Safety Over Silence Gun Control Act of Zach Romero (The Romero Act)

House Bill ____ · State of Georgia · Effective Date: July 1, 2027

A BILL TO BE ENTITLED AN ACT to amend Georgia Code Title 16, Chapter 11, Article 4, Part 3, relating to carrying and possession of firearms, so as to enact the Safety Over Silence Gun Control Act of Zach Romero, also known as the Romero Act; to establish a voluntary, confidential, and stigma-free safe harbor for lawful firearm owners experiencing suicidal ideation or a temporary mental health break to temporarily surrender firearms to local law enforcement by appointment or walk-in; to amend Code Section 17-5-54 relating to Property Custody so as to protect voluntarily surrendered firearms from forfeiture or sale; to amend Code Section 50-18-72 relating to Privacy Exemption so as to exempt voluntary safekeeping records from public disclosure; to preserve full Second Amendment rights and prohibit legal penalties or disqualifications; to provide for firearm return upon medical clearance; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Short Title and Legislative Findings

(a) This Act shall be known and may be cited as the “Safety Over Silence Gun Control Act of Zach Romero” or the “Romero Act.” This legislation is enacted in memory of Zachary James Romero, remembered in the Romero Eulogy and the Memorial Article for his compassion, creativity, and commitment to normalizing open conversations around mental health and human vulnerability.

(b) The General Assembly of Georgia finds that Georgia is a strong Second Amendment and open carry state protecting the constitutional right of every lawful weapons carrier under the Carry Statute, O.C.G.A. Section 16-11-126. The General Assembly further recognizes that a temporary mental health crisis or episode of suicidal ideation should never result in a permanent decision ending a life, nor should exercising personal responsibility during a crisis result in the permanent loss of constitutional firearm ownership rights. Building upon voluntary safekeeping models such as the Alabama Law while establishing stronger privacy and restoration guarantees tailored to Georgia citizens, this Act creates a voluntary, non-punitive safe harbor so individuals can temporarily step away from firearm access, receive professional care, and reclaim their property without stigma or penalty.

Section 2. Enactment of Code Sections 16-11-139 through 16-11-139.5

Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, is amended by adding new Code Sections 16-11-139 through 16-11-139.5 to read as follows:

Code Section 16-11-139. Definitions

As used in Code Sections 16-11-139 through 16-11-139.5, the term:

Statutory Term	Designated Meaning	Citation
Custodial agency	Any municipal police department or county sheriff’s office operating within the State of Georgia.	Property Custody
Depositing owner	Any individual who voluntarily delivers one or more personal firearms into temporary safekeeping under this Act.	Georgia Code
Health care professional	Any licensed physician, psychologist, psychiatrist, or psychiatric practitioner authorized to evaluate and clear patients.	Health Definitions
Lawful weapons carrier	Any person licensed or eligible for a weapons carry license under Georgia law.	License Statute
Medical clearance statement	Written confirmation from a treating health care professional that the depositing owner is cleared for firearm return.	Health Definitions
Private custody receipt	Confidential property voucher recording firearm make, model, serial number, and physical condition for return.	Privacy Exemption

Code Section 16-11-139.1. Voluntary Appointment and Walk-In Safekeeping

(a) Any individual who believes that he or she may be a danger to himself or herself or others, or who is experiencing suicidal ideation or a temporary mental health break, may voluntarily surrender one or more personal firearms and accompanying ammunition to any custodial agency for temporary safekeeping. An individual may initiate voluntary safekeeping either by scheduling an appointment by telephone or in person with the custodial agency, or by walking directly into any police station or sheriff’s office at any hour without a prior appointment.

(b) Upon arrival for an appointment or walk-in surrender, the custodial agency shall escort the depositing owner to a private reception area to reduce public stigma. Peace officers and agency personnel shall accept the unloaded firearm or firearms courteously and without conducting any criminal interrogation, warrantless search, or involuntary detention solely on the basis of the voluntary surrender. The custodial agency shall provide the depositing owner with contact information for voluntary mental health support resources upon request.

(c) At the time of deposit, the custodial agency shall issue a private custody receipt to the depositing owner and retain one internal copy. The private custody receipt shall record only the depositing owner's name, private contact information, date of deposit, and each firearm's make, model, serial number, and physical condition solely so the custodial agency can safeguard the property and return the exact firearm to its rightful owner.

Code Section 16-11-139.2. Strict Confidentiality and Prohibition Against Public Disclosure

(a) Every private custody receipt, appointment log, and internal custody record created pursuant to Code Section 16-11-139.1 shall be classified as a strictly private safekeeping record exempt from public inspection under the Privacy Exemption, O.C.G.A. Section 50-18-72. No custodial agency or state entity shall publish, leak, release, or disclose the identity of any depositing owner or the existence of a voluntary safekeeping deposit to any employer, insurer, media outlet, background check system, or member of the public.

