

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.