

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

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 a single 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 blade that is greater than five inches in length which is fastened to a
 28 handle.

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

30 (4) 'Long gun' means a firearm with a barrel length of at least 18 inches and overall
 31 length of at least 26 inches designed or made and intended to be fired from the shoulder
 32 and designed or made to use the energy of the explosive in a fixed:

33 (A) Shotgun shell to fire through a smooth bore either a number of ball shot or a single
 34 projectile for each single pull of the trigger or from which any shot, bullet, or other
 35 missile can be discharged; or

36 (B) Metallic cartridge to fire only a single projectile through a rifle bore for each single
 37 pull of the trigger;

38 provided, however, that the term 'long gun' shall not include a gun which discharges a
 39 single shot of .46 centimeters or less in diameter.

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

41 (6) 'Weapons carry license' or 'license' means a license issued pursuant to Code Section
 42 16-11-129."

43 **SECTION 1-2.**

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

46 "16-11-126.

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

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

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

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

59 ~~(c) This Code section shall not permit, outside of his or her home, motor vehicle, or place~~
 60 ~~of business, the concealed carrying of a pistol, revolver, or concealable firearm by any~~
 61 ~~person unless that person has on his or her person a valid license issued under Code Section~~

~~16-11-129 and the pistol, revolver, or firearm may only be carried in a shoulder holster, waist belt holster, any other holster, hipgrip, or any other similar device, in which event the weapon may be concealed by the person's clothing, or a handbag, purse, attache case, briefcase, or other closed container. Any person having been issued a license to carry a concealed weapon pursuant to Code Section 16-11-129 shall be permitted to carry such weapon, subject to the limitations of this part, in all parks, historic sites, or recreational areas as defined by Code Section 12-3-10 and in all wildlife management areas.~~

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

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

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

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

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

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

(d) Any person who is not prohibited by law from possessing a handgun or long gun who is eligible for a weapons carry license may transport a handgun or long gun in any private passenger motor vehicle; provided, however, that private property owners or persons in legal control of property through a lease, rental agreement, licensing agreement, contract, or any other agreement to control access to such property shall have the right to forbid possession of a weapon or long gun on their property, except as provided in Code Section 16-11-135.

(e) Any person licensed to carry a handgun or weapon in any other state whose laws recognize and give effect to a license issued pursuant to this part shall be authorized to carry a weapon in this state, but only while the licensee is not a resident of this state;

99 provided, however, that such licensee shall carry the weapon in compliance with the laws
 100 of this state.

101 (f) Any person with a valid hunting or fishing license on his or her person, or any person
 102 not required by law to have a hunting or fishing license, who is engaged in legal hunting,
 103 fishing, or sport shooting when the person has the permission of the owner of the land on
 104 which the activities are being conducted may have or carry on his or her person a handgun
 105 or long gun without a valid weapons carry license while hunting, fishing, or engaging in
 106 sport shooting.

107 (g) Notwithstanding Code Sections 12-3-10, 27-3-1.1, 27-3-6, and 16-12-122 through
 108 16-12-127, any person with a valid weapons carry license may carry a weapon in all parks,
 109 historic sites, or recreational areas, as such term is defined in Code Section 12-3-10,
 110 including all publicly owned buildings located in such parks, historic sites, and recreational
 111 areas, in wildlife management areas, and on public transportation; provided, however, that
 112 a person shall not carry a handgun into a place where it is prohibited by federal law.

113 (h)(1) No person shall carry a weapon without a valid weapons carry license unless he
 114 or she meets one of the exceptions to having such license as provided in subsections (a)
 115 through (g) of this Code section.

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

118 (i) Upon conviction of the offense of carrying weapon without a valid weapons carry
 119 license, a person shall be punished as follows:

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

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

126 **SECTION 1-3.**

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

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

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

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

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

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

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

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

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

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

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

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

170 (3) 'Government building' means:

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

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

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

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

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

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

188 (1) In a government building;

189 (2) In a courthouse;

190 (3) In a jail or prison;

191 (4) In a place of worship;

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

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

199 (7) On the premises of a nuclear power facility, except as provided in Code Section
 200 16-11-127.2, and the punishment provisions of Code Section 16-11-127.2 shall supersede
 201 the punishment provisions of this Code section; or

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

204 (c) Except as provided in Code Section 16-11-127.1, a license holder or person recognized
 205 under subsection (e) of Code Section 16-11-126 shall be authorized to carry a weapon as
 206 provided in Code Section 16-11-135 and in every location in this state not listed in
 207 subsection (b) of this Code section; provided, however, that private property owners or
 208 persons in legal control of property through a lease, rental agreement, licensing agreement,

209 contract, or any other agreement to control access to such property shall have the right to
 210 forbid possession of a weapon or long gun on their property, except as provided in Code
 211 Section 16-11-135. A violation of subsection (b) of this Code section shall not create or
 212 give rise to a civil action for damages.

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

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

217 (2) To a license holder who approaches security or management personnel upon arrival
 218 at a location described in subsection (b) of this Code section and notifies such security
 219 or management personnel of the presence of the weapon or long gun and explicitly
 220 follows the security or management personnel's direction for removing, securing, storing,
 221 or temporarily surrendering such weapon or long gun; and

222 (3) To a weapon or long gun possessed by a license holder which is under the possessor's
 223 control in a motor vehicle or is in a locked compartment of a motor vehicle or one which
 224 is in a locked container in or a locked firearms rack which is on a motor vehicle and such
 225 vehicle is parked in a parking facility."

