

Bond Case Briefs

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GeorgiaCarry.org v. Atlanta Botanical Garden, Inc.

Supreme Court of Georgia - May 9, 2016 - S.E.2d - 2016 WL 2619594

Visitor to botanical garden operated by nonprofit corporation on property leased from city, who held a Georgia weapons carry license, petitioned for declaratory and injunctive relief regarding garden's prohibition of weapons on garden's premises.

The Superior Court dismissed petition. Visitor appealed.

The Supreme Court of Georgia held that:

- Visitor did not improperly call for the interpretation and application of a criminal statute in seeking declaratory judgment; and
- Claim for interlocutory injunction, prohibiting botanical garden from banning licensed individuals from carrying weapons on garden's premises, did not improperly implicate the administration of criminal law.

Visitor to botanical garden operated by nonprofit corporation on property leased from city, who held a Georgia weapons carry license, did not improperly call for the interpretation and application of a criminal statute in seeking declaratory judgment that garden could not prohibit licensed individuals from carrying weapons on the property. Though statute on which the visitor based his action was found within confines of criminal code, visitor did not seek an advisory opinion that his proposed actions would not be criminal, his requested relief was not based on mere speculation that garden would enforce weapons ban since he had already been escorted from property by law enforcement, and there was no allegation that criminal conduct had been accomplished.

Because nonprofit corporation that operated botanical garden complex on property leased from city lacked authority to administer the criminal law, injunction sought by visitor to prevent garden from "causing" an arrest or prosecution of visitor or other similarly licensed individuals from carrying a firearm on the property would be fruitless.

Claim for interlocutory injunction, prohibiting botanical garden operated by nonprofit corporation on property leased from city from banning licensed individuals from carrying weapons on garden's premises, did not improperly implicate the administration of criminal law.