

Senate Bill 308

By: Senators Seabaugh of the 28th, Rogers of the 21st, Smith of the 52nd, Unterman of the 45th, Mullis of the 53rd and others

**AS PASSED SENATE**

**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 amend Code Section 20-3-31 of the Official Code of Georgia Annotated, relating to the  
10 general powers of the Board of Regents of the University System of Georgia, so as to provide  
11 the board with the power to regulate the carrying of weapons on board property; to amend  
12 Code Section 20-4-11 of the Official Code of Georgia Annotated, relating to the powers of  
13 the State Board of Technical and Adult Education, so as to provide the state board with the  
14 power to regulate the carrying of weapons on property in the custody of the state board; to  
15 amend various titles of the Official Code of Georgia Annotated so as to conform and correct  
16 cross-references; to provide for effective dates and applicability; to provide for related  
17 matters; to repeal conflicting laws; and for other purposes.

18 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

19 **PART I**  
20 **CARRYING A WEAPON IN GEORGIA**  
21 **SECTION 1-1.**

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

25 "16-11-125.1.

26 As used in this part, the term:

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

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

34 (A) Information on handgun use and safety;

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

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

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

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

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

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

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

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

53 **SECTION 1-2.**

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

56 "16-11-126.

57 ~~(a) A person commits the offense of carrying a concealed weapon when such person~~  
 58 ~~knowingly has or carries about his or her person, unless in an open manner and fully~~  
 59 ~~exposed to view, any bludgeon, knuckles, whether made from metal, thermoplastic, wood,~~  
 60 ~~or other similar material, firearm, knife designed for the purpose of offense and defense,~~

61 ~~or any other dangerous or deadly weapon or instrument of like character outside of his or~~  
62 ~~her home or place of business, except as permitted under this Code section.~~

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

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

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

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

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

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

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

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

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

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

98 (d) Any person licensed to carry a handgun or weapon in any state whose laws recognize  
 99 and give effect within such state a license issued pursuant to this part shall be authorized  
 100 to carry a weapon in this state, but only while the licensee is not a resident of this state;  
 101 provided, however, that such licensee shall carry the weapon in compliance with the laws  
 102 of this state.

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

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

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

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

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

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

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

### 127 **SECTION 1-3.**

128 Said title is further is amended by revising Code Section 16-11-127, relating to the offense  
 129 of carrying a deadly weapon to or at public gatherings and affirmative defenses, as follows:  
 130 "16-11-127.

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

134 ~~(b) For the purpose of this Code section, 'public gathering' shall include, but shall not be~~  
 135 ~~limited to, athletic or sporting events, churches or church functions, political rallies or~~  
 136 ~~functions, publicly owned or operated buildings, or establishments at which alcoholic~~  
 137 ~~beverages are sold for consumption on the premises and which derive less than 50 percent~~  
 138 ~~of their total annual gross food and beverage sales from the sale of prepared meals or food.~~  
 139 ~~Nothing in this Code section shall otherwise prohibit the carrying of a firearm in any other~~  
 140 ~~public place by a person licensed or permitted to carry such firearm by this part.~~

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

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

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

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

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

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

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

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

- 171 (3) 'Government building' means:
- 172 (A) The building in which a government entity is housed;
- 173 (B) The building where a government entity meets in its official capacity; provided,  
174 however, that if such building is not a publicly owned building, such building shall be  
175 considered a government building for the purposes of this Code section only during the  
176 time such government entity is meeting at such building; or
- 177 (C) The portion of any building that is not a publicly owned building that is occupied  
178 by a government entity.
- 179 (4) 'Government entity' means an office, agency, authority, department, commission,  
180 board, body, division, instrumentality, or institution of the state or any county, municipal  
181 corporation, consolidated government, or local board of education within this state.
- 182 (5) 'Parking facility' means real property owned or leased by a government entity,  
183 courthouse, jail, prison, school, place of worship, or bar that has been designated by such  
184 government entity, courthouse, jail, prison, school, place of worship, or bar for the  
185 parking of motor vehicles at a government building or at such courthouse, jail, prison,  
186 school, place of worship, or bar.
- 187 (6) 'School' means any real property owned by or leased to any public or private  
188 elementary school or secondary school and used for public or private elementary or  
189 secondary education.
- 190 (b) A person shall be guilty of carrying a weapon or long gun in an unauthorized location  
191 and punished as for a misdemeanor when he or she carries a weapon or long gun while:
- 192 (1) In a government building;
- 193 (2) In a courthouse;
- 194 (3) In a jail or prison;
- 195 (4) In any school; provided, however, if the school is located in a place of worship, the  
196 restrictions provided pursuant to this subsection shall only be applicable during school  
197 hours or during school events;
- 198 (5) In any athletic facility during an event for which the Board of Regents of the  
199 University System of Georgia has adopted a regulation prohibiting the carrying of  
200 weapons or long guns into such events;
- 201 (6) In a place of worship, unless the presiding official of the place of worship permits the  
202 carrying of weapons or long guns by all or designated license holders;
- 203 (7) In a state mental health facility as defined in Code Section 37-1-1 which admits  
204 individuals on an involuntary basis for treatment of mental illness, developmental  
205 disability, or addictive disease; provided, however, that carrying a weapon or long gun  
206 in such location in a manner in compliance with paragraph (3) of subsection (d) of this  
207 Code section shall not constitute a violation of this subsection;

