

**IN THE SUPERIOR COURT OF CHATHAM COUNTY  
STATE OF GEORGIA**

e-Filed in Office  
Tammie Mosley  
Clerk of Superior Court  
Chatham County  
Date: 7/28/2025 3:57 PM  
Reviewer: AB

DEACON MORRIS, )  
AND )  
FIREARMS POLICY COALITION, INC., )

Plaintiffs, )

v. )

THE MAYOR AND ALDERMAN OF )  
THE CITY OF SAVANNAH, )

Defendant. )

CIVIL ACTION FILE NO.  
SPCV25-00883-KA

**BRIEF OF ATTORNEY GENERAL AS AMICUS CURIAE**

Amicus Curiae Christopher Carr, Attorney General of the State of Georgia, submits this brief in support of plaintiffs, Deacon Morris and Firearms Policy Coalition, Inc. The Attorney General is the chief law enforcement officer of the State of Georgia and is charged with enforcing and defending the State's laws. *See e.g.*, Ga. Const. Art. V, § III, ¶ IV; O.C.G.A. § 45-15-3. He has a strong interest in ensuring that the laws of the State of Georgia are evenly and effectively enforced.

In this case, the City of Savannah has enacted ordinances attempting to regulate the possession of firearms in vehicles, but those ordinances are preempted by laws of the State of Georgia and are, therefore, invalid. Under Georgia law, "No county or municipal corporation . . . shall regulate in any manner . . . the transportation, carrying, or possession of firearms by license holders." O.C.G.A. §

16-11-173(b)(1). Under principles of preemptions, once the General Assembly enters a field by enacting a general law, that field must thereafter be reserved exclusively to general legislation and cannot be open to special or local laws. *Franklin Cnty. v. Fieldale Farms Corp.*, 270 Ga. 272, 273 (1998) (quoting *City of Atlanta v. Hudgins*, 193 Ga. 618, 623 (1942)). The City of Savannah’s ordinances infringe on the General Assembly’s occupation of this field of firearm ownership and violate a clear mandate of the Georgia Constitution. See Ga. Const. Art. III, § VI, ¶ IV(a) (“[N]o local or special law shall be enacted in any case for which provision has been made by an existing general law.”). Therefore, this Court should declare Sections 9-1027 and 9-1028 of the City of Savannah’s Ordinances ultra vires and void.

## **I. FACTUAL AND PROCEDURAL BACKGROUND**

On April 11, 2024, the Savannah City Council adopted two new city ordinances—§§ 9-1027 (“Report of Theft or Loss of a Firearm, Rifle, or Shotgun”) and 9-1028 (“Secured Storage of Firearms, Rifles, and Shotguns in Parked Vehicles”)—that regulate how firearms are stored and secured within the city. The ordinances further require the reporting of any loss or theft of a firearm. Compl. ¶¶ 2–7. The mayor signed the ordinances into law on April 15, 2024. *Id.* at ¶ 3.

Section 9-1027 requires a firearm owner to report any loss or theft to the Savannah Police Department within 24 hours. *Id.* at ¶ 4. Section 9-1028(a)–(c) imposes three storage mandates whenever a vehicle is unattended:

- (1) The firearm must be placed in a glove compartment, console, locked trunk, or the area behind the last upright seat;
- (2) It must not be visible at any time; and
- (3) All doors and hatches must be locked.

*Id.* at ¶ 5–7.

On May 3, 2024, the Attorney General sent the City of Savannah a letter explaining that §§ 9-1027 and 9-1028 directly conflict with and are preempted by O.C.G.A. § 16-11-173(b)(1), which expressly prohibits municipalities from regulating the possession, transport, or carrying of firearms. *See* Letter to City Attorney attached hereto as Exhibit A. The Attorney General further advised that the ordinances were ultra vires and void and warned of potential civil liability under § 16-11-173(g). Despite recommending that the City take immediate action to rescind the approval of the new ordinances, the City did not act.

On June 20, 2025, plaintiffs filed this action seeking declaratory and injunctive relief and damages. This Court should grant the plaintiffs' requested relief.

## II. ARGUMENT AND CITATION OF AUTHORITY

### A. Sections 9-1027 and 9-1028 attempt to regulate a field expressly occupied by Georgia law and are therefore ultra vires and void.

The doctrine of preemption is based on the concept that statutes of the General Assembly control over county or city ordinances. *GeorgiaCarry.Org, Inc. v. Coweta County*, 288 Ga. App. 748, 748 (2007) (quoting *Sturm, Ruger & Co. v. City of Atlanta*, 253 Ga. App. 713, 717 (2002)). This doctrine is rooted in the Georgia Constitution's Uniformity Clause, *Gebrekidan v. City of Clarkston*, 298 Ga. 651, 653 (2016), which includes a limited exception for local governments to exercise police powers which do not conflict with general laws only when such authority is granted by the General Assembly. Ga. Const. Art. III, § VI, ¶ IV (a). No such exception to the general law has been enacted here.

The Georgia Constitution's Uniformity Clause commands that "no local or special law shall be enacted in any case for which provision has been made by an existing general law." Ga. Const. Art. III, § VI, ¶ IV(a). Thus, "once the legislature enter[s] a field by enacting a general law, that field must thereafter be reserved exclusively to general legislation." *Hudgins*, 193 Ga. at 623 (1942). Courts give that mandate effect through the doctrine of state pre-emption: local ordinances regulating matters the General Assembly has claimed are ultra vires and void. *Franklin Cnty. v. Fieldale Farms Corp.*, 270 Ga. 272, 273 (1998).

