

The Senate Special Judiciary Committee offered the following substitute to SB 308:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and
2 offenses, so as to clarify and change provisions regarding the carrying and possession of
3 weapons; to provide for definitions; to provide for the offense of carrying a weapon without
4 a license; to prohibit carrying weapons in unauthorized locations; to change provisions
5 relating to carrying weapons within school safety zones, at school functions, or on school
6 property; to change provisions relating to carrying a pistol without a license; to change
7 provisions relating to the license to carry a pistol or revolver and the licensing exceptions;
8 to conform cross-references with definitions; to provide for a weapons carry license; to
9 change the issuer of the weapons carry license from the probate court to the office of the
10 Secretary of State effective January 1, 2012; to provide for matters relative to issuing a
11 weapons carry license; to amend Code Section 20-3-31 of the Official Code of Georgia
12 Annotated, relating to the general powers of the Board of Regents of the University System
13 of Georgia, so as to provide the board with the power to regulate the carrying of weapons on
14 board property; to amend various titles of the Official Code of Georgia Annotated so as to
15 conform and correct cross-references; to provide for effective dates and applicability; to
16 provide for related matters; to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

CARRYING A WEAPON IN GEORGIA

SECTION 1-1.

21 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
22 amended by revising Part 3 of Article 4 of Chapter 11, relating to carrying and possession
23 of firearms, by adding a new Code section to read as follows:

24 "16-11-125.1.

25 As used in this part, the term:

26 (1) 'Handgun' means a firearm of any description, loaded or unloaded, from which any
 27 shot, bullet, or other missile can be discharged by an action of an explosive where the
 28 length of the barrel, not including any revolving, detachable, or magazine breech, does
 29 not exceed 12 inches; provided, however, that the term 'handgun' shall not include a gun
 30 which discharges shot of .46 centimeters or less in diameter.

31 (2) 'Handgun safety course' means an education course that shall include, but shall not
 32 be limited to:

33 (A) Information on handgun use and safety;

34 (B) Information on the proper storage practice for handguns with an emphasis on
 35 storage practices that reduce the possibility of accidental injury to a child;

36 (C) Actual live firing of a handgun in the presence of an instructor; and

37 (D) Information on the statutory and case law of this state relating to handguns and to
 38 the use of deadly force.

39 (3) 'Knife' means a cutting instrument designed for the purpose of offense and defense
 40 consisting of a sharp blade that is greater than five inches in length which is fastened to
 41 a handle.

42 (4) 'License holder' means a person who holds a weapons carry license.

43 (5) 'Long gun' means a weapon designed or made and intended to be fired from the
 44 shoulder and designed or made to use the energy of the explosive in a fixed shotgun shell
 45 to fire through a smooth bore either a number of ball shot or a single projectile for each
 46 single pull of the trigger or from which any shot, bullet, or other missile can be
 47 discharged; provided, however, that the term 'long gun' shall not include a gun which
 48 discharges shot of .46 centimeters or less in diameter.

49 (6) 'Weapon' means a knife or handgun.

50 (7) 'Weapons carry license,' 'enhanced weapons carry license,' or 'license' means a license
 51 issued pursuant to Code Section 16-11-129."

52 **SECTION 1-2.**

53 Said title is further amended by revising Code Section 16-11-126, relating to carrying a
 54 concealed weapon, as follows:

55 "16-11-126.

56 ~~(a) A person commits the offense of carrying a concealed weapon when such person~~
 57 ~~knowingly has or carries about his or her person, unless in an open manner and fully~~
 58 ~~exposed to view, any bludgeon, knuckles, whether made from metal, thermoplastic, wood,~~
 59 ~~or other similar material, firearm, knife designed for the purpose of offense and defense,~~
 60 ~~or any other dangerous or deadly weapon or instrument of like character outside of his or~~
 61 ~~her home or place of business, except as permitted under this Code section.~~

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

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

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

68 ~~(c) This Code section shall not permit, outside of his or her home, motor vehicle, or place~~
69 ~~of business, the concealed carrying of a pistol, revolver, or concealable firearm by any~~
70 ~~person unless that person has on his or her person a valid license issued under Code Section~~
71 ~~16-11-129 and the pistol, revolver, or firearm may only be carried in a shoulder holster,~~
72 ~~waist belt holster, any other holster, hipgrip, or any other similar device, in which event the~~
73 ~~weapon may be concealed by the person's clothing, or a handbag, purse, attache case,~~
74 ~~briefcase, or other closed container. Any person having been issued a license to carry a~~
75 ~~concealed weapon pursuant to Code Section 16-11-129 shall be permitted to carry such~~
76 ~~weapon, subject to the limitations of this part, in all parks, historic sites, or recreational~~
77 ~~areas as defined by Code Section 12-3-10 and in all wildlife management areas.~~

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

81 ~~(e) This Code section shall not forbid any person who is not among those enumerated as~~
82 ~~ineligible for a license under Code Section 16-11-129 from transporting a loaded firearm~~
83 ~~in any private passenger motor vehicle.~~

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

89 (a) Any person who is not prohibited by law from possessing a handgun or long gun may
90 have or carry on his or her person a weapon inside his or her home, motor vehicle, or place
91 of business without a weapons carry license.

92 (b) Any person who is not prohibited by law from possessing a handgun or long gun may
93 have or carry on his or person a long gun without a weapons carry license, provided that
94 if the long gun is loaded, it shall only be carried in an open and fully exposed manner.

95 (c) Any person who is not prohibited by law from possessing a handgun or long gun may
96 transport any handgun or long gun provided that it is enclosed in its case and unloaded.

97 (d) Any person licensed to carry a handgun or weapon in any state whose laws recognize
98 and give effect within such state a license issued pursuant to this part shall be authorized

99 to carry a weapon in this state, but only while the licensee is not a resident of this state;
 100 provided, however, that such licensee shall carry the weapon in compliance with the laws
 101 of this state.

102 (e) Any person with a valid hunting or fishing license on his or her person, or any person
 103 not required by law to have a hunting or fishing license, who is engaged in legal hunting,
 104 fishing, or sport shooting when the person has the permission of the owner of the land on
 105 which the activities are being conducted may have or carry on his or her person a handgun
 106 without a weapons carry license while hunting, fishing, or engaging in sport shooting;
 107 provided, however, that a handgun, whenever loaded, shall be carried only in an open and
 108 fully exposed manner.

109 (f) Notwithstanding Code Sections 12-3-10, 27-3-1.1, 27-3-6, and 16-12-122 through
 110 16-12-127, any person with a weapons carry license may carry a weapon in all parks,
 111 historic sites, or recreational areas, as such term is defined in Code Section 12-3-10,
 112 including all publicly owned buildings located in such parks, historic sites, and recreational
 113 areas, in wildlife management areas, and on public transportation; provided, however, that
 114 a person shall not carry a handgun into a place where it is prohibited by federal law.

115 (g)(1) No person shall carry a weapon without a valid weapons carry license issued
 116 pursuant to Code Section 16-11-129 unless he or she meets one of the exceptions to
 117 having such license as provided in subsections (a) through (f) of this Code section.

118 (2) A person commits the offense of carrying a weapon without a license when he or she
 119 violates the provisions of paragraph (1) of this subsection.

120 (h) Upon conviction of the offense of carrying weapon without a weapons carry license,
 121 a person shall be punished as follows:

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

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

126 **SECTION 1-3.**

127 Said title is further is amended by revising Code Section 16-11-127, relating to the offense
 128 of carrying a deadly weapon to or at public gatherings and affirmative defenses, as follows:
 129 "16-11-127.

130 ~~(a) Except as provided in Code Section 16-11-127.1, a person shall be guilty of a~~
 131 ~~misdemeanor when he or she carries to or while at a public gathering any explosive~~
 132 ~~compound, firearm, or knife designed for the purpose of offense and defense.~~

133 ~~(b) For the purpose of this Code section, 'public gathering' shall include, but shall not be~~
 134 ~~limited to, athletic or sporting events, churches or church functions, political rallies or~~

135 ~~functions, publicly owned or operated buildings, or establishments at which alcoholic~~
 136 ~~beverages are sold for consumption on the premises and which derive less than 50 percent~~
 137 ~~of their total annual gross food and beverage sales from the sale of prepared meals or food.~~
 138 ~~Nothing in this Code section shall otherwise prohibit the carrying of a firearm in any other~~
 139 ~~public place by a person licensed or permitted to carry such firearm by this part.~~

140 ~~(c)(1) This Code section shall not apply to competitors participating in organized sport~~
 141 ~~shooting events.~~

142 ~~(2) Law enforcement officers, peace officers retired from state, local, or federal law~~
 143 ~~enforcement agencies, judges, magistrates, constables, solicitors-general, and district~~
 144 ~~attorneys may carry pistols in publicly owned or operated buildings; provided, however,~~
 145 ~~that a courthouse security plan adopted in accordance with paragraph (10) of~~
 146 ~~subsection (a) of Code Section 15-16-10 may prohibit the carrying of a pistol.~~

147 ~~(d) It shall be an affirmative defense to a violation of this Code section if a person notifies~~
 148 ~~a law enforcement officer or other person employed to provide security for a public~~
 149 ~~gathering of the presence of such item as soon as possible after learning of its presence and~~
 150 ~~surrenders or secures such item as directed by such law enforcement officer or other person~~
 151 ~~employed to provide security for such public gathering.~~

152 ~~(e) A person licensed or permitted to carry a firearm by this part shall be permitted to carry~~
 153 ~~such firearm, subject to the limitations of this part, in all parks, historic sites, and~~
 154 ~~recreational areas, including all publicly owned buildings located in such parks, historic~~
 155 ~~sites, and recreational areas and in wildlife management areas, notwithstanding Code~~
 156 ~~Section 12-3-10, in wildlife management areas notwithstanding Code Section 27-3-1.1 and~~
 157 ~~27-3-6, and in public transportation notwithstanding Code Sections 16-12-122 through~~
 158 ~~16-12-127; provided, however, that a person shall not carry a firearm into a place~~
 159 ~~prohibited by federal law.~~

160 ~~(f) A person licensed or permitted to carry a firearm by this part shall not consume~~
 161 ~~alcoholic beverages in a restaurant or other eating establishment while carrying a firearm.~~
 162 ~~Any person violating this subsection shall be guilty of a misdemeanor.~~

163 ~~(a) As used in this Code section, the term:~~

164 ~~(1) 'Bar' means an establishment that is devoted to the serving of alcoholic beverages for~~
 165 ~~consumption by guests on the premises and in which the serving of food is only~~
 166 ~~incidental to the consumption of those beverages, including, but not limited to, taverns,~~
 167 ~~nightclubs, cocktail lounges, and cabarets.~~

168 ~~(2) 'Courthouse' means a building occupied by judicial courts and containing rooms in~~
 169 ~~which judicial proceedings are held.~~

170 ~~(3) 'Government building' means:~~

171 ~~(A) The building in which a government entity is housed;~~

172 (B) The building where a government entity meets in its official capacity; provided,
 173 however, that if such building is not a publicly owned building, such building shall be
 174 considered a government building for the purposes of this Code section only during the
 175 time such government entity is meeting at such building; or

176 (C) The portion of any building that is not a publicly owned building that is occupied
 177 by a government entity.