- 208 (8) In a bar, unless the owner of the bar permits the carrying of weapons or long guns by  
 209 license holders;
- 210 (9) On the premises of a nuclear power facility, except as provided in Code Section  
 211 16-11-127.2, and the punishment provisions of Code Section 16-11-127.2 shall supersede  
 212 the punishment provisions of this Code section; or
- 213 (10) Within 150 feet of any polling place, except as provided in subsection (i) of Code  
 214 Section 21-2-413.
- 215 (c) A license holder or person recognized under subsection (d) of Code Section 16-11-126  
 216 shall be authorized to carry a weapon as provided in Code Section 16-11-135 and in every  
 217 location in this state not listed in subsection (b) of this Code section; provided, however,  
 218 that private property owners or persons in legal control of property through a lease, rental  
 219 agreement, licensing agreement, contract, or any other agreement to control access to such  
 220 property shall have the right to forbid possession of a weapon on their property, except as  
 221 provided in Code Section 16-11-135. A violation of subsection (b) of this Code section  
 222 shall not create or give rise to a civil action for damages.
- 223 (d) Subsection (b) of this Code section shall not apply:
- 224 (1) To the use of weapons or long guns as exhibits in a legal proceeding, provided such  
 225 weapons are secured and handled as directed by the personnel providing courtroom  
 226 security or the 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 or long gun and follows the  
 230 security or management personnel's direction for securing, storing, or temporarily  
 231 surrendering such weapon or long gun;
- 232 (3) To a weapon or long gun possessed by a license holder which is under the possessor's  
 233 control in a motor vehicle or is in a locked compartment of a motor vehicle or one which  
 234 is in a 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 or long gun when possessed by a license holder in an airport in any area  
 237 in which weapon or long gun 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 or long gun. Any person who violates this  
 292 subsection shall 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.~~"

317 **SECTION 1-7.**

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

320 "16-11-129.

321 (a) *Application for weapons carry license or renewal license; term.* The judge of the  
 322 probate court of each county may, on application under oath and on payment of a fee of  
 323 \$15.00, issue a weapons carry license or renewal license valid for a period of five years to  
 324 any person whose domicile is in that county or who is on active duty with the United States  
 325 armed forces and who is not a domiciliary of this state but who either resides in that county  
 326 or on a military reservation located in whole or in part in that county at the time of such  
 327 application, ~~which.~~ Such license or renewal license shall authorize that person to carry any  
 328 ~~pistol or revolver~~ weapon in any county of this state notwithstanding any change in that  
 329 person's county of residence or state of domicile. Applicants shall submit the application  
 330 for a weapons carry license or renewal license to the judge of the probate court on forms  
 331 prescribed and furnished free of charge to persons wishing to apply for the license or  
 332 renewal license. An applicant who is not a United States citizen shall provide sufficient  
 333 personal identifying data, including without limitation his or her place of birth and United  
 334 States issued alien or admission number, as the Georgia Bureau of Investigation may  
 335 prescribe by rule or regulation. An applicant who is in nonimmigrant status shall provide  
 336 proof of his or her qualifications for an exception to the federal firearm prohibition  
 337 pursuant to 18 U.S.C. Section 922(y). Forms shall be designed to elicit information from  
 338 the applicant pertinent to his or her eligibility under this Code section, including  
 339 citizenship, but shall not require data which is nonpertinent or irrelevant such as serial  
 340 numbers or other identification capable of being used as a de facto registration of firearms  
 341 owned by the applicant. The Department of Public Safety shall furnish application forms  
 342 and license forms required by this Code section. The forms shall be furnished to each  
 343 judge of each probate court within the state at no cost.

