

The House Committee on Judiciary Non-civil offers the following substitute to SB 308:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and
2 offenses, so as to clarify and change provisions regarding the carrying and possession of
3 weapons; to provide for definitions; to provide for the offense of carrying a weapon without
4 a license; to prohibit carrying weapons in unauthorized locations; to change provisions
5 relating to carrying weapons within school safety zones, at school functions, or on school
6 property; to change provisions relating to carrying a pistol without a license; to change
7 provisions relating to the license to carry a pistol or revolver and the licensing exceptions;
8 to conform cross-references with definitions; to provide for a weapons carry license; to
9 amend various titles of the Official Code of Georgia Annotated so as to conform and correct
10 cross-references; to provide for effective dates and applicability; to provide for related
11 matters; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **PART I**
14 **CARRYING A WEAPON IN GEORGIA**
15 **SECTION 1-1.**

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

19 "16-11-125.1.

20 As used in this part, the term:

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

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

29 (3) 'License holder' means a person who holds a valid weapons carry license.

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

36 (5) 'Weapon' means a knife or handgun.

37 (6) 'Weapons carry license' or 'license' means a license issued pursuant to Code Section
 38 16-11-129."

39 SECTION 1-2.

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

42 "16-11-126.

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

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

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

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

55 ~~(c) This Code section shall not permit, outside of his or her home, motor vehicle, or place~~
 56 ~~of business, the concealed carrying of a pistol, revolver, or concealable firearm by any~~
 57 ~~person unless that person has on his or her person a valid license issued under Code Section~~
 58 ~~16-11-129 and the pistol, revolver, or firearm may only be carried in a shoulder holster,~~
 59 ~~waist belt holster, any other holster, hipgrip, or any other similar device, in which event the~~
 60 ~~weapon may be concealed by the person's clothing, or a handbag, purse, attache case,~~
 61 ~~briefcase, or other closed container. Any person having been issued a license to carry a~~

62 ~~concealed weapon pursuant to Code Section 16-11-129 shall be permitted to carry such~~
63 ~~weapon, subject to the limitations of this part, in all parks, historic sites, or recreational~~
64 ~~areas as defined by Code Section 12-3-10 and in all wildlife management areas.~~

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

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

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

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

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

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

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

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

97 (f) Notwithstanding Code Sections 12-3-10, 27-3-1.1, 27-3-6, and 16-12-122 through
98 16-12-127, any person with a valid weapons carry license may carry a weapon in all parks,

99 historic sites, or recreational areas, as such term is defined in Code Section 12-3-10,
 100 including all publicly owned buildings located in such parks, historic sites, and recreational
 101 areas, in wildlife management areas, and on public transportation; provided, however, that
 102 a person shall not carry a handgun into a place where it is prohibited by federal law.

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

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

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

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

111 (2) For the second offense within five years, as measured from the dates of previous
 112 arrests for which convictions were obtained to the date of the current arrest for which a
 113 conviction is obtained, and for any subsequent offense, he or she shall be guilty of a
 114 felony and, upon conviction thereof, shall be imprisoned for not less than two years and
 115 not more than five years."

116 **SECTION 1-3.**

117 Said title is further is amended by revising Code Section 16-11-127, relating to the offense
 118 of carrying a deadly weapon to or at public gatherings and affirmative defenses, as follows:
 119 "16-11-127.

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

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

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

132 ~~(2) Law enforcement officers, peace officers retired from state, local, or federal law~~
 133 ~~enforcement agencies, judges, magistrates, constables, solicitors-general, and district~~
 134 ~~attorneys may carry pistols in publicly owned or operated buildings; provided, however,~~

135 ~~that a courthouse security plan adopted in accordance with paragraph (10) of~~
 136 ~~subsection (a) of Code Section 15-16-10 may prohibit the carrying of a pistol.~~

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

142 ~~(e) A person licensed or permitted to carry a firearm by this part shall be permitted to carry~~
 143 ~~such firearm, subject to the limitations of this part, in all parks, historic sites, and~~
 144 ~~recreational areas, including all publicly owned buildings located in such parks, historic~~
 145 ~~sites, and recreational areas and in wildlife management areas, notwithstanding Code~~
 146 ~~Section 12-3-10, in wildlife management areas notwithstanding Code Section 27-3-1.1 and~~
 147 ~~27-3-6, and in public transportation notwithstanding Code Sections 16-12-122 through~~
 148 ~~16-12-127, provided, however, that a person shall not carry a firearm into a place~~
 149 ~~prohibited by federal law.~~

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

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

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

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

160 (3) 'Government building' means:

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

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

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

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

171 (5) 'Parking facility' means real property owned or leased by a government entity,
172 courthouse, jail, prison, place of worship, or bar that has been designated by such
173 government entity, courthouse, jail, prison, place of worship, or bar for the parking of
174 motor vehicles at a government building or at such courthouse, jail, prison, place of
175 worship, or bar.