226 **SECTION 1-4.**

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

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

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

236 (2) 'Weapon' means and includes any pistol, revolver, or any weapon designed or
 237 intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife,
 238 ballistic knife, any other knife having a blade of two or more inches, straight-edge razor,
 239 razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or
 240 other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any
 241 flailing instrument consisting of two or more rigid parts connected in such a manner as
 242 to allow them to swing freely, which may be known as a nun chahka, nun chuck,
 243 nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at
 244 least two points or pointed blades which is designed to be thrown or propelled and which

245 may be known as a throwing star or oriental dart, or any weapon of like kind, and any
 246 stun gun or taser as defined in subsection (a) of Code Section 16-11-106. This paragraph
 247 excludes any of these instruments used for classroom work authorized by the teacher.

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

254 (2) Any license holder who violates this subsection shall be guilty of a misdemeanor.
 255 Any person who is not a license holder who violates this subsection shall be guilty of a
 256 felony and, upon conviction thereof, be punished by a fine of not more than \$10,000.00,
 257 by imprisonment for not less than two nor more than ten years, or both; ~~provided,~~
 258 ~~however, that upon conviction of a violation of this subsection involving a firearm as~~
 259 ~~defined in paragraph (2) of subsection (a) of Code Section 16-11-131, or a dangerous~~
 260 ~~weapon or machine gun as defined in Code Section 16-11-121, such person shall be~~
 261 ~~punished by a fine of not more than \$10,000.00 or by imprisonment for a period of not~~
 262 ~~less than five nor more than ten years, or both.~~

263 (3) Any person convicted of a violation of this subsection involving a dangerous weapon
 264 or machine gun, as such terms are defined in Code Section 16-11-121, shall be punished
 265 by a fine of not more than \$10,000.00 or by imprisonment for a period of not less than
 266 five nor more than ten years, or both.

267 (4) A child who violates this subsection shall be subject to the provisions of Code
 268 Section 15-11-63."

269 "(7) A person who is licensed in accordance with Code Section 16-11-129 or issued a
 270 permit pursuant to Code Section 43-38-10, when such person carries or picks up a student
 271 at a school building, school function, or school property or on a bus or other
 272 transportation furnished by the school or a person who is licensed in accordance with
 273 Code Section 16-11-129 or issued a permit pursuant to Code Section 43-38-10 when he
 274 or she has any weapon legally kept within a vehicle when such vehicle is parked at such
 275 school property or is in transit through a designated school zone by any person other than
 276 a student;

277 (8) A weapon possessed by a license holder which is under the possessor's control in a
 278 motor vehicle or which is in a locked compartment of a motor vehicle or one which is in
 279 a locked container in or a locked firearms rack which is on a motor vehicle which is being
 280 used by an adult over 21 years of age to bring to or pick up a student at a school building,
 281 school function, or school property or on a bus or other transportation furnished by the

282 school, or when such vehicle is used to transport someone to an activity being conducted
 283 on school property which has been authorized by a duly authorized official of the school;
 284 provided, however, that this exception shall not apply to a student attending such school;"
 285 "(f) In a prosecution under this Code section, a map produced or reproduced by any
 286 municipal or county agency or department for the purpose of depicting the location and
 287 boundaries of the area ~~on or within 1,000 feet~~ of the real property of a school board or a
 288 private or public elementary or secondary school that is used for school purposes or ~~within~~
 289 ~~1,000 feet~~ the area of any campus of any public or private technical school, vocational
 290 school, college, university, or institution of postsecondary education, or a true copy of the
 291 map, shall, if certified as a true copy by the custodian of the record, be admissible and shall
 292 constitute prima-facie evidence of the location and boundaries of the area, if the governing
 293 body of the municipality or county has approved the map as an official record of the
 294 location and boundaries of the area. A map approved under this Code section may be
 295 revised from time to time by the governing body of the municipality or county. The
 296 original of every map approved or revised under this subsection or a true copy of such
 297 original map shall be filed with the municipality or county and shall be maintained as an
 298 official record of the municipality or county. This subsection shall not preclude the
 299 prosecution from introducing or relying upon any other evidence or testimony to establish
 300 any element of this offense. This subsection shall not preclude the use or admissibility of
 301 a map or diagram other than the one which has been approved by the municipality or
 302 county.

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

306 **SECTION 1-5.**

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

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

313 **SECTION 1-6.**

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

316 "16-11-128.

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

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

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

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

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

337 **SECTION 1-7.**

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

340 "16-11-129.

341 (a) *Application for weapons carry license or renewal license; term.* The judge of the
 342 probate court of each county may, on application under oath and on payment of a fee of
 343 ~~\$15.00~~ \$30.00, issue a weapons carry license or renewal license valid for a period of five
 344 years to any person whose domicile is in that county or who is on active duty with the
 345 United States armed forces and who is not a domiciliary of this state but who either resides
 346 in that county or on a military reservation located in whole or in part in that county at the
 347 time of such application, ~~which.~~ Such license or renewal license shall authorize that person
 348 to carry any ~~pistol or revolver~~ weapon in any county of this state notwithstanding any
 349 change in that person's county of residence or state of domicile. Applicants shall submit
 350 the application for a weapons carry license or renewal license to the judge of the probate
 351 court on forms prescribed and furnished free of charge to persons wishing to apply for the

352 license or renewal license. An applicant who is not a United States citizen shall provide
 353 sufficient personal identifying data, including without limitation his or her place of birth
 354 and United States issued alien or admission number, as the Georgia Bureau of Investigation
 355 may prescribe by rule or regulation. An applicant who is in nonimmigrant status shall
 356 provide proof of his or her qualifications for an exception to the federal firearm prohibition
 357 pursuant to 18 U.S.C. Section 922(y). Forms shall be designed to elicit information from
 358 the applicant pertinent to his or her eligibility under this Code section, including
 359 citizenship, but shall not require data which is nonpertinent or irrelevant such as serial
 360 numbers or other identification capable of being used as a de facto registration of firearms
 361 owned by the applicant. The Department of Public Safety shall furnish application forms
 362 and license forms required by this Code section. The forms shall be furnished to each
 363 judge of each probate court within the state at no cost.

