

House Bill 89

By: Representatives Bearden of the 68th, Horne of the 71st, Hatfield of the 177th, Maddox of the 172nd, and Smith of the 168th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia
2 Annotated, relating to the carrying and possession of firearms, so as to change certain
3 provisions regarding the transportation of certain firearms; to provide for related matters; to
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
8 relating to the carrying and possession of firearms, is amended by revising Code Section
9 16-11-126, relating to the offense of carrying a concealed weapon, as follows:

10 "16-11-126.

11 (a) A person commits the offense of carrying a concealed weapon when such person
12 knowingly has or carries about his or her person, unless in an open manner and fully
13 exposed to view, any bludgeon, metal knuckles, firearm, knife designed for the purpose of
14 offense and defense, or any other dangerous or deadly weapon or instrument of like
15 character outside of his or her home or place of business, except as permitted under this
16 Code section.

17 (b) Upon conviction of the offense of carrying a concealed weapon, a person shall be
18 punished as follows:

19 (1) For the first offense, he or she shall be guilty of a misdemeanor; and

20 (2) For the second offense, and for any subsequent offense, he or she shall be guilty of
21 a felony and, upon conviction thereof, shall be imprisoned for not less than two years and
22 not more than five years.

23 (c) This Code section shall not permit, outside of his or her home, motor vehicle, or place
24 of business, the concealed carrying of a pistol, revolver, or concealable firearm by any
25 person unless that person has on his or her person a valid license issued under Code Section
26 16-11-129 and the pistol, revolver, or firearm may only be carried in a shoulder holster,

1 waist belt holster, any other holster, hipgrip, or any other similar device, in which event the
2 weapon may be concealed by the person's clothing, or a handbag, purse, attache case,
3 briefcase, or other closed container. Carrying on the person in a concealed manner other
4 than as provided in this subsection shall not be permitted and shall be a violation of this
5 Code section.

6 (d) This Code section shall not forbid the transportation of any firearm by a person who
7 is not among those enumerated as ineligible for a license under Code Section 16-11-129,
8 provided the firearm is enclosed in a case, unloaded, and separated from its ammunition.

9 (e) This Code section shall not forbid any person who is not among those enumerated as
10 ineligible for a license under Code Section 16-11-129 from transporting a loaded firearm
11 in any private passenger motor vehicle ~~in an open manner and fully exposed to view or in~~
12 ~~the glove compartment, console, or similar compartment of the vehicle; provided, however,~~
13 ~~that any person in possession of a valid permit issued pursuant to Code Section 16-11-129~~
14 ~~may carry a handgun in any location in a motor vehicle.~~

15 (e)(f) On and after October 1, 1996, a person licensed to carry a handgun in any state
16 whose laws recognize and give effect within such state to a license issued pursuant to this
17 part shall be authorized to carry a handgun in this state, but only while the licensee is not
18 a resident of this state; provided, however, that such ~~licenseholder~~ license holder shall carry
19 the handgun in compliance with the laws of this state."

20 **SECTION 2.**

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