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

178 (1) In a government building;

179 (2) In a courthouse;

180 (3) In a jail or prison;

181 (4) In a place of worship;

182 (5) In a state mental health facility as defined in Code Section 37-1-1 which admits
183 individuals on an involuntary basis for treatment of mental illness, developmental
184 disability, or addictive disease; provided, however, that carrying a weapon or long gun
185 in such location in a manner in compliance with paragraph (3) of subsection (d) of this
186 Code section shall not constitute a violation of this subsection;

187 (6) In a bar, unless the owner of the bar permits the carrying of weapons or long guns by
188 license holders;

189 (7) On the premises of a nuclear power facility, except as provided in Code Section
190 16-11-127.2, and the punishment provisions of Code Section 16-11-127.2 shall supersede
191 the punishment provisions of this Code section; or

192 (8) Within 150 feet of any polling place, except as provided in subsection (i) of Code
193 Section 21-2-413.

194 (c) Except as provided in Code Section 16-11-127.1, a license holder or person recognized
195 under subsection (d) of Code Section 16-11-126 shall be authorized to carry a weapon as
196 provided in Code Section 16-11-135 and in every location in this state not listed in
197 subsection (b) of this Code section; provided, however, that private property owners or
198 persons in legal control of property through a lease, rental agreement, licensing agreement,
199 contract, or any other agreement to control access to such property shall have the right to
200 forbid possession of a weapon on their property, except as provided in Code Section
201 16-11-135. A violation of subsection (b) of this Code section shall not create or give rise
202 to a civil action for damages.

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

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

207 (2) To a weapon or long gun possessed by a license holder which is under the possessor's
 208 control in a motor vehicle or is in a locked compartment of a motor vehicle or one which
 209 is in a locked container in or a locked firearms rack which is on a motor vehicle and such
 210 vehicle is parked in a parking facility; and

211 (3) To a weapon or long gun when possessed by a license holder in an airport in any area
 212 in which weapon or long gun possession is not regulated by the federal government."

213 **SECTION 1-4.**

214 Said title is further amended by revising subsections (a) and (b), paragraphs (7) and (8) of
 215 subsection (c), and subsections (f) and (g) of Code Section 16-11-127.1, relating to carrying
 216 weapons within school safety zones, at school functions, or on school property, as follows:

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

218 (1) 'School safety zone' means in; or on, or within 1,000 feet of any real property owned
 219 by or leased to any public or private elementary school, secondary school, or school
 220 board and used for elementary or secondary education and in; or on, or within 1,000 feet
 221 ~~of~~ the campus of any public or private technical school, vocational school, college,
 222 university, or institution of postsecondary education.

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

235 (b)(1) Except as otherwise provided in subsection (c) of this Code section, it shall be
 236 unlawful for any person to carry to or to possess or have under such person's control
 237 while within a school safety zone or at a school building, school function, or school
 238 property or on a bus or other transportation furnished by the school any weapon or
 239 explosive compound, other than fireworks the possession of which is regulated by
 240 Chapter 10 of Title 25.

241 (2) Any person who is not a license holder and violates this subsection shall be guilty of
 242 a felony and, upon conviction thereof, be punished by a fine of not more than \$10,000.00,

243 by imprisonment for not less than two nor more than ten years, or both; ~~provided,~~
 244 ~~however, that upon conviction of a violation of this subsection involving a firearm as~~
 245 ~~defined in paragraph (2) of subsection (a) of Code Section 16-11-131, or a dangerous~~
 246 ~~weapon or machine gun as defined in Code Section 16-11-121, such person shall be~~
 247 ~~punished by a fine of not more than \$10,000.00 or by imprisonment for a period of not~~
 248 ~~less than five nor more than ten years, or both.~~

249 (3) Any license holder who violates this subsection shall be guilty of a misdemeanor.

250 (4) Any person convicted of a violation of this subsection involving a firearm as defined
 251 in paragraph (2) of subsection (a) of Code Section 16-11-131, or a dangerous weapon or
 252 machine gun as defined in Code Section 16-11-121, shall be punished by a fine of not
 253 more than \$10,000.00 or by imprisonment for a period of not less than five nor more than
 254 ten years, or both.

255 (5) A child who violates this subsection shall be subject to the provisions of Code
 256 Section 15-11-63."

257 "(7) A person other than a student who is licensed in accordance with Code Section
 258 16-11-129 or issued a permit pursuant to Code Section 43-38-10, when such person
 259 carries or picks up a student at a school building, school function, or school property or
 260 on a bus or other transportation furnished by the school or a person other than a student
 261 who is licensed in accordance with Code Section 16-11-129 or issued a permit pursuant
 262 to Code Section 43-38-10 when he or she has any weapon legally kept within a vehicle
 263 when such vehicle is parked at such school property or is in transit through a designated
 264 school zone by any person other than a student;

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

273 "(f) In a prosecution under this Code section, a map produced or reproduced by any
 274 municipal or county agency or department for the purpose of depicting the location and
 275 boundaries of the area on or within 1,000 feet of the real property of a school board or a
 276 private or public elementary or secondary school that is used for school purposes or within
 277 1,000 feet the area of any campus of any public or private technical school, vocational
 278 school, college, university, or institution of postsecondary education, or a true copy of the
 279 map, shall, if certified as a true copy by the custodian of the record, be admissible and shall