178 (4) 'Government entity' means an office, agency, authority, department, commission,
 179 board, body, division, instrumentality, or institution of the state or any county, municipal
 180 corporation, consolidated government, or local board of education within this state.

181 (5) 'Parking facility' means real property owned or leased by a government entity,
 182 courthouse, jail, prison, school, place of worship, or bar that has been designated by such
 183 government entity, courthouse, jail, prison, school, place of worship, or bar for the
 184 parking of motor vehicles at a government building or at such courthouse, jail, prison,
 185 school, place of worship, or bar.

186 (6) 'School' means any real property owned by or leased to any public or private
 187 elementary school or secondary school and used for public or private elementary or
 188 secondary education.

189 (b) A person shall be guilty of carrying a weapon in an unauthorized location and punished
 190 as for a misdemeanor when he or she carries a weapon while:

191 (1) In a government building;

192 (2) In a courthouse;

193 (3) In a jail or prison;

194 (4) In any school; provided, however, if the school is located in a place of worship, the
 195 restrictions provided pursuant to this subsection shall only be applicable during school
 196 hours or during school events;

197 (5) In any athletic facility during an event for which the Board of Regents of the
 198 University System of Georgia has adopted a regulation prohibiting the carrying of
 199 weapons into such events;

200 (6) In a place of worship, unless the presiding official of the place of worship permits the
 201 carrying of weapons by all or designated license holders;

202 (7) In a state mental health facility as defined in Code Section 37-1-1 which admits
 203 individuals on an involuntary basis for treatment of mental illness, developmental
 204 disability, or addictive disease; provided, however, that carrying a weapon in such
 205 location in a manner in compliance with paragraph (3) of subsection (d) of this Code
 206 section shall not constitute a violation of this subsection;

207 (8) In a bar, unless the owner of the bar permits the carrying of weapons by license
 208 holders;

209 (9) On the premises of a nuclear power facility, except as provided in Code Section
 210 16-11-127.2, and the punishment provisions of Code Section 16-11-127.2 shall supersede
 211 the punishment provisions of this Code section; or

212 (10) Within 150 feet of any polling place, except as provided in subsection (i) of Code
 213 Section 21-2-413.

214 (c) A license holder or person recognized under subsection (d) of Code Section 16-11-126
 215 shall be authorized to carry a weapon as provided in Code Section 16-11-135 and in every
 216 location in this state not listed in subsection (b) of this Code section; provided, however,
 217 that private property owners or persons in legal control of property through a lease, rental
 218 agreement, licensing agreement, contract, or any other agreement to control access to such
 219 property shall have the right to forbid possession of a weapon on their property.
 220 Notwithstanding subsection (b) of this Code section expressly forbidding the possession
 221 of a weapon in an unauthorized location, no cause of action shall be maintained against a
 222 person for lawfully possessing a weapon pursuant to this Code section.

223 (d) Subsection (b) of this Code section shall not apply:

224 (1) To the use of weapons as exhibits in a legal proceeding, provided such weapons are
 225 secured and handled as directed by the personnel providing courtroom security or the
 226 judge hearing the case;

227 (2) To a license holder who approaches security or management personnel upon arrival
 228 at a location described in subsection (b) of this Code section and notifies such security
 229 or management personnel of the presence of the weapon and follows the security or
 230 management personnel's direction for securing, storing, or temporarily surrendering such
 231 weapon;

232 (3) To a weapon possessed by a license holder which is under the possessor's control in
 233 a motor vehicle or is in a locked compartment of a motor vehicle or one which is in a
 234 locked container in or a locked firearms rack which is on a motor vehicle and such
 235 vehicle is parked in a parking facility; and

236 (4) To a weapon when possessed by a license holder in an airport in any area in which
 237 weapon possession is not regulated by the federal government."

238 **SECTION 1-4.**

239 Said title is further amended by revising subsection (a), paragraph (8) of subsection (c), and
 240 subsection (f) of Code Section 16-11-127.1, relating to carrying weapons within school
 241 safety zones, at school functions, or on school property, as follows:

242 "(a) As used in this Code section, the term:

243 (1) 'School safety zone' means in, on, or within 1,000 feet of any real property owned by
 244 or leased to any public or private elementary school, secondary school, or school board

245 and used for elementary or secondary education ~~and in, on, or within 1,000 feet of the~~
 246 ~~campus of any public or private technical school, vocational school, college, university,~~
 247 ~~or institution of postsecondary education.~~

248 (2) 'Weapon' means and includes any pistol, revolver, or any weapon designed or
 249 intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife,
 250 ballistic knife, any other knife having a blade of two or more inches, straight-edge razor,
 251 razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or
 252 other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any
 253 flailing instrument consisting of two or more rigid parts connected in such a manner as
 254 to allow them to swing freely, which may be known as a nun chahka, nun chuck,
 255 nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at
 256 least two points or pointed blades which is designed to be thrown or propelled and which
 257 may be known as a throwing star or oriental dart, or any weapon of like kind, and any
 258 stun gun or taser as defined in subsection (a) of Code Section 16-11-106. This paragraph
 259 excludes any of these instruments used for classroom work authorized by the teacher."

260 "(8) A weapon possessed by a license holder which is under the possessor's control in a
 261 motor vehicle or which is in a locked compartment of a motor vehicle or one which is in
 262 a locked container in or a locked firearms rack which is on a motor vehicle which is being
 263 used by an adult over 21 years of age to bring to or pick up a student at a school building,
 264 school function, or school property or on a bus or other transportation furnished by the
 265 school, or when such vehicle is used to transport someone to an activity being conducted
 266 on school property which has been authorized by a duly authorized official of the school;
 267 provided, however, that this exception shall not apply to a student attending such school;"

268 "(f) In a prosecution under this Code section, a map produced or reproduced by any
 269 municipal or county agency or department for the purpose of depicting the location and
 270 boundaries of the area on or within 1,000 feet of the real property of a school board or a
 271 private or public elementary or secondary school that is used for school purposes ~~or within~~
 272 ~~1,000 feet of any campus of any public or private technical school, vocational school,~~
 273 ~~college, university, or institution of postsecondary education,~~ or a true copy of the map,
 274 shall, if certified as a true copy by the custodian of the record, be admissible and shall
 275 constitute prima-facie evidence of the location and boundaries of the area, if the governing
 276 body of the municipality or county has approved the map as an official record of the
 277 location and boundaries of the area. A map approved under this Code section may be
 278 revised from time to time by the governing body of the municipality or county. The
 279 original of every map approved or revised under this subsection or a true copy of such
 280 original map shall be filed with the municipality or county and shall be maintained as an
 281 official record of the municipality or county. This subsection shall not preclude the

282 prosecution from introducing or relying upon any other evidence or testimony to establish
 283 any element of this offense. This subsection shall not preclude the use or admissibility of
 284 a map or diagram other than the one which has been approved by the municipality or
 285 county."

286 SECTION 1-5.

287 Said title is further amended by revising subsection (a) of Code Section 16-11-127.2, relating
 288 to firearm or weapon on premises of a nuclear power facility, as follows:

289 "(a) Except as provided in subsection (c) of this Code section, it shall be unlawful for any
 290 person to carry, possess, or have under such person's control while on the premises of a
 291 nuclear power facility a ~~firearm~~ or weapon. Any person who violates this subsection shall
 292 be guilty of a misdemeanor."

293 SECTION 1-6.

294 Said title is further amended by revising Code Section 16-11-128, relating to carrying a pistol
 295 without a license, as follows:

296 "16-11-128.

297 ~~(a) A person commits the offense of carrying a pistol without a license when he has or~~
 298 ~~carries on or about his person, outside of his home, motor vehicle, or place of business, any~~
 299 ~~pistol or revolver without having on his person a valid license issued by the judge of the~~
 300 ~~probate court of the county in which he resides, provided that no permit shall be required~~
 301 ~~for persons with a valid hunting or fishing license on their person or for persons not~~
 302 ~~required by law to have hunting licenses who are engaged in legal hunting, fishing, or sport~~
 303 ~~shooting when the persons have the permission of the owner of the land on which the~~
 304 ~~activities are being conducted; provided, further, that the pistol or revolver, whenever~~
 305 ~~loaded, shall be carried only in an open and fully exposed manner.~~

306 ~~(b) Upon conviction of the offense of carrying a pistol without a license, a person shall be~~
 307 ~~punished as follows:~~

308 ~~(1) For the first offense, he shall be guilty of a misdemeanor, and~~

309 ~~(2) For the second offense, and for any subsequent offense, he is guilty of a felony, and,~~
 310 ~~upon conviction thereof, shall be imprisoned for not less than one year nor more than five~~
 311 ~~years.~~

312 ~~(c) On and after October 1, 1996, a person licensed to carry a handgun in any state whose~~
 313 ~~laws recognize and give effect within such state to a license issued pursuant to this part~~
 314 ~~shall be authorized to carry a handgun in this state, but only while the licensee is not a~~
 315 ~~resident of this state; provided, however, that such license holder shall carry the handgun~~
 316 ~~in compliance with the laws of this state. Reserved.~~"

SECTION 1-7.