(b) No custodial agency shall enter or transmit any voluntary safekeeping deposit into the Georgia Crime Information Center, the National Instant Criminal Background Check System, or any probate court licensing index maintained under the License Statute, O.C.G.A. Section 16-11-129. Intentional unauthorized disclosure of a private custody receipt or a depositing owner's identity by any public employee or officer shall constitute a misdemeanor punishable by a fine of up to $1,000.00.

Code Section 16-11-139.3. Preservation of Second Amendment Rights and Prohibition of Penalties

(a) Voluntarily surrendering a firearm under Code Section 16-11-139.1 demonstrates personal foresight and responsibility and shall never be construed as an involuntary mental health hospitalization, an adjudication of mental incompetence, or a disqualifying condition under the License Statute (O.C.G.A. Section 16-11-129) or the Possession Statute (O.C.G.A. Section 16-11-131).

(b) A depositing owner shall suffer no legal penalty, fine, storage fee, civil disability, suspension or revocation of a weapons carry license, or loss of status as a lawful weapons carrier under the Carry Statute (O.C.G.A. Section 16-11-126) as a consequence of utilizing voluntary safekeeping. Participation in voluntary safekeeping shall be inadmissible as evidence against the depositing owner in any civil, probate, domestic relations, employment, or criminal proceeding.

Code Section 16-11-139.4. Medical Clearance and Expedited Firearm Return

(a) A depositing owner may reclaim his or her firearm or firearms by presenting the private custody receipt, or government-issued photo identification matching the internal custody record, along with a brief medical clearance statement signed by the depositing owner's treating health care

professional confirming that the individual has received care and is cleared for the return of his or her firearm.

(b) To protect patient privacy under Health Definitions, O.C.G.A. Section 37-3-1, the medical clearance statement shall not require disclosure of therapy notes, clinical diagnoses, or medications. Upon receiving the medical clearance statement, the custodial agency shall return the firearm or firearms in their original condition to the depositing owner within 24 hours at zero cost, and shall immediately purge and destroy the internal custody record upon completion of the return.

Code Section 16-11-139.5. Good Faith Immunity

Consistent with the statutory protections established in the Civil Immunity provisions of O.C.G.A. Section 37-3-4, no custodial agency, peace officer, or health care professional acting in good faith and without gross negligence shall be subject to civil or criminal liability for receiving, storing, clearing, or returning a firearm in accordance with this Act.

Section 3. Conforming Amendments to Property Custody and Open Records Statutes

(a) Code Section 17-5-54 of the Official Code of Georgia Annotated, relating to Property Custody by law enforcement agencies, is amended by adding a new subsection (k) specifying that firearms held under a private custody receipt pursuant to Code Section 16-11-139.1 remain the private personal property of the depositing owner and shall never be classified as unclaimed, abandoned, or forfeited property subject to auction, municipal retention, or destruction.

(b) Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to Privacy Exemption from public disclosure, is amended in subsection (a) to exempt all records, private custody receipts, and appointments created under Code Sections 16-11-139.1 through 16-11-139.4 from public disclosure.

Section 4. Operational Workflow and Statutory Safeguards

Stage	Statutory Procedure	Owner Protection	Timeframe	Citation
Voluntary Intake	Owner schedules appointment or walks into local station	Private intake room with zero interrogation	Immediate upon arrival	Georgia Code
Property Receipt	Officer logs serial number and condition on private receipt	Exempt from unclaimed sale or forfeiture	Issued at intake	Property Custody
Confidential Storage	Firearm stored in secure vault under private code	Sealed from public inspection and background databases	Duration of care	Privacy Exemption
Rights Preservation	Voluntary deposit protected from mental health disqualifiers	Zero license suspension and zero legal penalty	Permanent protection	License Statute
Clinician Clearance	Treating clinician signs clearance after owner receives care	Zero disclosure of diagnosis or clinical notes	Upon care completion	Health Definitions
Firearm Return	Agency returns firearm upon presentation of clearance	Zero storage fee and immediate record destruction	Within 24 hours	Civil Immunity

Section 5. Effective Date and Repealer

This Act shall become effective on July 1, 2027, upon approval by the Governor or upon its becoming law without such approval. All laws and parts of laws in conflict with this Act are hereby repealed.

Statutes cited: O.C.G.A. Title 16, Ch. 11, Art. 4, Pt. 3 · § 17-5-54 · § 50-18-72 · § 37-3-1 · § 37-3-4 · Alabama voluntary surrender law

Source: Romero Act, 2027 Georgia General Assembly draft. Statutes: O.C.G.A. §§ 16-11-126, 16-11-129, 16-11-131, 17-5-54, 37-3-1, 37-3-4, 50-18-72 (Justia, 2026).