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

365 ~~(1) Any person who is prohibited from possessing firearms pursuant to 18 U.S.C. Section~~
 366 ~~922;~~

367 ~~(1.1) Any person under 21 years of age;~~

368 ~~(2) Any person who is a fugitive from justice or against whom proceedings are pending~~
 369 ~~for any felony, forcible misdemeanor, or violation of Code Section 16-11-126,~~
 370 ~~16-11-127, or 16-11-128 until such time as the proceedings are adjudicated;~~

371 ~~(3) Any person who has been convicted of a felony by a court of this state or any other~~
 372 ~~state, by a court of the United States including its territories, possessions, and dominions;~~
 373 ~~or by a court of any foreign nation and has not been pardoned for such felony by the~~
 374 ~~President of the United States, the State Board of Pardons and Paroles, or the person or~~
 375 ~~agency empowered to grant pardons under the constitution or laws of such state or nation~~
 376 ~~or any person who has been convicted of a forcible misdemeanor and has not been free~~
 377 ~~of all restraint or supervision in connection therewith for at least five years or any person~~
 378 ~~who has been convicted of a violation of Code Section 16-11-126, 16-11-127, or~~
 379 ~~16-11-128 and has not been free of all restraint or supervision in connection therewith for~~
 380 ~~at least three years, immediately preceding the date of the application;~~

381 ~~(4) Any individual who has been hospitalized as an inpatient in any mental hospital or~~
 382 ~~alcohol or drug treatment center within five years of the date of his or her application.~~
 383 ~~The probate judge may require any applicant to sign a waiver authorizing any mental~~
 384 ~~hospital or treatment center to inform the judge whether or not the applicant has been an~~
 385 ~~inpatient in any such facility in the last five years and authorizing the superintendent of~~
 386 ~~such facility to make to the judge a recommendation regarding whether a license to carry~~
 387 ~~a pistol or revolver should be issued. When such a waiver is required by the probate~~
 388 ~~judge, the applicant shall pay to the probate judge a fee of \$3.00 for reimbursement of the~~

389 ~~cost of making such a report by the mental health hospital, alcohol or drug treatment~~
 390 ~~center, or the Department of Behavioral Health and Developmental Disabilities, which~~
 391 ~~the probate judge shall remit to the hospital, center, or department. The judge shall keep~~
 392 ~~any such hospitalization or treatment information confidential. It shall be at the~~
 393 ~~discretion of the probate judge, considering the circumstances surrounding the~~
 394 ~~hospitalization and the recommendation of the superintendent of the hospital or treatment~~
 395 ~~center where the individual was a patient, to issue the license or renewal license;~~

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

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

400 ~~(i) 'Controlled substance' means any drug, substance, or immediate precursor~~
 401 ~~included in the definition of controlled substances in paragraph (4) of Code Section~~
 402 ~~16-13-21.~~

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

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

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

409 ~~(b) *Licensing exceptions.*~~

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

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

413 ~~(B) 'Convicted' means a plea of guilty or a finding of guilt by a court of competent~~
 414 ~~jurisdiction or the acceptance of a plea of nolo contendere, irrespective of the pendency~~
 415 ~~or availability of an appeal or an application for collateral relief.~~

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

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

418 ~~(A) Any person under 21 years of age;~~

419 ~~(B) Any person who has been convicted of a felony by a court of this state or any other~~
 420 ~~state; by a court of the United States including its territories, possessions, and~~
 421 ~~dominions; or by a court of any foreign nation and has not been pardoned for such~~
 422 ~~felony by the President of the United States, the State Board of Pardons and Paroles,~~
 423 ~~or the person or agency empowered to grant pardons under the constitution or laws of~~
 424 ~~such state or nation;~~