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

345 ~~(1) Any person who is prohibited from possessing firearms pursuant to 18 U.S.C. Section~~  
 346 ~~922;~~

347 ~~(1.1) Any person under 21 years of age;~~

348 ~~(2) Any person who is a fugitive from justice or against whom proceedings are pending~~  
 349 ~~for any felony, forcible misdemeanor, or violation of Code Section 16-11-126,~~  
 350 ~~16-11-127, or 16-11-128 until such time as the proceedings are adjudicated;~~

351 ~~(3) Any person who has been convicted of a felony by a court of this state or any other~~  
 352 ~~state; by a court of the United States including its territories, possessions, and dominions;~~  
 353 ~~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 or long gun in an unauthorized location in violation of Code  
 413 Section 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 ~~(c)~~(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 RESERVED.

643 **PART III**  
644 BOARD OF REGENTS  
645 **SECTION 3-1.**

646 Code Section 20-3-31 of the Official Code of Georgia Annotated, relating to the general  
647 powers of the Board of Regents of the University System of Georgia, is revised as follows:  
648 "20-3-31.

649 The board of regents shall have power:

650 (1) To make such reasonable rules and regulations as are necessary for the performance  
651 of its duties;

652 (2) To elect or appoint professors, educators, stewards, or any other officers necessary  
653 for all of the schools in the university system, as may be authorized by the General  
654 Assembly; to discontinue or remove them as the good of the system or any of its schools  
655 or institutions or stations may require; and to fix their compensations;

656 (3) To establish all such schools of learning or art as may be useful to the state and to  
657 organize them in the way most likely to attain the ends desired; ~~and~~

658 (4) To exercise any power usually granted to such corporation, necessary to its  
659 usefulness, which is not in conflict with the Constitution and laws of this state; and

660 (5) To make rules and regulations with regard to carrying a weapon or long gun, as such  
661 terms are defined in Code Section 16-11-125.1, on or in board property; provided,  
662 however, that any rule or regulation adopted by the board shall not apply to any area that  
663 is not owned or leased by the board or any area governed by Code Section 16-11-135."

664 **PART IIIA**  
665 STATE BOARD OF TECHNICAL AND ADULT EDUCATION  
666 **SECTION 3A-1.**

667 Code Section 20-4-11 of the Official Code of Georgia Annotated, relating to the powers of  
668 the State Board of Technical and Adult Education, is amended by striking "and" at the end  
669 of paragraph (10), by striking the period and inserting "; and" at the end of paragraph (11),  
670 and by adding a new paragraph to read as follows:

671 "(12) To make rules and regulations with regard to carrying a weapon or long gun, as  
 672 such terms are defined in Code Section 16-11-125.1, on or in property in the custody of  
 673 the state board; provided, however, that any rule or regulation adopted by the state board  
 674 shall not apply to any area that is not in the custody of the state board or any area  
 675 governed by Code Section 16-11-135."

676 **PART IV**

677 **CROSS-REFERENCES**

678 **SECTION 4-1.**

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

682 "(e) Persons employed full time or part time for the purpose of conducting potentially  
 683 criminal investigations under this article shall be certified peace officers and shall have all  
 684 the powers of a certified peace officer of this state when engaged in the enforcement of this  
 685 article, including but not limited to the power to obtain, serve, and execute search warrants.  
 686 Such Georgia certified peace officers shall be subject to the requirements of Chapter 8 of  
 687 Title 35, the 'Georgia Peace Officer Standards and Training Act,' and are specifically  
 688 required to complete the training required for peace officers by that chapter. Such certified  
 689 peace officers shall be authorized, upon completion of the required training, with the  
 690 written approval of the administrator, and notwithstanding Code Sections 16-11-126;  
 691 ~~16-11-128~~, and 16-11-129, to carry firearms of a standard police issue when engaged in  
 692 detecting, investigating, or preventing crimes under this article."

