

GEORGIA CARRY.ORG

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May 3, 2007

Karen Gilpin Thomas, Esq.
County Attorney
75 Langley Drive
Lawrenceville, Georgia 30045

Re: Gwinnett County's Preempted Ordinance 78-32

Dear Ms. Thomas:

I am writing to follow up on my letter of January 25, 2007 and our subsequent telephone conversation on February 2, 2007 relating to Gwinnett County's preempted ordinance, 78-32. It has now been three months since my last letter, and I have yet to hear from you again on this subject. As a reminder, the position of GeorgiaCarry.Org, Inc. is that your ordinance is strictly forbidden under state law. See O.C.G.A. § 16-11-173. State law bars county regulation "in any manner" of the possession and carrying of firearms. "No county . . . by zoning or by ordinance, resolution, or other enactment, shall regulate in any manner . . . the possession . . . [or] carrying . . . of firearms . . ." O.C.G.A § 16-11-173(b)(1). As previously discussed, your ordinance does not fall into any of the three narrow exceptions, contained in subsections 173(c), (d), and (e).

This should not be a difficult call. Because the Gwinnett County ordinance at issue is not limited to one of the narrow and well defined exceptions contained in the preemption statute, this ordinance is preempted. GCO requests that you immediately repeal ordinance 78-32, or at least modify it to regulate only what is allowed to Gwinnett County by O.C.G.A. 16-11-173(c), (d), and (e). Then please remove the signs purporting to ban firearms under authority of law. Please be aware that to the best of our knowledge, Gwinnett County is now **one of only six counties** statewide that have such an ordinance on the books (with one of those counties currently in litigation over the issue). Lee County repealed its similar ordinance last Thursday, April 26, by a unanimous vote, and Forsyth County repealed its similar ordinance in December of last year. With Lee County's ordinance behind us, GeorgiaCarry.Org is now turning its full attention to Gwinnett County's preempted ordinance. I request that you update me on the status of your review of this issue, as three months should be sufficient time to reach an opinion on such a clear area of the law. You may reach me with the contact information above or by calling me at (404)xxx-xxxx.

Sincerely,
Edward A. Stone
President
GEORGIA CARRY.ORG

Cc: Mr. Steve Neisler