280 constitute prima-facie evidence of the location and boundaries of the area, if the governing
 281 body of the municipality or county has approved the map as an official record of the
 282 location and boundaries of the area. A map approved under this Code section may be
 283 revised from time to time by the governing body of the municipality or county. The
 284 original of every map approved or revised under this subsection or a true copy of such
 285 original map shall be filed with the municipality or county and shall be maintained as an
 286 official record of the municipality or county. This subsection shall not preclude the
 287 prosecution from introducing or relying upon any other evidence or testimony to establish
 288 any element of this offense. This subsection shall not preclude the use or admissibility of
 289 a map or diagram other than the one which has been approved by the municipality or
 290 county.

291 (g) A county school board may adopt regulations requiring the posting of signs designating
 292 the areas ~~within 1,000 feet~~ of school boards and private or public elementary and secondary
 293 schools as 'Weapon-free and Violence-free School Safety Zones.'

294 **SECTION 1-5.**

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

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

301 **SECTION 1-6.**

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

304 "16-11-128.

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

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

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

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

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

325 **SECTION 1-7.**

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

328 "16-11-129.

329 (a) *Application for weapons carry license or renewal license; term.* The judge of the
 330 probate court of each county may, on application under oath and on payment of a fee of
 331 ~~\$15.00~~ \$30.00, issue a weapons carry license or renewal license valid for a period of five
 332 years to any person whose domicile is in that county or who is on active duty with the
 333 United States armed forces and who is not a domiciliary of this state but who either resides
 334 in that county or on a military reservation located in whole or in part in that county at the
 335 time of such application, ~~which.~~ Such license or renewal license shall authorize that person
 336 to carry any ~~pistol or revolver~~ weapon in any county of this state notwithstanding any
 337 change in that person's county of residence or state of domicile. Applicants shall submit
 338 the application for a weapons carry license or renewal license to the judge of the probate
 339 court on forms prescribed and furnished free of charge to persons wishing to apply for the
 340 license or renewal license. An applicant who is not a United States citizen shall provide
 341 sufficient personal identifying data, including without limitation his or her place of birth
 342 and United States issued alien or admission number, as the Georgia Bureau of Investigation
 343 may prescribe by rule or regulation. An applicant who is in nonimmigrant status shall
 344 provide proof of his or her qualifications for an exception to the federal firearm prohibition
 345 pursuant to 18 U.S.C. Section 922(y). Forms shall be designed to elicit information from
 346 the applicant pertinent to his or her eligibility under this Code section, including
 347 citizenship, but shall not require data which is nonpertinent or irrelevant such as serial
 348 numbers or other identification capable of being used as a de facto registration of firearms
 349 owned by the applicant. The Department of Public Safety shall furnish application forms

350 and license forms required by this Code section. The forms shall be furnished to each
351 judge of each probate court within the state at no cost.

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

353 ~~(1) Any person who is prohibited from possessing firearms pursuant to 18 U.S.C. Section
354 922;~~

355 ~~(1.1) Any person under 21 years of age;~~

356 ~~(2) Any person who is a fugitive from justice or against whom proceedings are pending
357 for any felony, forcible misdemeanor, or violation of Code Section 16-11-126,
358 16-11-127, or 16-11-128 until such time as the proceedings are adjudicated;~~

359 ~~(3) Any person who has been convicted of a felony by a court of this state or any other
360 state; by a court of the United States including its territories, possessions, and dominions;
361 or by a court of any foreign nation and has not been pardoned for such felony by the
362 President of the United States, the State Board of Pardons and Paroles, or the person or
363 agency empowered to grant pardons under the constitution or laws of such state or nation
364 or any person who has been convicted of a forcible misdemeanor and has not been free
365 of all restraint or supervision in connection therewith for at least five years or any person
366 who has been convicted of a violation of Code Section 16-11-126, 16-11-127, or
367 16-11-128 and has not been free of all restraint or supervision in connection therewith for
368 at least three years, immediately preceding the date of the application;~~

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

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

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

388 ~~(i) 'Controlled substance' means any drug, substance, or immediate precursor~~
 389 ~~included in the definition of controlled substances in paragraph (4) of Code Section~~
 390 ~~16-13-21.~~

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

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

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

397 (b) Licensing exceptions.

