

House Bill 496

By: Representatives Clark of the 108th, Miller of the 62nd, Ridley of the 22nd, Jackson of the 68th, and Kendrick of the 95th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 4 of Title 17 of the Official Code of Georgia Annotated,
2 relating to arrest by law enforcement officers generally, so as to provide for limitations on
3 stops, searches, seizures, or arrests regarding the scent of marijuana, cannabis, or hemp on
4 its own; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 2 of Chapter 4 of Title 17 of the Official Code of Georgia Annotated, relating to
8 arrest by law enforcement officers generally, is amended by adding a new Code section to
9 read as follows:

10 "17-4-31.

11 (a) The scent of marijuana, cannabis, or hemp on its own, whether burnt or not, shall not
12 provide a law enforcement officer with reasonable suspicion or probable cause for a stop,
13 search, seizure, or arrest.

14 (b) A law enforcement officer shall not:

15 (1) Stop a person or motor vehicle based solely on the scent of marijuana, cannabis, or
16 hemp on its own, whether burnt or not; or

17 (2) Search, or request to search, a motor vehicle, driver, or passenger in a motor vehicle,
18 based solely on the scent of marijuana, cannabis, or hemp on its own, whether burnt or
19 not."

20

SECTION 2.

21 All laws and parts of laws in conflict with this Act are repealed.