

JOHN R. MONROE ATTORNEY AT LAW

July 23, 2012

Mr. Charley English
Director, Georgia Emergency management Agency
POB 18055
Atlanta, GA 30316

RE: Local Emergency Ordinances

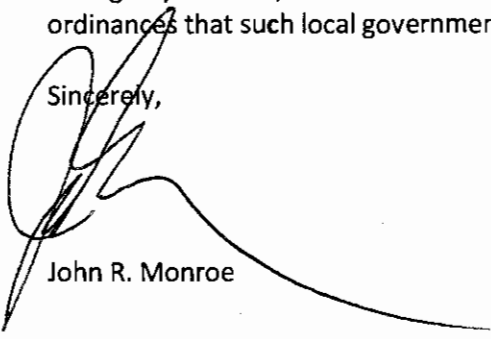
Dear Mr. English:

I am writing you on behalf of GeorgiaCarry.Org, Inc., a grass roots gun rights organization in Georgia with approximately 6,000 members. It has come to our attention that GEMA is asking/requiring local governments to pass certain emergency management ordinances. These ordinances contain language that, among other things, empowers the local governments to "suspend or limit the sale, dispensing, or transportation of ... firearms" during emergencies.

Please be advised that O.C.G.A. § 16-11-173 severely limits the powers of local governments in matters involving firearms. Specifically, local governments are prohibited from regulating firearms "in any manner," except in a couple specifically identified exceptions that are not germane to emergency management. Georgia courts have interpreted this provision strictly against local governments, ruling that counties may not regulate carrying firearms in parks (*GeorgiaCarry.Org, Inc. v. Coweta County*, 288 Ga.App. 748 (2007)), nor may they use the tort system to regulate firearms indirectly (*Sturm Ruger v. City of Atlanta*, 253 Ga.App. 713 (2002)).

While GeorgiaCarry.Org will work directly with local governments and challenge any ordinances wrongfully enacted, it would be beneficial if GEMA would stop encouraging local governments to enact ordinances that such local governments lack the authority to enact.

Sincerely,



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