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

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

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

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

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

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

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

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

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

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

414 (ii) Carrying a weapon without a weapons carry license in violation of Code Section
 415 16-11-126; or

416 (iii) Carrying a weapon or long gun in an unauthorized location in violation of Code
 417 Section 16-11-127

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

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

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

424 (ii) Any conviction under subparagraphs (B) through (D) of this paragraph
 425 for at least five years immediately preceding the date of the application; or
 426 (F) Any person who has been hospitalized as an inpatient in any mental hospital or
 427 alcohol or drug treatment center within the five years immediately preceding the
 428 application. The judge of the probate court may require any applicant to sign a waiver
 429 authorizing any mental hospital or treatment center to inform the judge whether or not
 430 the applicant has been an inpatient in any such facility in the last five years and
 431 authorizing the superintendent of such facility to make to the judge a recommendation
 432 regarding whether the applicant is a threat to the safety of others and whether a license
 433 to carry a weapon should be issued. When such a waiver is required by the judge, the
 434 applicant shall pay a fee of \$3.00 for reimbursement of the cost of making such a report
 435 by the mental health hospital, alcohol or drug treatment center, or the Department of
 436 Behavioral Health and Developmental Disabilities, which the judge shall remit to the
 437 hospital, center, or department. The judge shall keep any such hospitalization or
 438 treatment information confidential. It shall be at the discretion of the judge, considering
 439 the circumstances surrounding the hospitalization and the recommendation of the
 440 superintendent of the hospital or treatment center where the individual was a patient,
 441 to issue the weapons carry license or renewal license.

442 (c) *Fingerprinting.*

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

453 (d) *Investigation of applicant; issuance of weapons carry license; renewal.*

454 (1) For both weapons carry license applications and requests for license renewals, the
 455 judge of the probate court shall within ~~two~~ five business days following the receipt of the
 456 application or request direct the law enforcement agency to request a fingerprint based
 457 criminal history records check from the Georgia Crime Information Center and Federal
 458 Bureau of Investigation for purposes of determining the suitability of the applicant and
 459 return an appropriate report to the judge of the probate court. Fingerprints shall be in
 460 such form and of such quality as prescribed by the Georgia Crime Information Center and

461 under standards adopted by the Federal Bureau of Investigation. The Georgia Bureau of
462 Investigation may charge such fee as is necessary to cover the cost of the records search.

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

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

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

492 (e) *Revocation, loss, or damage to license.* If, at any time during the period for which the
493 weapons carry license was issued, the judge of the probate court of the county in which the
494 license was issued shall learn or have brought to his or her attention in any manner any
495 reasonable ground to believe the licensee is not eligible to retain the license, the judge may,
496 after notice and hearing, revoke the license of the person upon a finding that such person
497 is not eligible for a weapons carry license pursuant to subsection (b) of this Code section

498 or an adjudication of falsification of application, mental incompetency, or chronic alcohol
 499 or narcotic usage, ~~conviction of any felony or forcible misdemeanor, or for violation of~~
 500 ~~Code Section 16-11-126, 16-11-127, or 16-11-128.~~ It shall be unlawful for any person to
 501 possess a license which has been revoked, and any person found in possession of any such
 502 revoked license, except in the performance of his or her official duties, shall be guilty of
 503 a misdemeanor. It shall be required that any license holder under this Code section have
 504 in his or her possession his or her valid license whenever he or she is carrying a ~~pistol or~~
 505 ~~revolver~~ weapon under the authority granted by this Code section, and his or her failure to
 506 do so shall be prima-facie evidence of a violation of Code Section ~~16-11-128~~ 16-11-126.
 507 Loss of any license issued in accordance with this Code section or damage to the license
 508 in any manner which shall render it illegible shall be reported to the judge of the probate
 509 court of the county in which it was issued within 48 hours of the time the loss or damage
 510 becomes known to the license holder. The judge of the probate court shall thereupon issue
 511 a replacement for and shall take custody of and destroy a damaged license; and in any case
 512 in which a license has been lost, he or she shall issue a cancellation order and notify by
 513 telephone and in writing each of the law enforcement agencies whose records were checked
 514 before issuance of the original license. The judge shall charge the fee specified in
 515 subsection (k) of Code Section 15-9-60 for such services.

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

529 ~~(2)(A) On and after January 1, 2012, newly issued or renewal weapons carry licenses~~
 530 ~~shall incorporate overt and covert security features which shall be blended with the~~
 531 ~~personal data printed on the license to form a significant barrier to imitation,~~
 532 ~~replication, and duplication. There shall be a minimum of three different ultraviolet~~
 533 ~~colors used to enhance the security of the license incorporating variable data, color~~
 534 ~~shifting characteristics, and front edge only perimeter visibility. The weapons carry~~

535 license shall have a color photograph viewable under ambient light on both the front
 536 and back of the license. The license shall incorporate custom optical variable devices
 537 featuring the great seal of the State of Georgia as well as matching demetalized optical
 538 variable devices viewable under ambient light from the front and back of the license
 539 incorporating microtext and unique alphanumeric serialization specific to the license
 540 holder. The license shall be of similar material, size, and thickness of a credit card and
 541 have a holographic laminate to secure and protect the license for the duration of the
 542 license period.

543 (B) Probate courts shall petition the Department of Administrative Services to purchase
 544 the equipment and supplies necessary for producing the weapons carry licenses
 545 specified in subparagraph (A) of this paragraph, and the department shall follow the
 546 competitive bidding procedure set forth in Code Section 50-5-102.

547 (g) *Alteration or counterfeiting of license; penalty.* A person who deliberately alters or
 548 counterfeits ~~such a license card~~ commits a weapons carry license or who possesses an
 549 altered or counterfeit weapons carry license with the intent to misrepresent any information
 550 contained in such license shall be guilty of a felony and, upon conviction thereof, shall be
 551 punished by imprisonment for a period of not less than one nor more than five years.