425 ~~(C) Any person against whom proceedings are pending for any felony;~~

426 (D) Any person who is a fugitive from justice;
427 (E) Any person who is prohibited from possessing or shipping a firearm in interstate
428 commerce pursuant to subsections (g) and (n) of 18 U.S.C. Section 922;
429 (F) Any person who has been convicted of an offense arising out of the unlawful
430 manufacture or distribution of a controlled substance or other dangerous drug;
431 (G) Any person who has had his or her weapons carry license revoked pursuant to
432 subsection (e) of this Code section;
433 (H) Any person who has been convicted of any of the following:
434 (i) Pointing a gun or a pistol at another in violation of Code Section 16-11-102;
435 (ii) Carrying a weapon without a weapons carry license in violation of Code Section
436 16-11-126; or
437 (iii) Carrying a weapon or long gun in an unauthorized location in violation of Code
438 Section 16-11-127
439 and has not been free of all restraint or supervision in connection therewith and free of
440 any other conviction for at least five years immediately preceding the date of the
441 application;
442 (I) Any person who has been convicted of any misdemeanor involving the use or
443 possession of a controlled substance and has not been free of all restraint or supervision
444 in connection therewith or free of:
445 (i) A second conviction of any misdemeanor involving the use or possession of a
446 controlled substance; or
447 (ii) Any conviction under subparagraphs (E) through (G) of this paragraph
448 for at least five years immediately preceding the date of the application; or
449 (J) Any person who has been hospitalized as an inpatient in any mental hospital or
450 alcohol or drug treatment center within the five years immediately preceding the
451 application. The judge of the probate court may require any applicant to sign a waiver
452 authorizing any mental hospital or treatment center to inform the judge whether or not
453 the applicant has been an inpatient in any such facility in the last five years and
454 authorizing the superintendent of such facility to make to the judge a recommendation
455 regarding whether the applicant is a threat to the safety of others and whether a license
456 to carry a weapon should be issued. When such a waiver is required by the judge, the
457 applicant shall pay a fee of \$3.00 for reimbursement of the cost of making such a report
458 by the mental health hospital, alcohol or drug treatment center, or the Department of
459 Behavioral Health and Developmental Disabilities, which the judge shall remit to the
460 hospital, center, or department. The judge shall keep any such hospitalization or
461 treatment information confidential. It shall be at the discretion of the judge, considering
462 the circumstances surrounding the hospitalization and the recommendation of the

463 superintendent of the hospital or treatment center where the individual was a patient,
 464 to issue the weapons carry license or renewal license.

465 (3) If first offender treatment without adjudication of guilt for a conviction contained in
 466 subparagraph (F) or (I) of paragraph (2) of this subsection was entered and such sentence
 467 was successfully completed and such person has not had any other conviction since the
 468 completion of such sentence and for at least five years immediately preceding the date
 469 of the application, he or she shall be eligible for a weapons carry license provided that no
 470 other license exception applies.

471 (c) *Fingerprinting.*

472 Following completion of the application for a weapons carry license or the renewal of a
 473 license, the judge of the probate court shall require the applicant to proceed to an
 474 appropriate law enforcement agency in the county with the completed application. The
 475 appropriate local law enforcement agency in each county shall then capture the
 476 fingerprints of the applicant for a weapons carry license or renewal license ~~to carry a~~
 477 ~~pistol or revolver, place the fingerprint required by subsection (f) of this Code section on~~
 478 ~~a blank license form which has been furnished to the law enforcement agency by the~~
 479 ~~judge of the probate court,~~ and place the name of the applicant on the blank license form.
 480 The appropriate local law enforcement agency shall place the fingerprint on a blank
 481 license form which has been furnished to the law enforcement agency by the judge of the
 482 probate court if a fingerprint is required to be furnished by subsection (f) of this Code
 483 section. The law enforcement agency shall be entitled to a fee of \$5.00 from the
 484 applicant for its services in connection with the application.

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

486 (1) For both weapons carry license applications and requests for license renewals, the
 487 judge of the probate court shall within ~~two business~~ five days following the receipt of the
 488 application or request direct the law enforcement agency to request a fingerprint based
 489 criminal history records check from the Georgia Crime Information Center and Federal
 490 Bureau of Investigation for purposes of determining the suitability of the applicant and
 491 return an appropriate report to the judge of the probate court. Fingerprints shall be in
 492 such form and of such quality as prescribed by the Georgia Crime Information Center and
 493 under standards adopted by the Federal Bureau of Investigation. The Georgia Bureau of
 494 Investigation may charge such fee as is necessary to cover the cost of the records search.

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

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

508 (4) The law enforcement agency shall report to the judge of the probate court within 30
 509 days, by telephone and in writing, of any findings relating to the applicant which may
 510 bear on his or her eligibility for a weapons carry license or renewal license under the
 511 terms of this Code section. When no derogatory information is found on the applicant
 512 bearing on his or her eligibility to obtain a license or renewal license, a report shall not
 513 be required. The law enforcement agency shall return the application and the blank
 514 license form with the fingerprint thereon directly to the judge of the probate court within
 515 such time period. Not later than ten days after the judge of the probate court receives the
 516 report from the law enforcement agency concerning the suitability of the applicant for a
 517 ~~firearms~~ license, the judge of the probate court shall issue such applicant a license or
 518 renewal license to carry any ~~pistol or revolver~~ weapon unless facts establishing
 519 ineligibility have been reported or unless the judge determines such applicant has not met
 520 all the qualifications, is not of good moral character, or has failed to comply with any of
 521 the requirements contained in this Code section. The judge of the probate court shall date
 522 stamp the report from the law enforcement agency to show the date on which the report
 523 was received by the judge of the probate court.

524 (e) *Revocation, loss, or damage to license.* If, at any time during the period for which the
 525 weapons carry license was issued, the judge of the probate court of the county in which the
 526 license was issued shall learn or have brought to his or her attention in any manner any
 527 reasonable ground to believe the licensee is not eligible to retain the license, the judge may,
 528 after notice and hearing, revoke the license of the person upon a finding that such person
 529 is not eligible for a weapons carry license pursuant to subsection (b) of this Code section
 530 or an adjudication of falsification of application, mental incompetency, or chronic alcohol
 531 or narcotic usage, ~~conviction of any felony or forcible misdemeanor, or for violation of~~
 532 ~~Code Section 16-11-126, 16-11-127, or 16-11-128~~. It shall be unlawful for any person to
 533 possess a license which has been revoked, and any person found in possession of any such
 534 revoked license, except in the performance of his or her official duties, shall be guilty of
 535 a misdemeanor. It shall be required that any license holder under this Code section have
 536 in his or her possession his or her valid license whenever he or she is carrying a ~~pistol or~~