693 **SECTION 4-2.**

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

697 "(o) It shall be unlawful for any person to use or possess in any park, historic site, or  
 698 recreational area any fireworks, explosives, or firecrackers, unless stored so as not to be  
 699 readily accessible or unless such use has been approved by prior written permission of the  
 700 commissioner of natural resources or his or her authorized representative. It shall also be  
 701 unlawful for any person without a weapons carry license issued pursuant to Code Section  
 702 16-11-129 to use or possess in any park, historic site, or recreational area any firearms;  
 703 It shall also be unlawful for any person to use or possess in any park, historic site, or  
 704 recreational area any bows and arrows, spring guns, air rifles, slingshots, or any other

705 device which discharges projectiles by any means, unless the device is unloaded and stored  
706 so as not to be readily accessible or unless such use has been approved within restricted  
707 areas by prior written permission of the commissioner of natural resources or his or her  
708 authorized representative."

709 **SECTION 4-3.**

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

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

717 "(12) Application for ~~firearms~~ weapons carry license (exclusive of fees charged  
718 by other agencies for the examination of criminal records and mental health  
719 records) ..... 15.00

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

721 **SECTION 4-4.**

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

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

727 **SECTION 4-5.**

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

730 "(b) It shall be unlawful for any person, other than those persons who are exempt from the  
731 provisions of Code Sections 16-11-126 through ~~16-11-128~~ 16-11-127.2, to enter, occupy,  
732 or remain within the state capitol building or any building housing committee offices,  
733 committee rooms, or offices of members, officials, or employees of the General Assembly  
734 or either house thereof while in the possession of any firearm; knife ~~designed for the~~  
735 ~~purpose of offense and defense~~, as such term is defined in Code Section 16-1-125.1;  
736 explosive or incendiary device or compound; bludgeon; knuckles, whether made from  
737 metal, thermoplastic, wood, or other similar material; or any other dangerous or deadly  
738 weapon, instrument, or device."

739 **SECTION 4-6.**

740 Said title is further amended by revising paragraph (2) of subsection (a) of Code Section  
 741 16-11-101.1, relating to furnishing a pistol or revolver to a person under the age of 18 years,  
 742 as follows:

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

745 **SECTION 4-7.**

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

748 "16-11-130.

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

752 (1) Peace officers, as such term is defined in paragraph (11) of Code Section 16-1-3, and  
 753 retired peace officers so long as they remain certified whether employed by the state or  
 754 a political subdivision of the state or another state or a political subdivision of another  
 755 state but only if such other state provides a similar privilege for the peace officers of this  
 756 state;

757 (2) Wardens, superintendents, and keepers of correctional institutions, jails, or other  
 758 institutions for the detention of persons accused or convicted of an offense;

759 (3) Persons in the military service of the state or of the United States;

760 (4) Persons employed in fulfilling defense contracts with the government of the United  
 761 States or agencies thereof when possession of the weapon or long gun is necessary for  
 762 manufacture, transport, installation, and testing under the requirements of such contract;

763 (5) District attorneys, investigators employed by and assigned to a district attorney's  
 764 office, assistant district attorneys, attorneys or investigators employed by the Prosecuting  
 765 Attorneys' Council of the State of Georgia, and any retired district attorney, assistant  
 766 district attorney, district ~~attorneys~~ attorney's investigator, or attorney or investigator  
 767 retired from the Prosecuting Attorneys' Council of the State of Georgia, if such employee  
 768 is retired in good standing and is receiving benefits under Title 47 or is retired in good  
 769 standing and receiving benefits from a county or municipal retirement system;

770 (6) State court solicitors-general; investigators employed by and assigned to a state court  
 771 solicitor-general's office; assistant state court solicitors-general; the corresponding  
 772 personnel of any city court expressly continued in existence as a city court pursuant to  
 773 Article VI, Section X, Paragraph I, subparagraph (5) of the Constitution; and the