Said title is further amended by revising Code Section 16-11-129, relating to license to carry pistol or revolver, as follows:

"16-11-129.

(a) *Application for weapons carry license or renewal license; term.* The judge of the probate court of each county may, on application under oath and on payment of a fee of \$15.00, issue a weapons carry license or renewal license valid for a period of five years to any person whose domicile is in that county or who is on active duty with the United States armed forces and who is not a domiciliary of this state but who either resides in that county or on a military reservation located in whole or in part in that county at the time of such application, ~~which.~~ Such license or renewal license shall authorize that person to carry any ~~pistol or revolver~~ weapon in any county of this state notwithstanding any change in that person's county of residence or state of domicile. Applicants shall submit the application for a weapons carry license or renewal license to the judge of the probate court on forms prescribed and furnished free of charge to persons wishing to apply for the license or renewal license. An applicant who is not a United States citizen shall provide sufficient personal identifying data, including without limitation his or her place of birth and United States issued alien or admission number, as the Georgia Bureau of Investigation may prescribe by rule or regulation. An applicant who is in nonimmigrant status shall provide proof of his or her qualifications for an exception to the federal firearm prohibition pursuant to 18 U.S.C. Section 922(y). Forms shall be designed to elicit information from the applicant pertinent to his or her eligibility under this Code section, including citizenship, but shall not require data which is nonpertinent or irrelevant such as serial numbers or other identification capable of being used as a de facto registration of firearms owned by the applicant. The Department of Public Safety shall furnish application forms and license forms required by this Code section. The forms shall be furnished to each judge of each probate court within the state at no cost.

~~(b) *Licensing exceptions.* No license or renewal license shall be granted to:~~

~~(1) Any person who is prohibited from possessing firearms pursuant to 18 U.S.C. Section 922;~~

~~(1.1) Any person under 21 years of age;~~

~~(2) Any person who is a fugitive from justice or against whom proceedings are pending for any felony, forcible misdemeanor, or violation of Code Section 16-11-126, 16-11-127, or 16-11-128 until such time as the proceedings are adjudicated;~~

~~(3) Any person who has been convicted of a felony by a court of this state or any other state; by a court of the United States including its territories, possessions, and dominions; or by a court of any foreign nation and has not been pardoned for such felony by the~~

354 ~~President of the United States, the State Board of Pardons and Paroles, or the person or~~
 355 ~~agency empowered to grant pardons under the constitution or laws of such state or nation~~
 356 ~~or any person who has been convicted of a forcible misdemeanor and has not been free~~
 357 ~~of all restraint or supervision in connection therewith for at least five years or any person~~
 358 ~~who has been convicted of a violation of Code Section 16-11-126, 16-11-127, or~~
 359 ~~16-11-128 and has not been free of all restraint or supervision in connection therewith for~~
 360 ~~at least three years, immediately preceding the date of the application;~~

361 ~~(4) Any individual who has been hospitalized as an inpatient in any mental hospital or~~
 362 ~~alcohol or drug treatment center within five years of the date of his or her application.~~
 363 ~~The probate judge may require any applicant to sign a waiver authorizing any mental~~
 364 ~~hospital or treatment center to inform the judge whether or not the applicant has been an~~
 365 ~~inpatient in any such facility in the last five years and authorizing the superintendent of~~
 366 ~~such facility to make to the judge a recommendation regarding whether a license to carry~~
 367 ~~a pistol or revolver should be issued. When such a waiver is required by the probate~~
 368 ~~judge, the applicant shall pay to the probate judge a fee of \$3.00 for reimbursement of the~~
 369 ~~cost of making such a report by the mental health hospital, alcohol or drug treatment~~
 370 ~~center, or the Department of Behavioral Health and Developmental Disabilities, which~~
 371 ~~the probate judge shall remit to the hospital, center, or department. The judge shall keep~~
 372 ~~any such hospitalization or treatment information confidential. It shall be at the~~
 373 ~~discretion of the probate judge, considering the circumstances surrounding the~~
 374 ~~hospitalization and the recommendation of the superintendent of the hospital or treatment~~
 375 ~~center where the individual was a patient, to issue the license or renewal license;~~

376 ~~(5)(A) Any person, the provisions of paragraph (3) of this subsection notwithstanding,~~
 377 ~~who has been convicted of an offense arising out of the unlawful manufacture,~~
 378 ~~distribution, possession, or use of a controlled substance or other dangerous drug.~~

379 ~~(B) As used in this paragraph, the term:~~

380 ~~(i) 'Controlled substance' means any drug, substance, or immediate precursor~~
 381 ~~included in the definition of controlled substances in paragraph (4) of Code Section~~
 382 ~~16-13-21.~~

383 ~~(ii) 'Convicted' means a plea of guilty, a finding of guilt by a court of competent~~
 384 ~~jurisdiction, the acceptance of a plea of nolo contendere, or the affording of first~~
 385 ~~offender treatment by a court of competent jurisdiction irrespective of the pendency~~
 386 ~~or availability of an appeal or an application for collateral relief.~~

387 ~~(iii) 'Dangerous drug' means any drug defined as such in Code Section 16-13-71; or~~

388 ~~(6) Any person not lawfully present in the United States.~~

389 (b) *Enhanced weapons carry license.* A license holder may apply for and receive an
 390 enhanced weapons carry license if he or she presents sufficient evidence demonstrating

391 completion of a handgun safety course, a hunter's safety course, a military certificate of
392 release, or discharge from active duty from the United States armed forces.

393 (c) Licensing exceptions.

394 (1) As used in this subsection, the term:

395 (A) 'Controlled substance' means any drug, substance, or immediate precursor included
396 in the definition of controlled substances in paragraph (4) of Code Section 16-13-21.

397 (B) 'Convicted' means a plea of guilty or a finding of guilt by a court of competent
398 jurisdiction irrespective of the pendency or availability of an appeal or an application
399 for collateral relief.

400 (C) 'Dangerous drug' means any drug defined as such in Code Section 16-13-71.

401 (2) No weapons carry license shall be issued to:

402 (A) Any person under 21 years of age;

403 (B) Any person who is prohibited from possessing firearms pursuant to subsections (g)
404 and (n) of 18 U.S.C. Section 922;

405 (C) Any person who has been convicted of an offense arising out of the unlawful
406 manufacture or distribution of a controlled substance or other dangerous drug;

407 (D) Any person who has had his or her weapons carry license revoked pursuant to
408 subsection (f) of this Code section or has been convicted of any of the following:

409 (i) Pointing a gun or a pistol at another in violation of Code Section 16-11-102;

410 (ii) Carrying a weapon without a weapons carry license in violation of Code Section
411 16-11-126; or

412 (iii) Carrying a weapon in an unauthorized location in violation of Code Section
413 16-11-127

414 and has not been free of any other conviction for at least five years immediately
415 preceding the date of the application;

416 (E) Any person who has been convicted of any misdemeanor involving the use or
417 possession of a controlled substance and has not been free of:

418 (i) A second conviction of any misdemeanor involving the use or possession of a
419 controlled substance; or

420 (ii) Any conviction under subparagraphs (B) through (D) of this paragraph
421 for at least five years immediately preceding the date of the application; or

422 (F) Any person who has been hospitalized as an inpatient in any mental hospital or
423 alcohol or drug treatment center within the five years immediately preceding the
424 application. The judge of the probate court may require any applicant to sign a waiver
425 authorizing any mental hospital or treatment center to inform the judge whether or not
426 the applicant has been an inpatient in any such facility in the last five years and
427 authorizing the superintendent of such facility to make to the judge a recommendation

428 regarding whether the applicant is a threat to the safety of others and whether a license
 429 to carry a weapon should be issued. When such a waiver is required by the judge, the
 430 applicant shall pay a fee of \$3.00 for reimbursement of the cost of making such a report
 431 by the mental health hospital, alcohol or drug treatment center, or the Department of
 432 Behavioral Health and Developmental Disabilities, which the judge shall remit to the
 433 hospital, center, or department. The judge shall keep any such hospitalization or
 434 treatment information confidential. It shall be at the discretion of the judge, considering
 435 the circumstances surrounding the hospitalization and the recommendation of the
 436 superintendent of the hospital or treatment center where the individual was a patient,
 437 to issue the weapons carry license or renewal license.

438 ~~(e)~~(d) *Fingerprinting.*

439 Following completion of the application for a weapons carry license or the renewal of a
 440 license, the judge of the probate court shall require the applicant to proceed to an
 441 appropriate law enforcement agency in the county with the completed application. The
 442 appropriate local law enforcement agency in each county shall then capture the
 443 fingerprints of the applicant for a license or renewal license to carry a ~~pistol or revolver~~
 444 weapon, place the fingerprint required by subsection ~~(f)~~ (g) of this Code section on a
 445 blank license form which has been furnished to the law enforcement agency by the judge
 446 of the probate court, and place the name of the applicant on the blank license form. The
 447 law enforcement agency shall be entitled to a fee of \$5.00 from the applicant for its
 448 services in connection with the application.

449 ~~(d)~~(e) *Investigation of applicant; issuance of weapons carry license; renewal.*

450 (1) For both weapons carry license applications and requests for license renewals, the
 451 judge of the probate court shall within two business days following the receipt of the
 452 application or request direct the law enforcement agency to request a fingerprint based
 453 criminal history records check from the Georgia Crime Information Center and Federal
 454 Bureau of Investigation for purposes of determining the suitability of the applicant and
 455 return an appropriate report to the judge of the probate court. Fingerprints shall be in
 456 such form and of such quality as prescribed by the Georgia Crime Information Center and
 457 under standards adopted by the Federal Bureau of Investigation. The Georgia Bureau of
 458 Investigation may charge such fee as is necessary to cover the cost of the records search.