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

564 (i) *Temporary renewal licenses.*

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

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

573 (3) Such a temporary renewal license shall be in the form of a paper receipt indicating
 574 the date on which the court received the renewal application and shall show the name,
 575 address, sex, age, and race of the applicant and that the temporary renewal license expires
 576 90 days from the date of issue.

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

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

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

584 (j) When an eligible applicant ~~who is a United States citizen~~ fails to receive a license,
 585 temporary permit, or renewal license within the time period required by this Code section
 586 and the application or request has been properly filed, the applicant may bring an action in
 587 mandamus or other legal proceeding in order to obtain a license, temporary license, or
 588 renewal license, ~~and such~~. Such applicant shall be entitled to recover his or her costs in
 589 such action, including reasonable attorney's fees, upon a showing that the denial of the
 590 application lacked substantial justification."

591 **SECTION 1-8.**

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

594 "16-11-132.

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

601 (2) For the purposes of this Code section, a ~~pistol or revolver~~ handgun is considered
 602 loaded if:

603 (A) ~~There~~ there is a cartridge in the chamber or cylinder of the ~~pistol or revolver;~~
 604 handgun.

605 ~~(B) The person is carrying on his or her body or attached to his or her clothing the~~
 606 ~~pistol or revolver and the ammunition for such pistol or revolver; or~~

607 ~~(C) The pistol or revolver and the ammunition for such pistol or revolver are in such~~
 608 ~~close proximity to such person that such person could readily gain access to the pistol~~
 609 ~~or revolver and the ammunition and load the pistol or revolver.~~

610 (b) Notwithstanding any other provisions of this part and except as otherwise provided in
 611 this Code section, it shall be unlawful for any person under the age of 18 years to possess
 612 or have under such person's control a ~~pistol or revolver~~ handgun. A person convicted of a
 613 first violation of this subsection shall be guilty of a misdemeanor and shall be punished by
 614 a fine not to exceed \$1,000.00 or by imprisonment for not more than 12 months, or both.
 615 A person convicted of a second or subsequent violation of this subsection shall be guilty
 616 of a felony and shall be punished by a fine of \$5,000.00 or by imprisonment for a period
 617 of three years, or both.

618 (c) Except as otherwise provided in subsection (d) of this Code section, the provisions of
 619 subsection (b) of this Code section shall not apply to:

620 (1) Any person under the age of 18 years who is:

621 (A) Attending a hunter education course or a firearms safety course;

622 (B) Engaging in practice in the use of a firearm or target shooting at an established
 623 range authorized by the governing body of the jurisdiction where such range is located;

624 (C) Engaging in an organized competition involving the use of a firearm or
 625 participating in or practicing for a performance by an organized group under 26 U.S.C.
 626 Section 501(c)(3) which uses firearms as a part of such performance;

627 (D) Hunting or fishing pursuant to a valid license if such person has in his or her
 628 possession such a valid hunting or fishing license if required; is engaged in legal
 629 hunting or fishing; has permission of the owner of the land on which the activities are
 630 being conducted; and the ~~pistol or revolver~~ handgun, whenever loaded, is carried only
 631 in an open and fully exposed manner; or

632 (E) Traveling to or from any activity described in subparagraphs (A) through (D) of
 633 this paragraph if the ~~pistol or revolver~~ handgun in such person's possession is not
 634 loaded;

635 (2) Any person under the age of 18 years who is on real property under the control of
 636 such person's parent, legal guardian, or grandparent and who has the permission of such
 637 person's parent or legal guardian to possess a ~~pistol or revolver~~ handgun; or

638 (3) Any person under the age of 18 years who is at such person's residence and who, with
 639 the permission of such person's parent or legal guardian, possesses a ~~pistol or revolver~~
 640 handgun for the purpose of exercising the rights authorized in Code Section 16-3-21 or
 641 16-3-23.

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

647 **SECTION 1-9.**

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

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

657 **PART II**

658 **CROSS-REFERENCES**

659 **SECTION 2-1.**

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

663 "(e) Persons employed full time or part time for the purpose of conducting potentially
 664 criminal investigations under this article shall be certified peace officers and shall have all
 665 the powers of a certified peace officer of this state when engaged in the enforcement of this
 666 article, including but not limited to the power to obtain, serve, and execute search warrants.
 667 Such Georgia certified peace officers shall be subject to the requirements of Chapter 8 of
 668 Title 35, the 'Georgia Peace Officer Standards and Training Act,' and are specifically
 669 required to complete the training required for peace officers by that chapter. Such certified
 670 peace officers shall be authorized, upon completion of the required training, with the
 671 written approval of the administrator, and notwithstanding Code Sections 16-11-126,
 672 ~~16-11-128~~, and 16-11-129, to carry firearms of a standard police issue when engaged in
 673 detecting, investigating, or preventing crimes under this article."