- 774 corresponding personnel of any civil court expressly continued as a civil court pursuant  
 775 to said provision of the Constitution;
- 776 (7) Those employees of the State Board of Pardons and Paroles when specifically  
 777 designated and authorized in writing by the members of the State Board of Pardons and  
 778 Paroles to carry a weapon or long gun;
- 779 (8) The Attorney General and those members of his or her staff whom he or she  
 780 specifically authorizes in writing to carry a weapon or long gun;
- 781 (9) Chief probation officers, probation officers, intensive probation officers, and  
 782 surveillance officers employed by and under the authority of the Department of  
 783 Corrections pursuant to Article 2 of Chapter 8 of Title 42, known as the 'State-wide  
 784 Probation Act,' when specifically designated and authorized in writing by the director of  
 785 Division of Probation;
- 786 (10) Public safety directors of municipal corporations;
- 787 (11) Explosive ordnance disposal technicians, as such term is defined by Code  
 788 Section 16-7-80, and persons certified as provided in Code Section 35-8-13 to handle  
 789 animals trained to detect explosives, while in the performance of their duties;
- 790 (12) State and federal trial and appellate judges, full-time and permanent part-time  
 791 judges of municipal and city courts, and former state trial and appellate judges retired  
 792 from their respective offices under state retirement;
- 793 (13) United States Attorneys and Assistant United States Attorneys;
- 794 (14) County medical examiners and coroners and their sworn officers employed by  
 795 county government; and
- 796 (15) Clerks of the superior courts.
- 797 (b) Code Sections 16-11-126 through ~~16-11-128~~ 16-11-127.2 shall not apply to or affect  
 798 persons who at the time of their retirement from service with the Department of  
 799 Corrections were chief probation officers, probation officers, intensive probation officers,  
 800 or surveillance officers, when specifically designated and authorized in writing by the  
 801 director of the Division of Probation.
- 802 (c) Code Sections 16-11-126 through ~~16-11-128~~ 16-11-127.2 shall not apply to or affect  
 803 any:
- 804 (1) Sheriff, retired sheriff, deputy sheriff, or retired deputy sheriff if such retired deputy  
 805 sheriff is receiving benefits under the Peace Officers' Annuity and Benefit Fund provided  
 806 under Chapter 17 of Title 47;
- 807 (2) Member of the Georgia State Patrol or agent of the Georgia Bureau of Investigation  
 808 or retired member of the Georgia State Patrol or agent of the Georgia Bureau of  
 809 Investigation if such retired member or agent is receiving benefits under the Employees'  
 810 Retirement System;

811 (3) Full-time law enforcement chief executive engaging in the management of a county,  
 812 municipal, state, state authority, or federal law enforcement agency in the State of  
 813 Georgia, including any college or university law enforcement chief executive that is  
 814 registered or certified by the Georgia Peace Officer Standards and Training Council; or  
 815 retired law enforcement chief executive that formerly managed a county, municipal, state,  
 816 state authority, or federal law enforcement agency in the State of Georgia, including any  
 817 college or university law enforcement chief executive that was registered or certified at  
 818 the time of his or her retirement by the Georgia Peace Officer Standards and Training  
 819 Council, if such retired law enforcement chief executive is receiving benefits under the  
 820 Peace Officers' Annuity and Benefit Fund provided under Chapter 17 of Title 47 or is  
 821 retired in good standing and receiving benefits from a county, municipal, State of  
 822 Georgia, state authority, or federal retirement system; or

823 (4) Police officer of any county, municipal, state, state authority, or federal law  
 824 enforcement agency in the State of Georgia, including any college or university police  
 825 officer that is registered or certified by the Georgia Peace Officer Standards and Training  
 826 Council, or retired police officer of any county, municipal, state, state authority, or  
 827 federal law enforcement agency in the State of Georgia, including any college or  
 828 university police officer that was registered or certified at the time of his or her retirement  
 829 by the Georgia Peace Officer Standards and Training Council, if such retired employee  
 830 is receiving benefits under the Peace Officers' Annuity and Benefit Fund provided under  
 831 Chapter 17 of Title 47 or is retired in good standing and receiving benefits from a county,  
 832 municipal, State of Georgia, state authority, or federal retirement system.

833 In addition, any such sheriff, retired sheriff, deputy sheriff, retired deputy sheriff, active or  
 834 retired law enforcement chief executive, or other law enforcement officer referred to in this  
 835 subsection shall be authorized to carry a ~~pistol or revolver~~ handgun on or off duty  
 836 anywhere within the state and the provisions of Code Sections 16-11-126 through  
 837 ~~16-11-128~~ 16-11-127.2 shall not apply to the carrying of such firearms.

