RE: Possession of Firearms at Chehaw Park

Dear Sir/Madame:

I represent GeorgiaCarry.Org, Inc. ("GCO"), an organization dedicated to fostering the rights of its members to keep and bear arms. Recently, your staff ejected a GCO member from the Park on account of that member's openly wearing a firearm (the member has a valid Georgia weapons carry license ("GWL")). I understand that action is consistent with your current practices.

I am writing to advise you that this practice violates state law. Pursuant to O.C.G.A. § 16-11-127(c), "a licenseholder ... shall be authorized to carry a weapon ... **in every location in this state.**" [Emphasis supplied]. Under O.C.G.A. § 16-11-126(g), a person with a GWL may carry a weapon in a "park." Finally, and perhaps most importantly, O.C.G.A. § 16-11-173 preempts all local regulation of carrying firearms.

Georgia courts have interpreted § 16-11-173 quite strictly against local governments. In *Sturm Ruger v. City of Atlanta*, 253 Ga.App. 713, 560 S.E.2d 525 (2002), the court said that the City of Atlanta could not regulate firearms by suing firearms manufacturers. The court reasoned that permitting such a suit would allow Atlanta to "do indirectly that which it cannot do directly." Furthermore, in *GeorgiaCarry.Org, Inc. v. Coweta County*, 288 Ga.App. 748, 655 S.E.2d 346 (2007), the court ruled that Coweta County is prohibited by § 16-11-173 from banning the carrying of firearms in county parks and recreation facilities. GCO has obtained similar results or induced ordinance changes in Fulton County, Gwinnett County, Fayette County, and the cities of Atlanta, Roswell, John's Creek, Milton, Sandy Springs, East Point, Kennesaw, and many others.

I understand that you may be studying this issue for official action. In the meantime, I ask that you refrain from attempting to prohibit possession of firearms in Chehaw Park. I would appreciate a prompt response that you will so refrain. Otherwise, GCO will have to seek a temporary injunction against the Authority to prevent further violations of state law.

Sincerely,



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