537 ~~revolver~~ weapon under the authority granted by this Code section, and his or her failure to
 538 do so shall be prima-facie evidence of a violation of Code Section ~~16-11-128~~ 16-11-126.
 539 Loss of any license issued in accordance with this Code section or damage to the license
 540 in any manner which shall render it illegible shall be reported to the judge of the probate
 541 court of the county in which it was issued within 48 hours of the time the loss or damage
 542 becomes known to the license holder. The judge of the probate court shall thereupon issue
 543 a replacement for and shall take custody of and destroy a damaged license; and in any case
 544 in which a license has been lost, he or she shall issue a cancellation order and notify by
 545 telephone and in writing each of the law enforcement agencies whose records were checked
 546 before issuance of the original license. The judge shall charge the fee specified in
 547 subsection (k) of Code Section 15-9-60 for such services.

548 ~~(f)(1) Weapons carry license~~ License specifications. Weapons carry licenses Licenses
 549 issued as prescribed in this Code section shall be printed on durable but lightweight card
 550 stock, and the completed card shall be laminated in plastic to improve its wearing
 551 qualities and to inhibit alterations. Measurements shall be 3 1/4 inches long, and 2 1/4
 552 inches wide. Each shall be serially numbered within the county of issuance and shall bear
 553 the full name, residential address, birth date, weight, height, color of eyes, and sex, and
 554 ~~a clear print of the right index finger of the licensee. If the right index fingerprint cannot~~
 555 ~~be secured for any reason, the print of another finger may be used but such print shall be~~
 556 ~~marked to identify the finger from which the print is taken.~~ The license shall show the
 557 date of issuance, the expiration date, and the probate court in which issued and shall be
 558 signed by the licensee and bear the signature or facsimile thereof of the judge. The seal
 559 of the court shall be placed on the face before the license is laminated. ~~The reverse side~~
 560 ~~of the license shall have imprinted thereon in its entirety Code Section 16-11-127.~~
 561 Licenses issued on and before December 31, 2011, shall bear a clear print of the
 562 licensee's right index finger; however, if the right index fingerprint cannot be secured for
 563 any reason, the print of another finger may be used but such print shall be marked to
 564 identify the finger from which the print is taken.

565 (2)(A) On and after January 1, 2012, newly issued or renewal weapons carry licenses
 566 shall incorporate overt and covert security features which shall be blended with the
 567 personal data printed on the license to form a significant barrier to imitation,
 568 replication, and duplication. There shall be a minimum of three different ultraviolet
 569 colors used to enhance the security of the license incorporating variable data, color
 570 shifting characteristics, and front edge only perimeter visibility. The weapons carry
 571 license shall have a color photograph viewable under ambient light on both the front
 572 and back of the license. The license shall incorporate custom optical variable devices
 573 featuring the great seal of the State of Georgia as well as matching demetalized optical

574 variable devices viewable under ambient light from the front and back of the license
 575 incorporating microtext and unique alphanumeric serialization specific to the license
 576 holder. The license shall be of similar material, size, and thickness of a credit card and
 577 have a holographic laminate to secure and protect the license for the duration of the
 578 license period.

579 (B) Using the physical characteristics of the license set forth in subparagraph (A) of
 580 this paragraph, The Council of Probate Court Judges of Georgia shall create
 581 specifications for the probate courts so that all weapons carry licenses in this state shall
 582 be uniform and so that probate courts can petition the Department of Administrative
 583 Services to purchase the equipment and supplies necessary for producing such licenses.
 584 The department shall follow the competitive bidding procedure set forth in Code
 585 Section 50-5-102.

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

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

603 (i) *Temporary renewal licenses.*

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

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

612 (3) Such a temporary renewal license shall be in the form of a paper receipt indicating
 613 the date on which the court received the renewal application and shall show the name,
 614 address, sex, age, and race of the applicant and that the temporary renewal license expires
 615 90 days from the date of issue.

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

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

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

623 (j) When an eligible applicant ~~who is a United States citizen~~ fails to receive a license,
 624 temporary permit, or renewal license within the time period required by this Code section
 625 and the application or request has been properly filed, the applicant may bring an action in
 626 mandamus or other legal proceeding in order to obtain a license, temporary license, or
 627 renewal license, ~~and such.~~ If such applicant is the prevailing party, he or she shall be
 628 entitled to recover his or her costs in such action, including reasonable attorney's fees."

629 SECTION 1-8.

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

632 "16-11-132.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

676 (3) Any person under the age of 18 years who is at such person's residence and who, with
 677 the permission of such person's parent or legal guardian, possesses a ~~pistol or revolver~~
 678 handgun for the purpose of exercising the rights authorized in Code Section 16-3-21 or
 679 16-3-23.

680 (d) Subsection (c) of this Code section shall not apply to any person under the age of 18
 681 years who has been convicted of a forcible felony or forcible misdemeanor, as defined in

682 Code Section 16-1-3, or who has been adjudicated delinquent under the provisions of
 683 Article 1 of Chapter 11 of Title 15 for an offense which would constitute a forcible felony
 684 or forcible misdemeanor, as defined in Code Section 16-1-3, if such person were an adult."