838 (d) A prosecution based upon a violation of Code Section 16-11-126; or 16-11-127; ~~or~~  
 839 ~~16-11-128~~ need not negate any exemptions."

#### 840 SECTION 4-8.

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

843 "(b) Any person who boards or attempts to board an aircraft, bus, or rail vehicle with any  
 844 explosive, destructive device, or hoax device as such term is defined in Code Section  
 845 16-7-80; firearm for which such person does not have on his or her person a valid weapons  
 846 carry license issued pursuant to Code Section 16-11-129 unless possessing such firearm is

847 prohibited by federal law; hazardous substance as defined by Code Section 12-8-92; or  
 848 knife or other device designed or modified for the purpose of offense and defense  
 849 concealed on or about his or her person or property which is or would be accessible to such  
 850 person while on the aircraft, bus, or rail vehicle shall be guilty of a felony and, upon  
 851 conviction thereof, shall be sentenced to imprisonment for not less than one nor more than  
 852 ten years. The prohibition of this subsection shall not apply to any law enforcement  
 853 officer, peace officer retired from a state or federal law enforcement agency, person in the  
 854 military service of the state or of the United States, or commercial security personnel  
 855 employed by the transportation company who is in possession of weapons used within the  
 856 course and scope of ~~their~~ employment; nor shall the prohibition apply to persons  
 857 transporting weapons contained in baggage which is not accessible to passengers if the  
 858 presence of such weapons has been declared to the transportation company and such  
 859 weapons have been secured in a manner prescribed by state or federal law or regulation for  
 860 the purpose of transportation or shipment. The provisions of this subsection shall not apply  
 861 to any privately owned aircraft, bus, or rail vehicle if the owner of such aircraft or vehicle  
 862 has given his or her express permission to board the aircraft or vehicle with the item."

863 **SECTION 4-9.**

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

866 "(a) It shall be unlawful for any person, with the intention of avoiding or interfering with  
 867 a security measure or of introducing into a terminal any explosive, destructive device, or  
 868 hoax device as defined in Code Section 16-7-80; firearm for which such person does not  
 869 have on his or her person a valid weapons carry license issued pursuant to Code Section  
 870 16-11-129 unless possessing such firearm is prohibited by federal law; hazardous substance  
 871 as defined by Code Section 12-8-92; or knife or other device designed or modified for the  
 872 purpose of offense and defense, to:

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

879 **SECTION 4-10.**

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

883 "17-5-51.

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

893 **SECTION 4-11.**

894 Said title is further amended by revising subsection (b) of Code Section 17-7-23, relating to  
 895 preclusion of certain courts from trying charges involving Code Section 16-11-126 or  
 896 16-11-128, as follows:

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

905 **SECTION 4-12.**

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

909 "(4) Code Section 16-11-127, relating to carrying ~~deadly weapons at public gatherings~~  
 910 a weapon or long gun in an unauthorized location;"

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

913 **SECTION 4-13.**

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

917 "(1) To possess a firearm during a closed hunting season for that area unless such firearm  
 918 is unloaded and stored in a motor vehicle so as not to be readily accessible, unless such  
 919 person possesses a valid weapons carry license issued pursuant to Code Section  
 920 16-11-129;

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

924 **SECTION 4-14.**

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

927 "27-3-6.

928 It shall be unlawful for any person to possess any center-fire or rimfire firearm while  
 929 hunting with a bow and arrow during archery or primitive weapons season for deer or while  
 930 hunting with a muzzleloading firearm during a primitive weapons season for deer unless  
 931 such person possesses a valid weapons carry license issued pursuant to Code Section  
 932 16-11-129."

933 **SECTION 4-15.**

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

937 "(1) To possess a firearm during a closed hunting season for that area unless such firearm  
 938 is unloaded and stored in a motor vehicle so as not to be readily accessible unless such  
 939 person possesses a valid weapons carry license issued pursuant to Code Section  
 940 16-11-129;

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

944 **SECTION 4-16.**

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

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

953 **SECTION 4-17.**

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

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

964 **SECTION 4-18.**

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

967 "(e) The board, through the executive director, may hire investigators for the purpose of  
 968 conducting investigations. Any person so employed shall be considered to be a peace  
 969 officer and shall have all powers, duties, and status of a peace officer of this state;  
 970 provided, however, that such investigators shall only be authorized, upon written approval  
 971 of the executive director, notwithstanding Code Sections 16-11-126, ~~16-11-128~~, and  
 972 16-11-129, to carry firearms in the performance of their duties and exercise the powers of  
 973 arrest in the performance of their duties."