459 (2) For both weapons carry license applications and requests for license renewals, the
 460 judge of the probate court shall within two business days following the receipt of the
 461 application or request also direct the law enforcement agency to conduct a background
 462 check using the Federal Bureau of Investigation's National Instant Criminal Background
 463 Check System and return an appropriate report to the probate judge.

464 (3) When a person who is not a United States citizen applies for a weapons carry license
 465 or renewal of a license under this Code section, the judge of the probate court shall direct
 466 the law enforcement agency to conduct a search of the records maintained by the United
 467 States Bureau of Immigration and Customs Enforcement. As a condition to the issuance
 468 of a license or the renewal of a license, an applicant who is in nonimmigrant status shall
 469 provide proof of his or her qualifications for an exception to the federal firearm
 470 prohibition pursuant to 18 U.S.C. Section 922(y).

471 (4) The law enforcement agency shall report to the judge of the probate court within 30
 472 days, by telephone and in writing, of any findings relating to the applicant which may
 473 bear on his or her eligibility for a weapons carry license or renewal license under the
 474 terms of this Code section. When no derogatory information is found on the applicant
 475 bearing on his or her eligibility to obtain a license or renewal license, a report shall not
 476 be required. The law enforcement agency shall return the application and the blank
 477 license form with the fingerprint thereon directly to the judge of the probate court within
 478 such time period. Not later than ten days after the judge of the probate court receives the
 479 report from the law enforcement agency concerning the suitability of the applicant for a
 480 ~~firearms~~ license, the judge of the probate court shall issue such applicant a license or
 481 renewal license to carry any ~~pistol or revolver~~ weapon unless facts establishing
 482 ineligibility have been reported or unless the judge determines such applicant has not met
 483 all the qualifications, is not of good moral character, or has failed to comply with any of
 484 the requirements contained in this Code section. The judge of the probate court shall date
 485 stamp the report from the law enforcement agency to show the date on which the report
 486 was received by the judge of the probate court.

487 ~~(e)~~(f) *Revocation, loss, or damage to license.* If, at any time during the period for which
 488 the weapons carry license was issued, the judge of the probate court of the county in which
 489 the license was issued shall learn or have brought to his or her attention in any manner any
 490 reasonable ground to believe the licensee is not eligible to retain the license, the judge may,
 491 after notice and hearing, revoke the license of the person upon adjudication of falsification
 492 of application, mental incompetency, chronic alcohol or narcotic usage, conviction of any
 493 felony or forcible misdemeanor, or for violation of Code Section 16-11-126; or 16-11-127;
 494 ~~or 16-11-128~~. It shall be unlawful for any person to possess a license which has been
 495 revoked, and any person found in possession of any such revoked license, except in the
 496 performance of his or her official duties, shall be guilty of a misdemeanor. It shall be
 497 required that any license holder under this Code section have in his or her possession his
 498 or her valid license whenever he or she is carrying a ~~pistol or revolver~~ weapon under the
 499 authority granted by this Code section, and his or her failure to do so shall be prima-facie
 500 evidence of a violation of Code Section ~~16-11-128~~ 16-11-126. Loss of any license issued

501 in accordance with this Code section or damage to the license in any manner which shall
 502 render it illegible shall be reported to the judge of the probate court of the county in which
 503 it was issued within 48 hours of the time the loss or damage becomes known to the license
 504 holder. The judge of the probate court shall thereupon issue a replacement for and shall
 505 take custody of and destroy a damaged license; and in any case in which a license has been
 506 lost, he or she shall issue a cancellation order and notify by telephone and in writing each
 507 of the law enforcement agencies whose records were checked before issuance of the
 508 original license. The judge shall charge the fee specified in subsection (k) of Code Section
 509 15-9-60 for such services.

510 ~~(f)~~(g) Weapons carry license *License specifications.* Weapons carry licenses Licenses
 511 issued as prescribed in this Code section shall be printed on durable but lightweight card
 512 stock, and the completed card shall be laminated in plastic to improve its wearing qualities
 513 and to inhibit alterations. Measurements shall be 3 1/4 inches long; and 2 1/4 inches wide.
 514 Each shall be serially numbered within the county of issuance and shall bear the full name,
 515 residential address, birth date, weight, height, color of eyes, sex, and a clear print of the
 516 right index finger of the licensee. If the right index fingerprint cannot be secured for any
 517 reason, the print of another finger may be used but such print shall be marked to identify
 518 the finger from which the print is taken. The license shall show the date of issuance, the
 519 expiration date, and the probate court in which issued and shall be signed by the licensee
 520 and bear the signature or facsimile thereof of the judge. The seal of the court shall be
 521 placed on the face before the license is laminated. The reverse side of the license shall
 522 have imprinted thereon in its entirety Code Section 16-11-127.

523 ~~(g)~~(h) *Alteration or counterfeiting of license; penalty.* A person who deliberately alters
 524 or counterfeits such a license card commits a felony and, upon conviction thereof, shall be
 525 punished by imprisonment for a period of not less than one nor more than five years.

526 ~~(h)~~(i) *Licenses for former law enforcement officers.* Except as otherwise provided in Code
 527 Section 16-11-130, any person who has served as a law enforcement officer for at least ten
 528 of the 12 years immediately preceding the retirement of such person as a law enforcement
 529 officer shall be entitled to be issued a weapons carry license as provided for in this Code
 530 section without the payment of any of the fees provided for in this Code section. Such
 531 person must comply with all the other provisions of this Code section relative to the
 532 issuance of such licenses. As used in this subsection, the term 'law enforcement officer'
 533 means any peace officer who is employed by the United States government or by the State
 534 of Georgia or any political subdivision thereof and who is required by the terms of his or
 535 her employment, whether by election or appointment, to give his or her full time to the
 536 preservation of public order or the protection of life and property or the prevention of
 537 crime. Such term shall include conservation rangers.

538 ~~(i)~~(j) *Temporary renewal licenses.*

539 (1) Any person who holds a weapons carry license under this Code section ~~to carry a~~
540 ~~pistol or revolver~~ may, at the time he or she applies for a renewal of the license, also
541 apply for a temporary renewal license if less than 90 days remain before expiration of the
542 license he or she then holds or if ~~his~~ the previous license has expired within the last 30
543 days.

544 (2) Unless the judge of the probate court knows or is made aware of any fact which
545 would make the applicant ineligible for a five-year renewal license, the judge shall at the
546 time of application issue a temporary renewal license to the applicant.

547 (3) Such a temporary renewal license shall be in the form of a paper receipt indicating
548 the date on which the court received the renewal application and shall show the name,
549 address, sex, age, and race of the applicant and that the temporary renewal license expires
550 90 days from the date of issue.

551 (4) During its period of validity the temporary renewal permit, if carried on or about the
552 holder's person together with the holder's previous license, shall be valid in the same
553 manner and for the same purposes as a five-year license.

554 (5) A \$1.00 fee shall be charged by the probate court for issuance of a temporary renewal
555 license.

556 (6) A temporary renewal license may be revoked in the same manner as a five-year
557 license.

558 ~~(j)~~(k) When an eligible applicant ~~who is a United States citizen~~ fails to receive a license,
559 temporary permit, or renewal license within the time period required by this Code section
560 and the application or request has been properly filed, the applicant may bring an action in
561 mandamus or other legal proceeding in order to obtain a license, temporary license, or
562 renewal license, and such applicant shall be entitled to recover his or her costs in such
563 action, including reasonable attorney's fees."

564 **SECTION 1-8.**

565 Said title is further amended by revising Code Section 16-11-132, relating to possession of
566 a pistol or revolver by a person under the age of 18 years, as follows:

567 "16-11-132.

568 (a)(1) ~~For the purposes of this Code section, the term 'pistol' or 'revolver' means a firearm~~
569 ~~of any description, loaded or unloaded, from which any shot, bullet, or other missile can~~
570 ~~be discharged where the length of the barrel, not including any revolving, detachable, or~~
571 ~~magazine breech, does not exceed 12 inches; provided, however, that the term pistol or~~
572 ~~revolver shall not include a gun which discharges shot of .46 centimeters or less in~~
573 ~~diameter.~~

- 574 ~~(2)~~ For the purposes of this Code section, a ~~pistol or revolver~~ handgun is considered
575 loaded if:
- 576 ~~(A)~~(1) There is a cartridge in the chamber or cylinder of the ~~pistol or revolver~~ handgun;
577 ~~(B)~~(2) The person is carrying on his or her body or attached to his or her clothing the
578 ~~pistol or revolver~~ handgun and the ammunition for such ~~pistol or revolver~~ handgun; or
579 ~~(C)~~(3) The ~~pistol or revolver~~ handgun and the ammunition for such ~~pistol or revolver~~
580 handgun are in such close proximity to such person that such person could readily gain
581 access to the ~~pistol or revolver~~ handgun and the ammunition and load the ~~pistol or~~
582 ~~revolver~~ handgun.
- 583 (b) Notwithstanding any other provisions of this part and except as otherwise provided in
584 this Code section, it shall be unlawful for any person under the age of 18 years to possess
585 or have under such person's control a ~~pistol or revolver~~ handgun. A person convicted of a
586 first violation of this subsection shall be guilty of a misdemeanor and shall be punished by
587 a fine not to exceed \$1,000.00 or by imprisonment for not more than 12 months, or both.
588 A person convicted of a second or subsequent violation of this subsection shall be guilty
589 of a felony and shall be punished by a fine of \$5,000.00 or by imprisonment for a period
590 of three years, or both.
- 591 (c) Except as otherwise provided in subsection (d) of this Code section, the provisions of
592 subsection (b) of this Code section shall not apply to:
- 593 (1) Any person under the age of 18 years who is:
- 594 (A) Attending a hunter education course or a firearms safety course;
- 595 (B) Engaging in practice in the use of a firearm or target shooting at an established
596 range authorized by the governing body of the jurisdiction where such range is located;
- 597 (C) Engaging in an organized competition involving the use of a firearm or
598 participating in or practicing for a performance by an organized group under 26 U.S.C.
599 Section 501(c)(3) which uses firearms as a part of such performance;
- 600 (D) Hunting or fishing pursuant to a valid license if such person has in his or her
601 possession such a valid hunting or fishing license if required; is engaged in legal
602 hunting or fishing; has permission of the owner of the land on which the activities are
603 being conducted; and the ~~pistol or revolver~~ handgun, whenever loaded, is carried only
604 in an open and fully exposed manner; or
- 605 (E) Traveling to or from any activity described in subparagraphs (A) through (D) of
606 this paragraph if the ~~pistol or revolver~~ handgun in such person's possession is not
607 loaded;
- 608 (2) Any person under the age of 18 years who is on real property under the control of
609 such person's parent, legal guardian, or grandparent and who has the permission of such
610 person's parent or legal guardian to possess a ~~pistol or revolver~~ handgun; or