685 **SECTION 1-9.**

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

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

695 **PART II**

696 **CROSS-REFERENCES**

697 **SECTION 2-1.**

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

701 "(e) Persons employed full time or part time for the purpose of conducting potentially
 702 criminal investigations under this article shall be certified peace officers and shall have all
 703 the powers of a certified peace officer of this state when engaged in the enforcement of this
 704 article, including but not limited to the power to obtain, serve, and execute search warrants.
 705 Such Georgia certified peace officers shall be subject to the requirements of Chapter 8 of
 706 Title 35, the 'Georgia Peace Officer Standards and Training Act,' and are specifically
 707 required to complete the training required for peace officers by that chapter. Such certified
 708 peace officers shall be authorized, upon completion of the required training, with the
 709 written approval of the administrator, and notwithstanding Code Sections 16-11-126;
 710 ~~16-11-128~~, and 16-11-129, to carry firearms of a standard police issue when engaged in
 711 detecting, investigating, or preventing crimes under this article."

SECTION 2-2.

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

"(o)~~(1)~~ It shall be unlawful for any person to use or possess in any park, historic site, or recreational area any fireworks, explosives, or firecrackers, unless stored so as not to be readily accessible or unless such use has been approved by prior written permission of the commissioner of natural resources or his or her authorized representative.

(2) It shall also be unlawful for any person to use or possess in any park, historic site, or recreational area any firearms; other than a handgun, as such term is defined in Code Section 16-11-125.1.

(3) It shall be unlawful for any person to use or possess in any park, historic site, or recreational area any handgun without a valid weapons carry license issued pursuant to Code Section 16-11-129.

(4) It shall be unlawful for any person to use or possess in any park, historic site, or recreational area any bows and arrows, spring guns, air rifles, slingshots, or any other device which discharges projectiles by any means, unless the device is unloaded and stored so as not to be readily accessible or unless such use has been approved within restricted areas by prior written permission of the commissioner of natural resources or his or her authorized representative."

SECTION 2-3.

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

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

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

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

744 **SECTION 2-4.**

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

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

750 **SECTION 2-5.**

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

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

762 **SECTION 2-6.**

763 Said title is further amended by revising paragraph (2) of subsection (a) of Code Section
 764 16-11-101.1, relating to furnishing a pistol or revolver to a person under the age of 18 years,
 765 as follows:

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

768 **SECTION 2-7.**

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

771 "16-11-130.

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

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

778 state but only if such other state provides a similar privilege for the peace officers of this
779 state;

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

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

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

786 (5) District attorneys, investigators employed by and assigned to a district attorney's
787 office, assistant district attorneys, attorneys or investigators employed by the Prosecuting
788 Attorneys' Council of the State of Georgia, and any retired district attorney, assistant
789 district attorney, district ~~attorneys~~ attorney's investigator, or attorney or investigator
790 retired from the Prosecuting Attorneys' Council of the State of Georgia, if such employee
791 is retired in good standing and is receiving benefits under Title 47 or is retired in good
792 standing and receiving benefits from a county or municipal retirement system;

793 (6) State court solicitors-general; investigators employed by and assigned to a state court
794 solicitor-general's office; assistant state court solicitors-general; the corresponding
795 personnel of any city court expressly continued in existence as a city court pursuant to
796 Article VI, Section X, Paragraph I, subparagraph (5) of the Constitution; and the
797 corresponding personnel of any civil court expressly continued as a civil court pursuant
798 to said provision of the Constitution;

799 (7) Those employees of the State Board of Pardons and Paroles when specifically
800 designated and authorized in writing by the members of the State Board of Pardons and
801 Paroles to carry a weapon or long gun;

802 (8) The Attorney General and those members of his or her staff whom he or she
803 specifically authorizes in writing to carry a weapon or long gun;

804 (9) Chief probation officers, probation officers, intensive probation officers, and
805 surveillance officers employed by and under the authority of the Department of
806 Corrections pursuant to Article 2 of Chapter 8 of Title 42, known as the 'State-wide
807 Probation Act,' when specifically designated and authorized in writing by the director of
808 Division of Probation;

809 (10) Public safety directors of municipal corporations;

810 (11) Explosive ordnance disposal technicians, as such term is defined by Code
811 Section 16-7-80, and persons certified as provided in Code Section 35-8-13 to handle
812 animals trained to detect explosives, while in the performance of their duties;

813 (12) State and federal trial and appellate judges, full-time and permanent part-time
 814 judges of municipal and city courts, and former state trial and appellate judges retired
 815 from their respective offices under state retirement;

816 (13) United States Attorneys and Assistant United States Attorneys;

817 (14) County medical examiners and coroners and their sworn officers employed by
 818 county government; and

819 (15) Clerks of the superior courts.

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

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

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

832 (2) Member of the Georgia State Patrol or agent of the Georgia Bureau of Investigation
 833 or retired member of the Georgia State Patrol or agent of the Georgia Bureau of
 834 Investigation if such retired member or agent is receiving benefits under the Employees'
 835 Retirement System;

836 (3) Full-time law enforcement chief executive engaging in the management of a county,
 837 municipal, state, state authority, or federal law enforcement agency in the State of
 838 Georgia, including any college or university law enforcement chief executive that is
 839 registered or certified by the Georgia Peace Officer Standards and Training Council; or
 840 retired law enforcement chief executive that formerly managed a county, municipal, state,
 841 state authority, or federal law enforcement agency in the State of Georgia, including any
 842 college or university law enforcement chief executive that was registered or certified at
 843 the time of his or her retirement by the Georgia Peace Officer Standards and Training
 844 Council, if such retired law enforcement chief executive is receiving benefits under the
 845 Peace Officers' Annuity and Benefit Fund provided under Chapter 17 of Title 47 or is
 846 retired in good standing and receiving benefits from a county, municipal, State of
 847 Georgia, state authority, or federal retirement system; or

848 (4) Police officer of any county, municipal, state, state authority, or federal law
 849 enforcement agency in the State of Georgia, including any college or university police

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

858 In addition, any such sheriff, retired sheriff, deputy sheriff, retired deputy sheriff, active or
 859 retired law enforcement chief executive, or other law enforcement officer referred to in this
 860 subsection shall be authorized to carry a ~~pistol or revolver~~ handgun on or off duty
 861 anywhere within the state and the provisions of Code Sections 16-11-126 through
 862 ~~16-11-128~~ 16-11-127.2 shall not apply to the carrying of such firearms.