Here, the legislature has expressly occupied—and clearly intended to preempt—any local law in the field of firearm regulation: “No county or municipal corporation . . . shall regulate in *any manner* . . . the possession, transport, or carrying of firearms.” O.C.G.A. § 16-11-173(b)(1) (emphasis added). And this sort of prohibited regulation is exactly what §§ 9-1027 and 9-1028 purport to do. Sections 9-1027 and 9-1028 dictate where, how, and under what conditions a firearm may be stored in an unattended vehicle—requiring locked compartments, concealment from view, and locked doors. These ordinances squarely regulate the possession and transport of firearms in a manner that is inconsistent with O.C.G.A. § 16-11-173(b)(1).

Even if there were any doubt about whether these ordinances fall within the preempted field, Georgia courts have made clear that preemption applies even when the local law addresses only a small part of the general subject. As the Supreme Court explained, “[t]he mere fact that the special law deals with some remote segment or element of the general subject embraced in the general law . . . does not alter the fact that such a special law is enacted in a case where provision has been made by an existing general law.” *Hudgins*, 193 Ga. at 623–24.

Finally, even the best of arguments cannot escape the broad language of O.C.G.A. § 16-11-173(b)(1). This statute prohibits counties or municipalities from regulating the possession, ownership, or transport of firearms in *any manner*—

exactly what the Savannah ordinances do. Those ordinances expressly regulate how firearm owners possess, store, and transport firearms and, therefore, fall within the scope of O.C.G.A. § 16-11-173(b)(1).

The Court of Appeals has already addressed a virtually identical question in *GeorgiaCarry*. There, Coweta County passed a county-wide prohibition against the possession of firearms on any county-owned parks or recreational facilities. The trial court upheld that ordinance, but the Georgia Court of Appeals reversed on the grounds that the ordinance was barred by O.C.G.A. § 16-11-173(b)(1). *GeorgiaCarry*, 288 Ga. App. at 748. *GeorgiaCarry* emphasized that the statute’s plain language—prohibiting counties and municipalities from regulating the “possession, transport, or carrying of firearms ... in any manner”—left no room for local rules addressing the same subject. *Id.* at 749. The same is true here. The Savannah ordinances suffer from the same defect: they directly regulate how firearms must be stored, transported, and secured in unattended vehicles, thereby governing both their possession and transport. Because O.C.G.A. § 16-11-173(b)(1) applies with equal force in this context, and because the preemption is just as clear, *GeorgiaCarry* requires this Court declare the Savannah ordinances ultra vires and void.

**B. This Court has jurisdiction to determine that the municipal ordinances are ultra vires.**

To the extent there is any question, this Court has the authority and jurisdiction to declare the ordinances ultra vires and void. Georgia superior courts possess clear constitutional and statutory authority to review municipal actions and declare them ultra vires or unconstitutional. The Georgia Constitution provides that legislative acts repugnant to the Georgia Constitution are void and that it is the duty of the judiciary to declare them as such. *See* Ga. Const. Art. I, § II, ¶ V. Moreover, Georgia courts have long recognized that “statutes of the state legislature control over county [or city] ordinances.” *Sturm*, 253 Ga. App. at 717 (2002). When a municipal ordinance exceeds this authority or conflicts with state law, it is ultra vires and subject to invalidation by the courts. As such, this Court has the authority and jurisdiction to declare the ordinances as ultra vires and void.

**CONCLUSION**

For the reasons set forth above, the Attorney General urges this Court to invalidate the City’s firearm ordinances.

Respectfully submitted this 28th day of July 2025

|                                         |        |
|-----------------------------------------|--------|
| CHRISTOPHER M. CARR<br>Attorney General | 112505 |
|-----------------------------------------|--------|

|                                             |        |
|---------------------------------------------|--------|
| LOGAN B. WINKLES<br>Deputy Attorney General | 136906 |
|---------------------------------------------|--------|

|                                                                                                                 |        |
|-----------------------------------------------------------------------------------------------------------------|--------|
| <u>/s/ Nathan D. Hovey</u><br>NATHAN D. HOVEY<br>Assistant Attorney General<br><i>Counsel for Amicus Curiae</i> | 329132 |
|-----------------------------------------------------------------------------------------------------------------|--------|

PLEASE ADDRESS ALL  
COMMUNICATIONS TO:

NATHAN D. HOVEY  
Assistant Attorney General  
40 Capitol Square, S.W.  
Atlanta, GA 30334-1300  
Telephone: (404) 458 3483  
Fax: (404) 657-3239  
E-mail: [nhovey@law.ga.gov](mailto:nhovey@law.ga.gov)

**CERTIFICATE OF SERVICE**

I do hereby certify that I have this day served the within and foregoing Amicus Brief by depositing a copy thereof, postage prepaid, in the United States Mail, properly addressed upon:

John R. Monroe  
John R. Monroe, P.C.  
156 Robert Jones Road  
Dawsonville, GA 30534  
[jrm@johnmonroelaw.com](mailto:jrm@johnmonroelaw.com)  
*Attorney for Plaintiffs*

R. Bates Lovett, Esq.  
Eva N. Hill, Esq.  
Office of the City Attorney  
2 East Bay street  
City Hall, 3<sup>rd</sup> Floor  
Savannah, GA 31401  
[blovett@savannahga.gov](mailto:blovett@savannahga.gov)  
[eva.hill@savannahga.gov](mailto:eva.hill@savannahga.gov)

This 28th day of July 2025.

/s/ Nathan D. Hovey  
NATHAN D. HOVEY  
Assistant Attorney General

329132