

Sovereign Immunity Bills of Concern this Session

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Sovereign Immunity Waivers of Concern – 2025 Legislative Session

County Governments make many decisions that have an impact on a wide array of people and entities. Sovereign immunity protects the public purse (taxpayer dollars) against an onslaught of litigation that may come from impacted parties. The state is now inviting litigation for actions that they do not agree with at the local level. The state is attempting to use the threat of litigation as a deterrent for a local government taking (or failing to take) certain actions. The reality is that a government may or may not take an action that has no relationship to what the General Assembly is trying to deter; however, it will not prevent a clever plaintiff's attorney from litigating and making a claim that the local government's actions were a violation of state law to which a waiver of immunity applies.

Legislation Waiving Local Government Immunity this Session

HB 75 – lines 68-69 – Justice for Peanut and Fred Act (pending)

This bill requires a court order before euthanizing unrelinquished impounded animals, among other measures.

HB 120 - line 65 – Prohibit Enforcement of ERPOs (pending)

This bill amends Georgia law to prohibit the enforcement of extreme risk protection orders (ERPOs) and restrict the state's involvement in such actions.

HB 121 - lines 123-124 – Guns: Prohibit Local Ordinance Overreach (pending)

This bill aims to protect the state's rights to regulate firearms and limit federal overreach on gun laws.

HB 295 - lines 134 and 135 – Counties to Compensate Property Owners for Diminished Property Value (pending)

This bill requires local governments to compensate property owners for actions impacting their property value under certain conditions.

SB 21 - lines 15-18 and lines 38-40 and HB 531 – lines 86-89 and lines 109-111 – Local Immigration Violations (pending)

This bill waives sovereign and governmental immunities for immigration sanctuary and ICE detainer violations.

SB 138 - lines 158-162 – City of Mulberry and Gwinnett County (passed)

This bill, dictating the service delivery between Gwinnett County and the new City of Mulberry, waives the county's sovereign immunity and all its officials' governmental immunity to all claims (not just those related to this legislation) for one year following a ruling of noncompliance with the county's obligations.