611 (3) Any person under the age of 18 years who is at such person's residence and who, with
 612 the permission of such person's parent or legal guardian, possesses a ~~pistol or revolver~~
 613 handgun for the purpose of exercising the rights authorized in Code Section 16-3-21 or
 614 16-3-23.

615 (d) Subsection (c) of this Code section shall not apply to any person under the age of 18
 616 years who has been convicted of a forcible felony or forcible misdemeanor, as defined in
 617 Code Section 16-1-3, or who has been adjudicated delinquent under the provisions of
 618 Article 1 of Chapter 11 of Title 15 for an offense which would constitute a forcible felony
 619 or forcible misdemeanor, as defined in Code Section 16-1-3, if such person were an adult."

620 **SECTION 1-9.**

621 Said title is further amended by revising subsection (b) of Code Section 16-11-135, relating
 622 to public or private employer's parking lots, as follows:

623 "(b) Except as provided in this Code section, no private or public employer, including the
 624 state and its political subdivisions, shall condition employment upon any agreement by a
 625 prospective employee that prohibits an employee from entering the parking lot and access
 626 thereto when the employee's privately owned motor vehicle contains a firearm that is
 627 locked out of sight within the trunk, glove box, or other enclosed compartment or area
 628 within such privately owned motor vehicle, provided that any applicable employees
 629 possess a Georgia ~~firearms~~ weapons carry license."

630 **SECTION 1-10.**

631 Said title is further amended by adding a new Code section to Part 3 of Article 4 of Chapter
 632 11, relating to carrying and possession of firearms, as follows:

633 "16-11-136.
 634 Failure of a license holder to have a weapons carry license on or about his or her person at
 635 the time of arrest shall be prima-facie evidence of not having a license. The lack of a
 636 weapons carry license or of a handgun or weapon license issued by another state that is
 637 recognized by this state pursuant to subsection (d) of Code Section 16-11-126 shall be an
 638 element of the crime for the offenses established in Code Sections 12-3-10, 16-11-126,
 639 16-11-127, 16-11-127.1, 16-12-123, 16-12-127, 21-2-413, 27-3-1.1, 27-3-6, and
 640 27-4-11.1."

641 **PART II**
 642 **SECRETARY OF STATE**
 643 **SECTION 2-1.**

644 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
 645 amended by revising in its entirety Code Section 16-11-129, relating to the license to carry
 646 a pistol or revolver, as follows:

647 "16-11-129.

648 (a) Application for weapons carry license; term. The Secretary of State shall, on
 649 application and payment of a fee of \$50.00, issue a weapons carry license valid for a period
 650 of five years to any person who is not ineligible for a weapons carry license pursuant to
 651 subsection (c) of this Code section which shall authorize that person to carry any weapon.
 652 The Secretary of State shall create forms for the purpose of applying for a weapons carry
 653 license. Such forms shall be designed to elicit information from the applicant pertaining
 654 to his or her eligibility under this Code section but shall not require information that is not
 655 pertinent, including, but not limited to, serial numbers or other identification information
 656 capable of being used as a de facto registration of weapons owned by the applicant. Forms
 657 shall not request the disclosure of the applicant's social security number. The Secretary of
 658 State shall make the application forms publicly available and shall post them on the
 659 Internet in a downloadable format. The Secretary of State shall accept applications by
 660 mail, electronic filing, or in person.

661 (b) Enhanced weapons carry license. A license holder may apply for and receive an
 662 enhanced weapons carry license if he or she presents sufficient evidence demonstrating
 663 completion of a handgun safety course, a hunter's safety course, a military certificate of
 664 release, or discharge from active duty from the United States armed forces.

665 (c) Licensing exceptions.

666 (1) As used in this subsection, the term:

667 (A) 'Controlled substance' means any drug, substance, or immediate precursor included
 668 in the definition of controlled substances in paragraph (4) of Code Section 16-13-21.

669 (B) 'Convicted' means a plea of guilty or a finding of guilt by a court of competent
 670 jurisdiction irrespective of the pendency or availability of an appeal or an application
 671 for collateral relief.

672 (C) 'Dangerous drug' means any drug defined as such in Code Section 16-13-71.

673 (2) No weapons carry license shall be issued to:

674 (A) Any person under 21 years of age;

675 (B) Any person who is prohibited from possessing firearms pursuant to subsections (g)
 676 and (n) of 18 U.S.C. Section 922;

677 (C) Any person who has been convicted of an offense arising out of the unlawful
678 manufacture or distribution of a controlled substance or other dangerous drug;
679 (D) Any person who has had his or her weapons carry license revoked pursuant to
680 subsection (i) of this Code section or has been convicted of any of the following:
681 (i) Pointing a gun or a pistol at another in violation of Code Section 16-11-102;
682 (ii) Carrying a weapon without a weapons carry license in violation of Code Section
683 16-11-126; or
684 (iii) Carrying a weapon into an unauthorized location in violation of Code Section
685 16-11-127
686 and has not been free of any other conviction for at least five years immediately
687 preceding the date of the application;
688 (E) Any person who has been convicted of any misdemeanor involving the use or
689 possession of a controlled substance and has not been free of:
690 (i) A second conviction of any misdemeanor involving the use or possession of a
691 controlled substance; or
692 (ii) Any conviction under subparagraphs (B) through (D) of this paragraph
693 for at least five years immediately preceding the date of the application; or
694 (F) Any person who has been hospitalized as an inpatient in any mental hospital or
695 alcohol or drug treatment center within the five years immediately preceding the
696 application. The Secretary of State may require any applicant to sign a waiver
697 authorizing any mental hospital or treatment center to inform the Secretary of State
698 whether or not the applicant has been an inpatient in any such facility in the last five
699 years and authorizing the superintendent of such facility to make to the Secretary of
700 State a recommendation regarding whether the applicant is a threat to the safety of
701 others and whether a license to carry a weapon should be issued. When such a waiver
702 is required by the Secretary of State, the applicant shall pay a fee of \$3.00 for
703 reimbursement of the cost of making such a report by the mental health hospital,
704 alcohol or drug treatment center, or the Department of Behavioral Health and
705 Developmental Disabilities, which the Secretary of State shall remit to the hospital,
706 center, or department. The Secretary of State shall keep any such hospitalization or
707 treatment information confidential. It shall be at the discretion of the Secretary of State,
708 considering the circumstances surrounding the hospitalization and the recommendation
709 of the superintendent of the hospital or treatment center where the individual was a
710 patient, to issue the weapons carry license or renewal license.
711 (d) Alteration or counterfeiting of license; penalty. A person who deliberately alters or
712 counterfeits a weapons carry license shall be guilty of a felony and, upon conviction

713 thereof, shall be punished by imprisonment for a period of not less than one nor more than
714 five years.

715 (e) Fingerprints and criminal background check.

716 (1) For the purposes of this subsection, a person who has a valid weapons carry license
717 issued under this Code section as it existed on December 31, 2011, shall not be
718 considered to be applying for a weapons carry license for the first time under this Code
719 section. Application for a license under this Code section shall constitute express consent
720 and authorization for the Secretary of State or his or her representative to perform a
721 criminal background check. Each applicant who submits an application to the Secretary
722 of State for licensure pursuant to this Code section agrees to provide the Secretary of
723 State with any and all information necessary to run a criminal background check,
724 including but not limited to classifiable sets of fingerprints. The applicant shall be
725 responsible for all fees associated with the performance of such background check.
726 Fingerprints shall be in such form and of such quality as prescribed by the Georgia Crime
727 Information Center and under standards adopted by the Federal Bureau of Investigation.
728 The Secretary of State shall submit fingerprints captured for the purposes of obtaining a
729 weapons carry license to the Georgia Crime Information Center for a background check.
730 The agency or contractor may charge a fee not to exceed \$30.00 for capturing the
731 fingerprints and running the background check.

732 (2) The Secretary of State shall perform a background check using the Federal Bureau
733 of Investigation's National Instant Criminal Background Check System in accordance
734 with the federal Brady Handgun Violence Prevention Act, 18 U.S.C. Section 921, et seq.,
735 on every applicant to determine eligibility for a weapons carry license in accordance with
736 subsection (c) of this Code section. The Secretary of State shall perform the background
737 check using the National Instant Criminal Background Check System within five days
738 of receipt of an application for a weapons carry license. A person may apply for a
739 renewal weapons carry license up to 90 days before and 30 days after the expiration of
740 his or her current weapons carry license. When a person who is not a United States
741 citizen applies for a weapons carry license or renewal of a license under this Code
742 section, the Secretary of State shall direct the law enforcement agency to conduct a search
743 of the records maintained by United States Immigration and Customs Enforcement. As
744 a condition to the issuance of a weapons carry license or the renewal of such license, an
745 applicant who is in nonimmigrant status shall provide proof of his or her qualifications
746 for an exception to the federal weapon prohibition pursuant to 18 U.S.C. Section 922(y).