863 (d) A prosecution based upon a violation of Code Section 16-11-126; or 16-11-127, ~~or~~
 864 ~~16-11-128~~ need not negative any exemptions."

865 **SECTION 2-8.**

866 Said title is further amended by revising subsection (b) of Code Section 16-12-123, relating
 867 to bus or rail vehicle hijacking and boarding with concealed weapon, as follows:
 868 "(b) Any person who boards or attempts to board an aircraft, bus, or rail vehicle with any
 869 explosive, destructive device, or hoax device as such term is defined in Code Section
 870 16-7-80; firearm for which such person does not have on his or her person a valid weapons
 871 carry license issued pursuant to Code Section 16-11-129 unless possessing such firearm is
 872 prohibited by federal law; hazardous substance as defined by Code Section 12-8-92; or
 873 knife or other device designed or modified for the purpose of offense and defense
 874 concealed on or about his or her person or property which is or would be accessible to such
 875 person while on the aircraft, bus, or rail vehicle shall be guilty of a felony and, upon
 876 conviction thereof, shall be sentenced to imprisonment for not less than one nor more than
 877 ten years. The prohibition of this subsection shall not apply to any law enforcement
 878 officer, peace officer retired from a state or federal law enforcement agency, person in the
 879 military service of the state or of the United States, or commercial security personnel
 880 employed by the transportation company who is in possession of weapons used within the
 881 course and scope of ~~their~~ employment; nor shall the prohibition apply to persons
 882 transporting weapons contained in baggage which is not accessible to passengers if the
 883 presence of such weapons has been declared to the transportation company and such
 884 weapons have been secured in a manner prescribed by state or federal law or regulation for
 885 the purpose of transportation or shipment. The provisions of this subsection shall not apply

886 to any privately owned aircraft, bus, or rail vehicle if the owner of such aircraft or vehicle
887 has given his or her express permission to board the aircraft or vehicle with the item."

888 **SECTION 2-9.**

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

891 "(a) It shall be unlawful for any person, with the intention of avoiding or interfering with
892 a security measure or of introducing into a terminal any explosive, destructive device, or
893 hoax device as defined in Code Section 16-7-80; firearm for which such person does not
894 have on his or her person a valid weapons carry license issued pursuant to Code Section
895 16-11-129 unless possessing such firearm is prohibited by federal law; hazardous substance
896 as defined by Code Section 12-8-92; or knife or other device designed or modified for the
897 purpose of offense and defense, to:

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

904 **SECTION 2-10.**

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

908 "17-5-51.

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

918 **SECTION 2-11.**

919 Said title is further amended by revising subsection (b) of Code Section 17-7-23, relating to
 920 preclusion of certain courts from trying charges involving Code Section 16-11-126 or
 921 16-11-128, as follows:

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

930 **SECTION 2-12.**

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

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

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

938 **SECTION 2-13.**

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

942 "(1) To possess a firearm other than a handgun, as such term is defined in Code Section
 943 16-11-125.1, during a closed hunting season for that area unless such firearm is unloaded
 944 and stored in a motor vehicle so as not to be readily accessible or to possess a handgun
 945 during a closed hunting season for that area unless such person possesses a valid weapons
 946 carry license issued pursuant to Code Section 16-11-129;

947 (2) To possess a loaded firearm other than a handgun, as such term is defined in Code
 948 Section 16-11-125.1, in a motor vehicle during a legal open hunting season for that area
 949 or to possess a loaded handgun in a motor vehicle during a legal open hunting season for
 950 that area unless such person possesses a valid weapons carry license issued pursuant to
 951 Code Section 16-11-129;"

952 **SECTION 2-14.**

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

955 "27-3-6.

956 It shall be unlawful for any person to possess any center-fire or rimfire firearm other than
 957 a handgun, as such term is defined in Code Section 16-11-125.1, while hunting with a bow
 958 and arrow during archery or primitive weapons season for deer or while hunting with a
 959 muzzleloading firearm during a primitive weapons season for deer or to possess a loaded
 960 handgun while hunting with a bow and arrow during archery or primitive weapons season
 961 for deer or while hunting with a muzzleloading firearm during primitive weapons season
 962 for deer unless such person possesses a valid weapons carry license issued pursuant to
 963 Code Section 16-11-129."