974 **SECTION 4-19.**

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

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

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

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

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

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

985 **SECTION 4-20.**

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

989 "(2) The commissioner may designate as a peace officer who is authorized to exercise  
 990 the power of arrest any employee of the department whose full-time duties include the  
 991 preservation of public order, the protection of life and property, the detection of crime,  
 992 or the supervision of delinquent and unruly children in its institutions, facilities, or  
 993 programs, or any employee who is a line supervisor of any such employee. The  
 994 commissioner also may designate as a peace officer who is authorized to exercise the  
 995 power of arrest any employee of a person or organization which contracts with the  
 996 department pertaining to the management, custody, care, and control of delinquent  
 997 children retained by the person or organization, if that employee's full-time duties include  
 998 the preservation of public order, the protection of life and property, the detection of  
 999 crime, or the supervision of delinquent and unruly children in the department's  
 1000 institutions, facilities, or programs, or any employee who is a line supervisor of such  
 1001 employee. The commissioner may designate one or more employees of the department  
 1002 to investigate and apprehend delinquent and unruly children who have escaped from an  
 1003 institution or facility or who have broken the conditions of supervision; provided,  
 1004 however, that the employees so designated shall only be those with primary responsibility  
 1005 for the security functions of youth development centers or whose primary duty consists  
 1006 of the apprehension of youths who have escaped from such institutions or facilities or  
 1007 who have broken the conditions of supervision. An employee of the department so  
 1008 designated shall have the police power to investigate, to apprehend such children, and to  
 1009 arrest any person physically interfering with the proper apprehension of such children.  
 1010 An employee of the department so designated in the investigative section of the  
 1011 department shall have the power to obtain a search warrant for the purpose of locating  
 1012 and apprehending such children. Additionally, such employee, while on the grounds or

1013 in the buildings of the department's institutions or facilities, shall have the same law  
 1014 enforcement powers, including the power of arrest, as a law enforcement officer of the  
 1015 local government with police jurisdiction over such institutions or facilities. Such  
 1016 employee shall be authorized to carry weapons, upon written approval of the  
 1017 commissioner, notwithstanding Code Sections 16-11-126, ~~16-11-128~~, and 16-11-129.  
 1018 The commissioner shall also be authorized to designate any person or organization with  
 1019 whom the department contracts for services pertaining to the management, custody, care,  
 1020 and control of delinquent and unruly children detained by the person or organization as  
 1021 a law enforcement unit under paragraph (7) of Code Section 35-8-2. Any employee or  
 1022 person designated under this subsection shall be considered to be a peace officer within  
 1023 the meaning of Chapter 8 of Title 35 and must be certified under that chapter."

1024 **SECTION 4-21.**

1025 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended  
 1026 by revising subsection (d) of Code Section 50-18-72, relating to when public disclosure of  
 1027 public records is not required, as follows:

1028 "(d) This article shall not be applicable to any application submitted to or any permanent  
 1029 records maintained by a judge of the probate court pursuant to Code Section 16-11-129,  
 1030 relating to weapons carry licenses ~~to carry pistols or revolvers~~, or pursuant to any other  
 1031 requirement for maintaining records relative to the possession of firearms. This subsection  
 1032 shall not preclude law enforcement agencies from obtaining records relating to licensing  
 1033 and possession of firearms as provided by law."

1034 **PART V**

1035 **EFFECTIVE DATE, APPLICABILITY, AND REPEALER**

1036 **SECTION 5-1.**

1037 This part and Parts I, III, IIIA, and IV of this Act shall become effective upon its approval  
 1038 by the Governor or upon its becoming law without such approval and shall apply to all  
 1039 offenses committed on and after such date. The enactment of this Act shall not affect any  
 1040 prosecutions for acts occurring before the effective date of this Act and shall not act as an  
 1041 abatement of any such prosecutions.

1042 **SECTION 5-2.**

1043 All laws and parts of laws in conflict with this Act are repealed.