747 (3) The Secretary of State shall be authorized to enter into contracts with private persons
748 and entities to perform administrative functions relating to Georgia Crime Information
749 Center background checks.

750 (f) Issuance of weapons carry license. The Secretary of State shall issue a weapons carry
751 license within five days of completion and receipt of the background check required by this
752 Code section and all other applicable reports required by this Code section. A weapons
753 carry license issued pursuant to this Code section shall be valid for a period of five years.
754 For first time applicants, if the fingerprint based background check is not available at the
755 time of issuance of the weapons carry license and the fingerprint background check later
756 reveals material falsification of the application or grounds for ineligibility of a weapons
757 carry license, the Secretary of State may commence proceedings to revoke the weapons
758 carry license pursuant to subsection (i) of this Code section.

759 (g) License specifications. Weapons carry licenses shall incorporate overt and covert
760 security features which shall be blended with the personal data printed on the license to
761 form a significant barrier to imitation, replication, and duplication. There shall be a
762 minimum of three different ultraviolet colors used to enhance the security of the license
763 incorporating variable data, color shifting characteristics, and front edge only perimeter
764 visibility. The weapons carry license shall have a color photograph viewable under
765 ambient light on both the front and back of the license. The license shall incorporate
766 custom optical variable devices featuring the great seal of the State of Georgia as well as
767 matching demetalized optical variable devices viewable under ambient light from the front
768 and back of the license incorporating microtext and unique alphanumeric serialization
769 specific to the license holder. The license shall be of similar material, size, and thickness
770 of a credit card and have a holographic laminate to secure and protect the license for the
771 duration of the license period.

772 (h) Lost or damaged weapons carry license. If a weapons carry license issued under this
773 Code section becomes lost, stolen, or damaged, the license holder shall report such fact to
774 the Secretary of State, who shall issue a replacement weapons carry license within five
775 days of receiving such report. The Secretary of State may charge a fee not to exceed \$5.00
776 for a replacement weapons carry license. No background checks shall be performed for
777 issuing a replacement weapons carry license.

778 (i) Revocation of a weapons carry license. If the Secretary of State learns of any factor
779 that renders a license holder ineligible for a weapons carry license, the Secretary of State
780 may initiate revocation proceedings pursuant to Chapter 13 of Title 50, the 'Georgia
781 Administrative Procedure Act.' Upon revocation, the licensee shall surrender his or her
782 weapons carry license to the Secretary of State. Any person who uses a revoked weapons
783 carry license for any purpose shall be guilty of a misdemeanor.

784 (j) Private right of action. If an eligible applicant does not receive a weapons carry license
785 or replacement weapons carry license as required by this Code section, the applicant may
786 bring an action for mandamus or other legal proceeding in order to obtain a weapons carry

787 license or replacement weapons carry license, and such applicant shall be entitled to
 788 recover his or her costs in such action, including reasonable attorney's fees.
 789 (k) Revocation of weapons carry license after conviction of a crime. The clerk of court
 790 shall report to the Secretary of State the name and identifying information of any person
 791 convicted of a crime which could result in such person becoming ineligible to have a
 792 weapons carry license. Upon receiving such notification, the Secretary of State shall
 793 determine if such person has a weapons carry license and undertake to revoke such person's
 794 license pursuant to subsection (i) of this Code section."

795 **SECTION 2-2.**

796 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising
 797 paragraph (1) of subsection (i) and paragraphs (12) and (13) of subsection (k) of Code
 798 Section 15-9-60, relating to costs for hearings in contested matters in probate courts, as
 799 follows:

800 ~~"(1) For conducting trials of contested matters or for formal hearing on the denial of an~~
 801 ~~application for a firearms license before the probate court, the cost shall be \$25.00 per~~
 802 ~~one-half day or portion thereof Reserved;"~~

803 ~~"(12) Application for firearms license (exclusive of fees charged by other~~
 804 ~~agencies for the examination of criminal records and mental health records)~~
 805 ~~Reserved 15.00~~

806 ~~(13) For issuance of a replacement firearms license Reserved 5.00"~~

807 **SECTION 2-3.**

808 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
 809 by revising subsection (d) of Code Section 50-18-72, relating to when public disclosure of
 810 public records is not required, as follows:

811 "(d) This article shall not be applicable to any application submitted to or any permanent
 812 records maintained by ~~a judge of the probate court~~ the Secretary of State pursuant to Code
 813 Section 16-11-129, relating to weapons carry licenses ~~to carry pistols or revolvers~~, or
 814 pursuant to any other requirement for maintaining records relative to the possession of
 815 firearms. This subsection shall not preclude law enforcement agencies from obtaining
 816 records relating to licensing and possession of firearms as provided by law."

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PART III
BOARD OF REGENTS
SECTION 3-1.

820 Code Section 20-3-31 of the Official Code of Georgia Annotated, relating to the general
821 powers of the Board of Regents of the University System of Georgia, is revised as follows:
822 "20-3-31.

823 The board of regents shall have power:

- 824 (1) To make such reasonable rules and regulations as are necessary for the performance
825 of its duties;
- 826 (2) To elect or appoint professors, educators, stewards, or any other officers necessary
827 for all of the schools in the university system, as may be authorized by the General
828 Assembly; to discontinue or remove them as the good of the system or any of its schools
829 or institutions or stations may require; and to fix their compensations;
- 830 (3) To establish all such schools of learning or art as may be useful to the state and to
831 organize them in the way most likely to attain the ends desired; ~~and~~
- 832 (4) To exercise any power usually granted to such corporation, necessary to its
833 usefulness, which is not in conflict with the Constitution and laws of this state; and
- 834 (5) To make rules and regulations with regard to carrying a weapon, as such term is
835 defined in Code Section 16-11-125.1, on or in board property; provided, however, that
836 any rule or regulation adopted by the board shall not apply to any area that is not owned
837 or leased by the board or any area governed by Code Section 16-11-135."

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PART IV
CROSS-REFERENCES
SECTION 4-1.

841 Title 10 of the Official Code of Georgia Annotated, relating to commerce, is amended by
842 revising subsection (e) of Code Section 10-1-393.5, relating to prohibited telemarketing,
843 Internet activities, or home repair, as follows:

- 844 "(e) Persons employed full time or part time for the purpose of conducting potentially
845 criminal investigations under this article shall be certified peace officers and shall have all
846 the powers of a certified peace officer of this state when engaged in the enforcement of this
847 article, including but not limited to the power to obtain, serve, and execute search warrants.
848 Such Georgia certified peace officers shall be subject to the requirements of Chapter 8 of
849 Title 35, the 'Georgia Peace Officer Standards and Training Act,' and are specifically
850 required to complete the training required for peace officers by that chapter. Such certified

851 peace officers shall be authorized, upon completion of the required training, with the
 852 written approval of the administrator, and notwithstanding Code Sections 16-11-126;
 853 ~~16-11-128~~; and 16-11-129, to carry firearms of a standard police issue when engaged in
 854 detecting, investigating, or preventing crimes under this article."

855 **SECTION 4-2.**

856 Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural
 857 resources, is amended by revising subsection (o) of Code Section 12-3-10, relating to what
 858 persons may be in parks, historic sites, or recreational areas, as follows:

859 "(o) It shall be unlawful for any person to use or possess in any park, historic site, or
 860 recreational area any fireworks, explosives, or firecrackers, unless stored so as not to be
 861 readily accessible or unless such use has been approved by prior written permission of the
 862 commissioner of natural resources or his or her authorized representative. It shall also be
 863 unlawful for any person without a weapons carry license issued pursuant to Code Section
 864 16-11-129 to use or possess in any park, historic site, or recreational area any firearms;
 865 It shall also be unlawful for any person to use or possess in any park, historic site, or
 866 recreational area any bows and arrows, spring guns, air rifles, slingshots, or any other
 867 device which discharges projectiles by any means, unless the device is unloaded and stored
 868 so as not to be readily accessible or unless such use has been approved within restricted
 869 areas by prior written permission of the commissioner of natural resources or his or her
 870 authorized representative."

871 **SECTION 4-3.**

872 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising
 873 paragraph (1) of subsection (i) and paragraphs (12) and (13) of subsection (k) of Code
 874 Section 15-9-60, relating to costs for hearings in contested matters in probate courts, as
 875 follows:

876 "(1) For conducting trials of contested matters or for formal hearing on the denial of an
 877 application for a ~~firearms~~ weapons carry license before the probate court, the cost shall
 878 be \$25.00 per one-half day or portion thereof;"

879 "(12) Application for ~~firearms~~ weapons carry license (exclusive of fees charged
 880 by other agencies for the examination of criminal records and mental health
 881 records) 15.00

882 (13) For issuance of a replacement ~~firearms~~ weapons carry license 5.00"

883

SECTION 4-4.

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Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by revising subparagraph (c)(2)(C) of Code Section 16-10-51, relating to bail jumping, as follows:

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"(C) Carrying a ~~deadly~~ weapon to ~~public gathering in an unauthorized location~~, as provided in Code Section 16-11-127;"

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SECTION 4-5.

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Said title is further amended by revising subsection (b) of Code Section 16-11-34.1, relating to unlawful activities within the state capitol or certain Capitol Square buildings, as follows:

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"(b) It shall be unlawful for any person, other than those persons who are exempt from the provisions of Code Sections 16-11-126 through ~~16-11-128~~ 16-11-127.2, to enter, occupy, or remain within the state capitol building or any building housing committee offices, committee rooms, or offices of members, officials, or employees of the General Assembly or either house thereof while in the possession of any firearm; knife ~~designed for the purpose of offense and defense~~, as such term is defined in Code Section 16-11-126; explosive or incendiary device or compound; bludgeon; knuckles, whether made from metal, thermoplastic, wood, or other similar material; or any other dangerous or deadly weapon, instrument, or device."