674 **SECTION 2-2.**

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

678 "(o) It shall be unlawful for any person to use or possess in any park, historic site, or
679 recreational area any fireworks, explosives, or firecrackers, unless stored so as not to be
680 readily accessible or unless such use has been approved by prior written permission of the
681 commissioner of natural resources or his or her authorized representative. It shall also be
682 unlawful for any person without a valid weapons carry license issued pursuant to Code
683 Section 16-11-129 to use or possess in any park, historic site, or recreational area any
684 firearms;. It shall also be unlawful for any person to use or possess in any park, historic
685 site, or recreational area any bows and arrows, spring guns, air rifles, slingshots, or any
686 other device which discharges projectiles by any means, unless the device is unloaded and
687 stored so as not to be readily accessible or unless such use has been approved within
688 restricted areas by prior written permission of the commissioner of natural resources or his
689 or her authorized representative."

690 **SECTION 2-3.**

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

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

698 "(12) Application for ~~firearms~~ weapons carry license (exclusive of fees
699 charged by other agencies for the examination of criminal records and
700 mental health records) ~~15.00~~ 30.00

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

702 **SECTION 2-4.**

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

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

708 **SECTION 2-5.**

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

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

720 **SECTION 2-6.**

721 Said title is further amended by revising paragraph (2) of subsection (a) of Code Section
 722 16-11-101.1, relating to furnishing a pistol or revolver to a person under the age of 18 years,
 723 as follows:

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

726 **SECTION 2-7.**

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

729 "16-11-130.

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

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

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

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

- 741 (4) Persons employed in fulfilling defense contracts with the government of the United
742 States or agencies thereof when possession of the weapon or long gun is necessary for
743 manufacture, transport, installation, and testing under the requirements of such contract;
- 744 (5) District attorneys, investigators employed by and assigned to a district attorney's
745 office, assistant district attorneys, attorneys or investigators employed by the Prosecuting
746 Attorneys' Council of the State of Georgia, and any retired district attorney, assistant
747 district attorney, district ~~attorneys~~ attorney's investigator, or attorney or investigator
748 retired from the Prosecuting Attorneys' Council of the State of Georgia, if such employee
749 is retired in good standing and is receiving benefits under Title 47 or is retired in good
750 standing and receiving benefits from a county or municipal retirement system;
- 751 (6) State court solicitors-general; investigators employed by and assigned to a state court
752 solicitor-general's office; assistant state court solicitors-general; the corresponding
753 personnel of any city court expressly continued in existence as a city court pursuant to
754 Article VI, Section X, Paragraph I, subparagraph (5) of the Constitution; and the
755 corresponding personnel of any civil court expressly continued as a civil court pursuant
756 to said provision of the Constitution;
- 757 (7) Those employees of the State Board of Pardons and Paroles when specifically
758 designated and authorized in writing by the members of the State Board of Pardons and
759 Paroles to carry a weapon or long gun;
- 760 (8) The Attorney General and those members of his or her staff whom he or she
761 specifically authorizes in writing to carry a weapon or long gun;
- 762 (9) Chief probation officers, probation officers, intensive probation officers, and
763 surveillance officers employed by and under the authority of the Department of
764 Corrections pursuant to Article 2 of Chapter 8 of Title 42, known as the 'State-wide
765 Probation Act,' when specifically designated and authorized in writing by the director of
766 Division of Probation;
- 767 (10) Public safety directors of municipal corporations;
- 768 (11) Explosive ordnance disposal technicians, as such term is defined by Code
769 Section 16-7-80, and persons certified as provided in Code Section 35-8-13 to handle
770 animals trained to detect explosives, while in the performance of their duties;
- 771 (12) State and federal trial and appellate judges, full-time and permanent part-time
772 judges of municipal and city courts, and former state trial and appellate judges retired
773 from their respective offices under state retirement;
- 774 (13) United States Attorneys and Assistant United States Attorneys;
- 775 (14) County medical examiners and coroners and their sworn officers employed by
776 county government; and
- 777 (15) Clerks of the superior courts.

778 (b) Code Sections 16-11-126 through ~~16-11-128~~ 16-11-127.2 shall not apply to or affect
779 persons who at the time of their retirement from service with the Department of
780 Corrections were chief probation officers, probation officers, intensive probation officers,
781 or surveillance officers, when specifically designated and authorized in writing by the
782 director of the Division of Probation.

783 (c) Code Sections 16-11-126 through ~~16-11-128~~ 16-11-127.2 shall not apply to or affect
784 any:

785 (1) Sheriff, retired sheriff, deputy sheriff, or retired deputy sheriff if such retired sheriff
786 or deputy sheriff is eligible to receive or is receiving benefits under the Peace Officers'
787 Annuity and Benefit Fund provided under Chapter 17 of Title 47, the Sheriffs' Retirement
788 Fund of Georgia provided under Chapter 16 of Title 47, or any other public retirement
789 system established under the laws of this state for service as a law enforcement officer;

790 (2) Member of the Georgia State Patrol or agent of the Georgia Bureau of Investigation
791 or retired member of the Georgia State Patrol or agent of the Georgia Bureau of
792 Investigation if such retired member or agent is receiving benefits under the Employees'
793 Retirement System;

