

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 1 of Article 1 of Chapter 11 of Title 16 of the Official Code of Georgia  
2 Annotated, relating to general provisions relative to treason and other subversive activities,  
3 so as to provide findings of the General Assembly regarding the constitutionality of certain  
4 federal laws and other mandates; to provide that any federal judicial officer, law enforcement  
5 officer, agent, or employee commits the offense of racketeering by color of law when he or  
6 she attempts to enforce any federal law not recognized as valid; to provide for a short title;  
7 to provide for penalties; to provide for an effective date; to repeal conflicting laws; and for  
8 other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 This Act shall be known as the "State Authority and Anti-racketeering Act."

12 **SECTION 2.**

13 Part 1 of Article 1 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,  
14 relating to general provisions relative to treason and other subversive activities, is amended  
15 by adding a new Code section to read as follows:

16 "16-11-5.

17 (a) The General Assembly finds that:

18 (1) The Tenth Amendment to the United States Constitution guarantees to the states and  
19 the people all powers not granted to the federal government elsewhere in the Constitution  
20 and not prohibited by the Constitution;

21 (2) The Ninth Amendment to the United States Constitution guarantees to the people all  
22 rights not otherwise enumerated in the Constitution;

23 (3) Article I, Section 8, Clause 6 of the United States Constitution grants the federal  
24 government the power to punish persons for counterfeiting the securities and current coin  
25 of the United States;

26 (4) Article I, Section 8, Clause 10 of the United States Constitution grants the federal  
 27 government the power to punish persons for piracies and felonies on the high seas and  
 28 for offenses against the law of nations;

29 (5) Article III, Section 3 of the United States Constitution grants the federal government  
 30 the power to prescribe the punishment for treason;

31 (6) The United States Constitution contains no other grant of power, general or specific,  
 32 to Congress or the federal government to provide for the punishment of any other crimes;

33 (7) Congress and the federal government have enacted laws, executive orders, rules,  
 34 regulations, and other mandates that are beyond the scope of these constitutionally  
 35 delegated powers;

36 (8) Any actions taken by the federal government through its agents or employees that are  
 37 not authorized by the Constitution of the United States are unlawful; and being unlawful,  
 38 they are criminal offenses against the affected parties; and

39 (9) The State of Georgia hereby reclaims authority under the Tenth Amendment to the  
 40 Constitution of the United States over all powers not otherwise enumerated and granted  
 41 to the federal government by the states in the Constitution of the United States.

42 (b) Any judicial officer, law enforcement officer, agent, or employee of the federal  
 43 government commits the offense of racketeering by color of law when he or she attempts  
 44 to enforce any federal law not recognized as valid by application of the standards set forth  
 45 in subsection (a) of this Code section.

46 (c) It shall not be an affirmative defense to a prosecution under subsection (b) of this Code  
 47 section that the defendant was acting under color of law unless he or she is enforcing an  
 48 order based upon a conviction for a crime recognized as valid in subsection (a) of this Code  
 49 section.

50 (d) A person convicted of a violation of subsection (b) of this Code section shall be guilty  
 51 of a felony and shall be punished by imprisonment for up to 30 years for each offense."

#### 52 **SECTION 4.**

53 This Act shall become effective upon its approval by the Governor or upon its becoming law  
 54 without such approval.

#### 55 **SECTION 5.**

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