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SECTION 4-6.

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Said title is further amended by revising paragraph (2) of subsection (a) of Code Section 16-11-101.1, relating to furnishing a pistol or revolver to a person under the age of 18 years, as follows:

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"(2) 'Pistol or revolver' means a ~~pistol or revolver~~ handgun as defined in subsection (a) of Code Section ~~16-11-132~~ 16-11-125.1."

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SECTION 4-7.

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Said title is further amended by revising Code Section 16-11-130, relating to exemptions from Code Sections 16-11-126 through 16-11-128, as follows:

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"16-11-130.

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(a) Code Sections 16-11-126 through ~~16-11-128~~ 16-11-127.2 shall not apply to or affect any of the following persons if such persons are employed in the offices listed below or when authorized by federal or state law, regulations, or order:

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(1) Peace officers, as such term is defined in paragraph (11) of Code Section 16-1-3, and retired peace officers so long as they remain certified whether employed by the state or a political subdivision of the state or another state or a political subdivision of another

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- 917 state but only if such other state provides a similar privilege for the peace officers of this
918 state;
- 919 (2) Wardens, superintendents, and keepers of correctional institutions, jails, or other
920 institutions for the detention of persons accused or convicted of an offense;
- 921 (3) Persons in the military service of the state or of the United States;
- 922 (4) Persons employed in fulfilling defense contracts with the government of the United
923 States or agencies thereof when possession of the weapon is necessary for manufacture,
924 transport, installation, and testing under the requirements of such contract;
- 925 (5) District attorneys, investigators employed by and assigned to a district attorney's
926 office, assistant district attorneys, attorneys or investigators employed by the Prosecuting
927 Attorneys' Council of the State of Georgia, and any retired district attorney, assistant
928 district attorney, district ~~attorneys~~ attorney's investigator, or attorney or investigator
929 retired from the Prosecuting Attorneys' Council of the State of Georgia, if such employee
930 is retired in good standing and is receiving benefits under Title 47 or is retired in good
931 standing and receiving benefits from a county or municipal retirement system;
- 932 (6) State court solicitors-general; investigators employed by and assigned to a state court
933 solicitor-general's office; assistant state court solicitors-general; the corresponding
934 personnel of any city court expressly continued in existence as a city court pursuant to
935 Article VI, Section X, Paragraph I, subparagraph (5) of the Constitution; and the
936 corresponding personnel of any civil court expressly continued as a civil court pursuant
937 to said provision of the Constitution;
- 938 (7) Those employees of the State Board of Pardons and Paroles when specifically
939 designated and authorized in writing by the members of the State Board of Pardons and
940 Paroles to carry a weapon;
- 941 (8) The Attorney General and those members of his or her staff whom he or she
942 specifically authorizes in writing to carry a weapon;
- 943 (9) Chief probation officers, probation officers, intensive probation officers, and
944 surveillance officers employed by and under the authority of the Department of
945 Corrections pursuant to Article 2 of Chapter 8 of Title 42, known as the 'State-wide
946 Probation Act,' when specifically designated and authorized in writing by the director of
947 Division of Probation;
- 948 (10) Public safety directors of municipal corporations;
- 949 (11) Explosive ordnance disposal technicians, as such term is defined by Code
950 Section 16-7-80, and persons certified as provided in Code Section 35-8-13 to handle
951 animals trained to detect explosives, while in the performance of their duties;

- 952 (12) State and federal trial and appellate judges, full-time and permanent part-time
 953 judges of municipal and city courts, and former state trial and appellate judges retired
 954 from their respective offices under state retirement;
- 955 (13) United States Attorneys and Assistant United States Attorneys;
- 956 (14) County medical examiners and coroners and their sworn officers employed by
 957 county government; and
- 958 (15) Clerks of the superior courts.
- 959 (b) Code Sections 16-11-126 through ~~16-11-128~~ 16-11-127.2 shall not apply to or affect
 960 persons who at the time of their retirement from service with the Department of
 961 Corrections were chief probation officers, probation officers, intensive probation officers,
 962 or surveillance officers, when specifically designated and authorized in writing by the
 963 director of the Division of Probation.
- 964 (c) Code Sections 16-11-126 through ~~16-11-128~~ 16-11-127.2 shall not apply to or affect
 965 any:
- 966 (1) Sheriff, retired sheriff, deputy sheriff, or retired deputy sheriff if such retired deputy
 967 sheriff is receiving benefits under the Peace Officers' Annuity and Benefit Fund provided
 968 under Chapter 17 of Title 47;
- 969 (2) Member of the Georgia State Patrol or agent of the Georgia Bureau of Investigation
 970 or retired member of the Georgia State Patrol or agent of the Georgia Bureau of
 971 Investigation if such retired member or agent is receiving benefits under the Employees'
 972 Retirement System;
- 973 (3) Full-time law enforcement chief executive engaging in the management of a county,
 974 municipal, state, state authority, or federal law enforcement agency in the State of
 975 Georgia, including any college or university law enforcement chief executive that is
 976 registered or certified by the Georgia Peace Officer Standards and Training Council; or
 977 retired law enforcement chief executive that formerly managed a county, municipal, state,
 978 state authority, or federal law enforcement agency in the State of Georgia, including any
 979 college or university law enforcement chief executive that was registered or certified at
 980 the time of his or her retirement by the Georgia Peace Officer Standards and Training
 981 Council, if such retired law enforcement chief executive is receiving benefits under the
 982 Peace Officers' Annuity and Benefit Fund provided under Chapter 17 of Title 47 or is
 983 retired in good standing and receiving benefits from a county, municipal, State of
 984 Georgia, state authority, or federal retirement system; or
- 985 (4) Police officer of any county, municipal, state, state authority, or federal law
 986 enforcement agency in the State of Georgia, including any college or university police
 987 officer that is registered or certified by the Georgia Peace Officer Standards and Training
 988 Council, or retired police officer of any county, municipal, state, state authority, or

989 federal law enforcement agency in the State of Georgia, including any college or
 990 university police officer that was registered or certified at the time of his or her retirement
 991 by the Georgia Peace Officer Standards and Training Council, if such retired employee
 992 is receiving benefits under the Peace Officers' Annuity and Benefit Fund provided under
 993 Chapter 17 of Title 47 or is retired in good standing and receiving benefits from a county,
 994 municipal, State of Georgia, state authority, or federal retirement system.

995 In addition, any such sheriff, retired sheriff, deputy sheriff, retired deputy sheriff, active or
 996 retired law enforcement chief executive, or other law enforcement officer referred to in this
 997 subsection shall be authorized to carry a ~~pistol or revolver~~ handgun on or off duty
 998 anywhere within the state and the provisions of Code Sections 16-11-126 through
 999 ~~16-11-128~~ 16-11-127.2 shall not apply to the carrying of such firearms.

1000 (d) A prosecution based upon a violation of Code Section 16-11-126; or 16-11-127; ~~or~~
 1001 ~~16-11-128~~ need not negative any exemptions."

1002 SECTION 4-8.

1003 Said title is further amended by revising subsection (b) of Code Section 16-12-123, relating
 1004 to bus or rail vehicle hijacking and boarding with concealed weapon, as follows:

1005 "(b) Any person who boards or attempts to board an aircraft, bus, or rail vehicle with any
 1006 explosive, destructive device, or hoax device as such term is defined in Code Section
 1007 16-7-80; firearm for which such person does not have on his or her person a valid weapons
 1008 carry license issued pursuant to Code Section 16-11-129 unless possessing such firearm is
 1009 prohibited by federal law; hazardous substance as defined by Code Section 12-8-92; or
 1010 knife or other device designed or modified for the purpose of offense and defense
 1011 concealed on or about his or her person or property which is or would be accessible to such
 1012 person while on the aircraft, bus, or rail vehicle shall be guilty of a felony and, upon
 1013 conviction thereof, shall be sentenced to imprisonment for not less than one nor more than
 1014 ten years. The prohibition of this subsection shall not apply to any law enforcement
 1015 officer, peace officer retired from a state or federal law enforcement agency, person in the
 1016 military service of the state or of the United States, or commercial security personnel
 1017 employed by the transportation company who is in possession of weapons used within the
 1018 course and scope of ~~their~~ employment; nor shall the prohibition apply to persons
 1019 transporting weapons contained in baggage which is not accessible to passengers if the
 1020 presence of such weapons has been declared to the transportation company and such
 1021 weapons have been secured in a manner prescribed by state or federal law or regulation for
 1022 the purpose of transportation or shipment. The provisions of this subsection shall not apply
 1023 to any privately owned aircraft, bus, or rail vehicle if the owner of such aircraft or vehicle
 1024 has given his or her express permission to board the aircraft or vehicle with the item."

SECTION 4-9.

Said title is further amended by revising subsection (a) of Code Section 16-12-127, relating to prohibition on firearms, hazardous substances, knives, or other devices, as follows:

"(a) It shall be unlawful for any person, with the intention of avoiding or interfering with a security measure or of introducing into a terminal any explosive, destructive device, or hoax device as defined in Code Section 16-7-80; firearm for which such person does not have on his or her person a valid weapons carry license issued pursuant to Code Section 16-11-129 unless possessing such firearm is prohibited by federal law; hazardous substance as defined by Code Section 12-8-92; or knife or other device designed or modified for the purpose of offense and defense, to:

- (1) Have any such item on or about his or her person, or
- (2) Place or cause to be placed or attempt to place or cause to be placed any such item:
 - (A) In a container or freight of a transportation company;
 - (B) In the baggage or possessions of any person or any transportation company without the knowledge of the passenger or transportation company; or
 - (C) Aboard such aircraft, bus, or rail vehicle."

SECTION 4-10.

Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is amended by revising Code Section 17-5-51, relating to forfeiture of weapons used in commission of crime, as follows:

"17-5-51.