794 (3) Full-time law enforcement chief executive engaging in the management of a county,
795 municipal, state, state authority, or federal law enforcement agency in the State of
796 Georgia, including any college or university law enforcement chief executive that is
797 registered or certified by the Georgia Peace Officer Standards and Training Council; or
798 retired law enforcement chief executive that formerly managed a county, municipal, state,
799 state authority, or federal law enforcement agency in the State of Georgia, including any
800 college or university law enforcement chief executive that was registered or certified at
801 the time of his or her retirement by the Georgia Peace Officer Standards and Training
802 Council, if such retired law enforcement chief executive is receiving benefits under the
803 Peace Officers' Annuity and Benefit Fund provided under Chapter 17 of Title 47 or is
804 retired in good standing and receiving benefits from a county, municipal, State of
805 Georgia, state authority, or federal retirement system; or

806 (4) Police officer of any county, municipal, state, state authority, or federal law
807 enforcement agency in the State of Georgia, including any college or university police
808 officer that is registered or certified by the Georgia Peace Officer Standards and Training
809 Council, or retired police officer of any county, municipal, state, state authority, or
810 federal law enforcement agency in the State of Georgia, including any college or
811 university police officer that was registered or certified at the time of his or her retirement
812 by the Georgia Peace Officer Standards and Training Council, if such retired employee
813 is receiving benefits under the Peace Officers' Annuity and Benefit Fund provided under

814 Chapter 17 of Title 47 or is retired in good standing and receiving benefits from a county,
815 municipal, State of Georgia, state authority, or federal retirement system.

816 In addition, any such sheriff, retired sheriff, deputy sheriff, retired deputy sheriff, active or
817 retired law enforcement chief executive, or other law enforcement officer referred to in this
818 subsection shall be authorized to carry a ~~pistol or revolver~~ handgun on or off duty
819 anywhere within the state and the provisions of Code Sections 16-11-126 through
820 ~~16-11-128~~ 16-11-127.2 shall not apply to the carrying of such firearms.

821 (d) A prosecution based upon a violation of Code Section 16-11-126; or 16-11-127; ~~or~~
822 ~~16-11-128~~ need not negative any exemptions."

823 **SECTION 2-8.**

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

826 "(b) Any person who boards or attempts to board an aircraft, bus, or rail vehicle with any
827 explosive, destructive device, or hoax device as such term is defined in Code Section
828 16-7-80; firearm for which such person does not have on his or her person a valid weapons
829 carry license issued pursuant to Code Section 16-11-129 unless possessing such firearm is
830 prohibited by federal law; hazardous substance as defined by Code Section 12-8-92; or
831 knife or other device designed or modified for the purpose of offense and defense
832 concealed on or about his or her person or property which is or would be accessible to such
833 person while on the aircraft, bus, or rail vehicle shall be guilty of a felony and, upon
834 conviction thereof, shall be sentenced to imprisonment for not less than one nor more than
835 ten years. The prohibition of this subsection shall not apply to any law enforcement
836 officer, peace officer retired from a state or federal law enforcement agency, person in the
837 military service of the state or of the United States, or commercial security personnel
838 employed by the transportation company who is in possession of weapons used within the
839 course and scope of ~~their~~ employment; nor shall the prohibition apply to persons
840 transporting weapons contained in baggage which is not accessible to passengers if the
841 presence of such weapons has been declared to the transportation company and such
842 weapons have been secured in a manner prescribed by state or federal law or regulation for
843 the purpose of transportation or shipment. The provisions of this subsection shall not apply
844 to any privately owned aircraft, bus, or rail vehicle if the owner of such aircraft or vehicle
845 has given his or her express permission to board the aircraft or vehicle with the item."

846 **SECTION 2-9.**

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

849 "(a) It shall be unlawful for any person, with the intention of avoiding or interfering with
 850 a security measure or of introducing into a terminal any explosive, destructive device, or
 851 hoax device as defined in Code Section 16-7-80; firearm for which such person does not
 852 have on his or her person a valid weapons carry license issued pursuant to Code Section
 853 16-11-129 unless possessing such firearm is prohibited by federal law; hazardous substance
 854 as defined by Code Section 12-8-92; or knife or other device designed or modified for the
 855 purpose of offense and defense, to:

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

862 **SECTION 2-10.**

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

866 "17-5-51.

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

876 **SECTION 2-11.**

877 Said title is further amended by revising subsection (b) of Code Section 17-7-23, relating to
 878 preclusion of certain courts from trying charges involving Code Section 16-11-126 or
 879 16-11-128, as follows:

880 "(b) Any court, other than a superior court or a state court, to which any charge of a
 881 violation of Code Section 16-11-126 ~~or Code Section 16-11-128~~ is referred for the
 882 determination required by this Code section shall thereafter have and exercise only the
 883 jurisdiction of a court of inquiry with respect to the charge and with respect to any other

884 criminal violation arising from the transaction on which the charge was based and shall not
 885 thereafter be competent to try the accused for the charge or for any other criminal violation
 886 arising from the transaction on which the charge was based, irrespective of the jurisdiction
 887 that the court otherwise would have under any other law."