964 **SECTION 2-15.**

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

968 "(1) To possess a firearm other than a handgun, as such term is defined in Code Section
 969 16-11-125.1, during a closed hunting season for that area unless such firearm is unloaded
 970 and stored in a motor vehicle so as not to be readily accessible or to possess a handgun
 971 during a closed hunting season for that area unless such person possesses a valid weapons
 972 carry license issued pursuant to Code Section 16-11-129;

973 (2) To possess a loaded firearm other than a handgun, as such term is defined in Code
 974 Section 16-11-125.1, in a motor vehicle during a legal open hunting season for that area
 975 or to possess a loaded handgun in a motor vehicle during a legal open hunting season for
 976 that area unless such person possesses a valid weapons carry license issued pursuant to
 977 Code Section 16-11-129; or"

978 **SECTION 2-16.**

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

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

987 **SECTION 2-17.**

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

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

998 **SECTION 2-18.**

999 Said title is further amended by revising subsection (e) of Code Section 43-34-6, relating to
 1000 investigations by medical board, as follows:

1001 "(e) The board, through the executive director, may hire investigators for the purpose of
 1002 conducting investigations. Any person so employed shall be considered to be a peace
 1003 officer and shall have all powers, duties, and status of a peace officer of this state;
 1004 provided, however, that such investigators shall only be authorized, upon written approval
 1005 of the executive director, notwithstanding Code Sections 16-11-126, ~~16-11-128~~, and
 1006 16-11-129, to carry firearms in the performance of their duties and exercise the powers of
 1007 arrest in the performance of their duties."

1008 **SECTION 2-19.**

1009 Said title is further amended by revising subsection (f) of Code Section 43-38-10, relating
 1010 to permits to carry firearms for private detectives and private security, as follows:

1011 "(f) An individual issued a permit in accordance with this Code section shall be exempt
 1012 from the following laws of this state:

- 1013 (1) Code Section 16-11-126, relating to carrying a ~~concealed~~ weapon;
- 1014 (2) Code Section 16-11-127, relating to carrying ~~deadly weapons at public gatherings a~~
 1015 weapon or long gun in an unauthorized location; and
- 1016 (3) ~~Code Section 16-11-128, relating to carrying a pistol without a license; and~~
- 1017 ~~(4) Code Section 16-11-129, relating to licenses to carry pistols and revolvers~~ weapons
 1018 generally."

SECTION 2-20.

1019
 1020 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended
 1021 by revising paragraph (2) of subsection (i) of Code Section 49-4A-8, relating to commitment
 1022 of delinquent or unruly children, as follows:

1023 “(2) The commissioner may designate as a peace officer who is authorized to exercise
 1024 the power of arrest any employee of the department whose full-time duties include the
 1025 preservation of public order, the protection of life and property, the detection of crime,
 1026 or the supervision of delinquent and unruly children in its institutions, facilities, or
 1027 programs, or any employee who is a line supervisor of any such employee. The
 1028 commissioner also may designate as a peace officer who is authorized to exercise the
 1029 power of arrest any employee of a person or organization which contracts with the
 1030 department pertaining to the management, custody, care, and control of delinquent
 1031 children retained by the person or organization, if that employee's full-time duties include
 1032 the preservation of public order, the protection of life and property, the detection of
 1033 crime, or the supervision of delinquent and unruly children in the department's
 1034 institutions, facilities, or programs, or any employee who is a line supervisor of such
 1035 employee. The commissioner may designate one or more employees of the department
 1036 to investigate and apprehend delinquent and unruly children who have escaped from an
 1037 institution or facility or who have broken the conditions of supervision; provided,
 1038 however, that the employees so designated shall only be those with primary responsibility
 1039 for the security functions of youth development centers or whose primary duty consists
 1040 of the apprehension of youths who have escaped from such institutions or facilities or
 1041 who have broken the conditions of supervision. An employee of the department so
 1042 designated shall have the police power to investigate, to apprehend such children, and to
 1043 arrest any person physically interfering with the proper apprehension of such children.
 1044 An employee of the department so designated in the investigative section of the
 1045 department shall have the power to obtain a search warrant for the purpose of locating
 1046 and apprehending such children. Additionally, such employee, while on the grounds or
 1047 in the buildings of the department's institutions or facilities, shall have the same law
 1048 enforcement powers, including the power of arrest, as a law enforcement officer of the
 1049 local government with police jurisdiction over such institutions or facilities. Such
 1050 employee shall be authorized to carry weapons, upon written approval of the
 1051 commissioner, notwithstanding Code Sections 16-11-126, ~~16-11-128~~, and 16-11-129.
 1052 The commissioner shall also be authorized to designate any person or organization with
 1053 whom the department contracts for services pertaining to the management, custody, care,
 1054 and control of delinquent and unruly children detained by the person or organization as
 1055 a law enforcement unit under paragraph (7) of Code Section 35-8-2. Any employee or

1056 person designated under this subsection shall be considered to be a peace officer within
1057 the meaning of Chapter 8 of Title 35 and must be certified under that chapter."

1058 **SECTION 2-21.**

1059 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
1060 by revising subsection (d) of Code Section 50-18-72, relating to when public disclosure of
1061 public records is not required, as follows:

1062 "(d) This article shall not be applicable to any application submitted to or any permanent
1063 records maintained by a judge of the probate court pursuant to Code Section 16-11-129,
1064 relating to weapons carry licenses ~~to carry pistols or revolvers~~, or pursuant to any other
1065 requirement for maintaining records relative to the possession of firearms. This subsection
1066 shall not preclude law enforcement agencies from obtaining records relating to licensing
1067 and possession of firearms as provided by law."

1068 **PART III**

1069 **EFFECTIVE DATE, APPLICABILITY, AND REPEALER**

1070 **SECTION 3-1.**

1071 This Act shall become effective upon its approval by the Governor or upon its becoming law
1072 without such approval and shall apply to all offenses committed on and after such date. The
1073 enactment of this Act shall not affect any prosecutions for acts occurring before the effective
1074 date of this Act and shall not act as an abatement of any such prosecutions.

1075 **SECTION 3-2.**

1076 All laws and parts of laws in conflict with this Act are repealed.