Any device which is used as a weapon in the commission of any crime against any person or any attempt to commit any crime against any person, any weapon the possession or carrying of which constitutes a crime or delinquent act, and any weapon for which a person has been convicted of ~~the crime of carrying a concealed weapon, as provided for by~~ violating Code Section 16-11-126; are declared to be contraband and are forfeited. For the purposes of this article, a motor vehicle shall not be deemed to be a weapon or device and shall not be contraband or forfeited under this article; provided, however, this exception shall not be construed to prohibit the seizure, condemnation, and sale of motor vehicles used in the illegal transportation of alcoholic beverages."

SECTION 4-11.

Said title is further amended by revising subsection (b) of Code Section 17-7-23, relating to preclusion of certain courts from trying charges involving Code Section 16-11-126 or 16-11-128, as follows:

1059 "(b) Any court, other than a superior court or a state court, to which any charge of a
 1060 violation of Code Section 16-11-126 ~~or Code Section 16-11-128~~ is referred for the
 1061 determination required by this Code section shall thereafter have and exercise only the
 1062 jurisdiction of a court of inquiry with respect to the charge and with respect to any other
 1063 criminal violation arising from the transaction on which the charge was based and shall not
 1064 thereafter be competent to try the accused for the charge or for any other criminal violation
 1065 arising from the transaction on which the charge was based, irrespective of the jurisdiction
 1066 that the court otherwise would have under any other law."

1067 SECTION 4-12.

1068 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by
 1069 revising paragraphs (4) and (6) of subsection (a) of Code Section 20-2-1184, relating to
 1070 reporting of students committing prohibited acts, as follows:

1071 "(4) Code Section 16-11-127, relating to carrying ~~deadly weapons at public gatherings~~
 1072 a weapon in an unauthorized location;"

1073 "(6) Code Section 16-11-132, relating to the illegal possession of a ~~pistol or revolver~~
 1074 handgun by a person under 18 years of age; or"

1075 SECTION 4-13.

1076 Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by
 1077 revising paragraphs (1) and (2) of Code Section 27-3-1.1, relating to acts prohibited on
 1078 wildlife management areas, as follows:

1079 "(1) To possess a firearm during a closed hunting season for that area unless such firearm
 1080 is unloaded and stored in a motor vehicle so as not to be readily accessible, unless such
 1081 person possesses a valid weapons carry license issued pursuant to Code Section
 1082 16-11-129;

1083 (2) To possess a loaded firearm in a motor vehicle during a legal open hunting season
 1084 for that area, unless such person possesses a valid weapons carry license issued pursuant
 1085 to Code Section 16-11-129;"

1086 SECTION 4-14.

1087 Said title is further amended by revising Code Section 27-3-6, relating to the possession of
 1088 a firearm while hunting with bow and arrow, as follows:

1089 "27-3-6.

1090 It shall be unlawful for any person to possess any center-fire or rimfire firearm while
 1091 hunting with a bow and arrow during archery or primitive weapons season for deer or while
 1092 hunting with a muzzleloading firearm during a primitive weapons season for deer unless

1093 such person possesses a valid weapons carry license issued pursuant to Code Section
 1094 16-11-129."

1095 **SECTION 4-15.**

1096 Said title is further amended by revising paragraphs (1) and (2) of subsection (a) of Code
 1097 Section 27-4-11.1, relating to the possession of firearms and intoxication on public fishing
 1098 areas, as follows:

1099 "(1) To possess a firearm during a closed hunting season for that area unless such firearm
 1100 is unloaded and stored in a motor vehicle so as not to be readily accessible unless such
 1101 person possesses a valid weapons carry license issued pursuant to Code Section
 1102 16-11-129;

1103 (2) To possess a loaded firearm in a motor vehicle during a legal open hunting season
 1104 for that area unless such person possesses a valid weapons carry license issued pursuant
 1105 to Code Section 16-11-129; or"

1106 **SECTION 4-16.**

1107 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended
 1108 by revising paragraph (4) of subsection (b) of Code Section 40-6-228, relating to
 1109 enforcement of parking for persons with disabilities, as follows:

1110 "(4) Have the power to possess and carry firearms and other weapons for the purpose of
 1111 enforcing the parking laws for persons with disabilities; provided, however, that a person
 1112 who possesses a valid weapons carry license ~~to carry a pistol or revolver~~ issued under
 1113 Code Section 16-11-129 and who carries such weapon in a manner permitted under Code
 1114 Section 16-11-126 shall not be in violation of this paragraph; or"

1115 **SECTION 4-17.**

1116 Title 43 of the Official Code of Georgia Annotated, relating to professions, is amended by
 1117 revising subsection (a) of Code Section 43-1-5, relating to investigators for professional
 1118 licensing boards and office of division director, as follows:

1119 "(a) Persons hired for the purpose of conducting investigations for the professional
 1120 licensing boards shall be designated as investigators and any person so designated shall
 1121 have all the powers of a peace officer of this state when engaged in the enforcement of this
 1122 title or of any of the laws creating or related to the professional licensing boards. Such
 1123 investigators shall be authorized, upon the written approval of the division director,
 1124 notwithstanding Code Sections 16-11-126, ~~16-11-128~~, and 16-11-129, to carry firearms of
 1125 a caliber not greater than the standard police .38 handgun."

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SECTION 4-18.

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Said title is further amended by revising subsection (e) of Code Section 43-34-6, relating to investigations by medical board, as follows:

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"(e) The board, through the executive director, may hire investigators for the purpose of conducting investigations. Any person so employed shall be considered to be a peace officer and shall have all powers, duties, and status of a peace officer of this state; provided, however, that such investigators shall only be authorized, upon written approval of the executive director, notwithstanding Code Sections 16-11-126, ~~16-11-128~~, and 16-11-129, to carry firearms in the performance of their duties and exercise the powers of arrest in the performance of their duties."

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SECTION 4-19.

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Said title is further amended by revising subsection (f) of Code Section 43-38-10, relating to permits to carry firearms for private detectives and private security, as follows:

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"(f) An individual issued a permit in accordance with this Code section shall be exempt from the following laws of this state:

(1) Code Section 16-11-126, relating to carrying a ~~concealed~~ weapon;

(2) Code Section 16-11-127, relating to carrying ~~deadly weapons at public gatherings a~~ weapon in an unauthorized location; and

(3) ~~Code Section 16-11-128, relating to carrying a pistol without a license; and~~

~~(4) Code Section 16-11-129, relating to licenses to carry pistols and revolvers~~ weapons generally."

1147

SECTION 4-20.

1148

Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended by revising paragraph (2) of subsection (i) of Code Section 49-4A-8, relating to commitment of delinquent or unruly children, as follows:

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"(2) The commissioner may designate as a peace officer who is authorized to exercise the power of arrest any employee of the department whose full-time duties include the preservation of public order, the protection of life and property, the detection of crime, or the supervision of delinquent and unruly children in its institutions, facilities, or programs, or any employee who is a line supervisor of any such employee. The commissioner also may designate as a peace officer who is authorized to exercise the power of arrest any employee of a person or organization which contracts with the department pertaining to the management, custody, care, and control of delinquent children retained by the person or organization, if that employee's full-time duties include the preservation of public order, the protection of life and property, the detection of

1161 crime, or the supervision of delinquent and unruly children in the department's
 1162 institutions, facilities, or programs, or any employee who is a line supervisor of such
 1163 employee. The commissioner may designate one or more employees of the department
 1164 to investigate and apprehend delinquent and unruly children who have escaped from an
 1165 institution or facility or who have broken the conditions of supervision; provided,
 1166 however, that the employees so designated shall only be those with primary responsibility
 1167 for the security functions of youth development centers or whose primary duty consists
 1168 of the apprehension of youths who have escaped from such institutions or facilities or
 1169 who have broken the conditions of supervision. An employee of the department so
 1170 designated shall have the police power to investigate, to apprehend such children, and to
 1171 arrest any person physically interfering with the proper apprehension of such children.
 1172 An employee of the department so designated in the investigative section of the
 1173 department shall have the power to obtain a search warrant for the purpose of locating
 1174 and apprehending such children. Additionally, such employee, while on the grounds or
 1175 in the buildings of the department's institutions or facilities, shall have the same law
 1176 enforcement powers, including the power of arrest, as a law enforcement officer of the
 1177 local government with police jurisdiction over such institutions or facilities. Such
 1178 employee shall be authorized to carry weapons, upon written approval of the
 1179 commissioner, notwithstanding Code Sections 16-11-126, ~~16-11-128~~, and 16-11-129.
 1180 The commissioner shall also be authorized to designate any person or organization with
 1181 whom the department contracts for services pertaining to the management, custody, care,
 1182 and control of delinquent and unruly children detained by the person or organization as
 1183 a law enforcement unit under paragraph (7) of Code Section 35-8-2. Any employee or
 1184 person designated under this subsection shall be considered to be a peace officer within
 1185 the meaning of Chapter 8 of Title 35 and must be certified under that chapter."

1186 **SECTION 4-21.**

1187 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
 1188 by revising subsection (d) of Code Section 50-18-72, relating to when public disclosure of
 1189 public records is not required, as follows:

1190 "(d) This article shall not be applicable to any application submitted to or any permanent
 1191 records maintained by a judge of the probate court pursuant to Code Section 16-11-129,
 1192 relating to weapons carry licenses ~~to carry pistols or revolvers~~, or pursuant to any other
 1193 requirement for maintaining records relative to the possession of firearms. This subsection
 1194 shall not preclude law enforcement agencies from obtaining records relating to licensing
 1195 and possession of firearms as provided by law."

1196

PART V

1197

EFFECTIVE DATE, APPLICABILITY, AND REPEALER

1198

SECTION 5-1.

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This part and Parts I, III, and IV of this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall apply to all offenses committed on and after such date. The enactment of this Act shall not affect any prosecutions for acts occurring before the effective date of this Act and shall not act as an abatement of any such prosecutions. Part II of this Act shall become effective on January 1, 2012.

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SECTION 5-2.

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