888 **SECTION 2-12.**

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

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

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

896 **SECTION 2-13.**

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

900 "(1) To possess a firearm during a closed hunting season for that area unless such firearm
 901 is unloaded and stored in a motor vehicle so as not to be readily accessible, unless such
 902 person possesses a valid weapons carry license issued pursuant to Code Section
 903 16-11-129;

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

907 **SECTION 2-14.**

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

910 "27-3-6.

911 It shall be unlawful for any person to possess any center-fire or rimfire firearm while
 912 hunting with a bow and arrow during archery or primitive weapons season for deer or while
 913 hunting with a muzzleloading firearm during a primitive weapons season for deer unless
 914 such person possesses a valid weapons carry license issued pursuant to Code Section
 915 16-11-129."

916 **SECTION 2-15.**

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

920 "(1) To possess a firearm during a closed hunting season for that area unless such firearm
921 is unloaded and stored in a motor vehicle so as not to be readily accessible unless such
922 person possesses a valid weapons carry license issued pursuant to Code Section
923 16-11-129;

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

927 **SECTION 2-16.**

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

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

936 **SECTION 2-17.**

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

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

947 **SECTION 2-18.**

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

950 "(e) The board, through the executive director, may hire investigators for the purpose of
 951 conducting investigations. Any person so employed shall be considered to be a peace
 952 officer and shall have all powers, duties, and status of a peace officer of this state;
 953 provided, however, that such investigators shall only be authorized, upon written approval
 954 of the executive director, notwithstanding Code Sections 16-11-126, ~~16-11-128~~, and
 955 16-11-129, to carry firearms in the performance of their duties and exercise the powers of
 956 arrest in the performance of their duties."

957 **SECTION 2-19.**

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

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

- 962 (1) Code Section 16-11-126, relating to carrying a ~~concealed~~ weapon;
 963 (2) Code Section 16-11-127, relating to carrying ~~deadly weapons at public gatherings a~~
 964 weapon or long gun in an unauthorized location; and
 965 (3) ~~Code Section 16-11-128, relating to carrying a pistol without a license; and~~
 966 (4) Code Section 16-11-129, relating to licenses to carry ~~pistols and revolvers~~ weapons
 967 generally."

968 **SECTION 2-20.**

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

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

985 to investigate and apprehend delinquent and unruly children who have escaped from an
 986 institution or facility or who have broken the conditions of supervision; provided,
 987 however, that the employees so designated shall only be those with primary responsibility
 988 for the security functions of youth development centers or whose primary duty consists
 989 of the apprehension of youths who have escaped from such institutions or facilities or
 990 who have broken the conditions of supervision. An employee of the department so
 991 designated shall have the police power to investigate, to apprehend such children, and to
 992 arrest any person physically interfering with the proper apprehension of such children.
 993 An employee of the department so designated in the investigative section of the
 994 department shall have the power to obtain a search warrant for the purpose of locating
 995 and apprehending such children. Additionally, such employee, while on the grounds or
 996 in the buildings of the department's institutions or facilities, shall have the same law
 997 enforcement powers, including the power of arrest, as a law enforcement officer of the
 998 local government with police jurisdiction over such institutions or facilities. Such
 999 employee shall be authorized to carry weapons, upon written approval of the
 1000 commissioner, notwithstanding Code Sections 16-11-126, ~~16-11-128~~, and 16-11-129.
 1001 The commissioner shall also be authorized to designate any person or organization with
 1002 whom the department contracts for services pertaining to the management, custody, care,
 1003 and control of delinquent and unruly children detained by the person or organization as
 1004 a law enforcement unit under paragraph (7) of Code Section 35-8-2. Any employee or
 1005 person designated under this subsection shall be considered to be a peace officer within
 1006 the meaning of Chapter 8 of Title 35 and must be certified under that chapter."

1007 **SECTION 2-21.**

1008 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
 1009 by revising subsection (d) of Code Section 50-18-72, relating to when public disclosure of
 1010 public records is not required, as follows:

1011 "(d) This article shall not be applicable to any application submitted to or any permanent
 1012 records maintained by a judge of the probate court pursuant to Code Section 16-11-129,
 1013 relating to weapons carry licenses ~~to carry pistols or revolvers~~, or pursuant to any other
 1014 requirement for maintaining records relative to the possession of firearms. This subsection
 1015 shall not preclude law enforcement agencies from obtaining records relating to licensing
 1016 and possession of firearms as provided by law."

1017

PART III

1018

EFFECTIVE DATE, APPLICABILITY, AND REPEALER

1019

SECTION 3-1.

1020 This Act shall become effective upon its approval by the Governor or upon its becoming law

1021 without such approval and shall apply to all offenses committed on and after such date. The

1022 enactment of this Act shall not affect any prosecutions for acts occurring before the effective

1023 date of this Act and shall not act as an abatement of any such prosecutions.

1024

SECTION 3-2.

1025 All laws and parts of laws in conflict with this Act are repealed.