

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

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 change provisions regarding the carrying and possession of firearms; to
 3 provide for carrying certain weapons in certain locations; to provide for definitions; to
 4 provide that certain schools have the authority to permit certain persons to possess a weapon
 5 under certain conditions; to place the weapons licensing process within the office of the
 6 Secretary of State; to provide for penalties; to provide for fingerprinting and background
 7 checks of license applicants; to provide for administrative contracts; to provide for lost or
 8 damaged licenses; to provide for revocation of licenses under certain circumstances; to
 9 provide for a private right of action; to provide for rules and regulations; to provide for
 10 licensing exceptions; to provide for an automatic repeal; to amend Code Section 12-3-10 of
 11 the Official Code of Georgia Annotated, relating to what persons may be in parks, historic
 12 sites, or recreational areas, so as to permit persons with a weapons license to carry certain
 13 weapons in parks, historic sites, or recreational areas; to amend Title 27 of the Official Code
 14 of Georgia Annotated, relating to game and fish, so as permit a person possessing a weapons
 15 license to carry certain weapons while hunting during archery or primitive hunting season;
 16 to permit persons with a weapons license to carry certain weapons on public fishing areas;
 17 to amend various titles of the Official Code of Georgia Annotated so as to correct
 18 cross-references; to provide for an effective date; to provide for related matters; to repeal
 19 conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 **SECTION 1.**

22 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
 23 amended by revising Code Section 16-11-126, relating to carrying a concealed weapon, as
 24 follows:

25 "16-11-126.

26 (a) Notwithstanding Code Section 16-11-127.1, as used in this part, 'weapon' means a

27 pistol, revolver, or knife.

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

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

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

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

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

51 ~~(d)(e)~~ This Code section shall not forbid the transportation of ~~any firearm~~ any weapon by
 52 a person who is not among those enumerated as ineligible for a license under Code Section
 53 16-11-129, provided ~~the firearm~~ such weapon is enclosed in a case, unloaded, and
 54 separated from its ammunition.

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

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

63

SECTION 2.

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

66 "16-11-127.

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

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

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

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

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

89 ~~(e) A person licensed or permitted to carry a firearm by this part shall be permitted to carry~~
90 ~~such firearm, subject to the limitations of this part, in all parks, historic sites, and~~
91 ~~recreational areas, including all publicly owned buildings located in such parks, historic~~
92 ~~sites, and recreational areas and in wildlife management areas, notwithstanding Code~~
93 ~~Section 12-3-10, in wildlife management areas notwithstanding Code Section 27-3-1.1 and~~
94 ~~27-3-6, and in public transportation notwithstanding Code Sections 16-12-122 through~~
95 ~~16-12-127; provided, however, that a person shall not carry a firearm into a place~~
96 ~~prohibited by federal law.~~

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

100 (a) For the purposes of this Code section, the term:

- 101 (1) 'Government building' means:
102 (A) The offices in which a state agency is housed;
103 (B) The location where the governing entity of the state or a county, municipality, or
104 consolidated government meets in its official capacity if such location is not a publicly
105 owned building; provided, however, such location shall be considered a government
106 building for the purposes of this Code section only during the time such governing
107 entity is meeting at such location; or
108 (C) The portion of any building that is not a publicly owned building occupied by a
109 state agency, county, municipality, or consolidated government.
- 110 (2) 'School' means any real property owned by or leased to any public or private
111 elementary school or secondary school and used for public or private elementary or
112 secondary education.
- 113 (b) A person shall be guilty of a misdemeanor when he or she carries a weapon while in:
114 (1) A government building;
115 (2) A courtroom;
116 (3) A jail or prison;
117 (4) Any school; or
118 (5) Any dormitory or residential housing on the campus of a public college, university,
119 or institution of postsecondary education; provided, however, that such dormitory or
120 residential housing is not considered family housing.
- 121 (c) Notwithstanding Code Section 16-11-135, a license issued pursuant to Code Section
122 16-11-129 or recognized under subsection (f) of Code Section 16-11-126 shall authorize
123 the licensee to carry a weapon in every location in this state not listed in subsection (b) of
124 this Code section; provided, however, that nothing in this subsection shall limit the existing
125 authority of a private property owner to exclude persons carrying weapons from his or her
126 property. Notwithstanding subsection (b) of this Code section expressly forbidding the
127 possession of a weapon in a specific location, no cause of action shall be maintained
128 against a person for lawfully possessing a weapon pursuant to this Code section.
- 129 (d) Subsection (b) of this Code section shall not apply:
130 (1) To the use of weapons as exhibits in a legal proceeding, provided such weapons are
131 secured and handled as directed by the personnel providing courtroom security or the
132 presiding judge;
133 (2) To a person who is properly licensed pursuant to Code Section 16-11-129 who
134 approaches security or management personnel upon arrival at a location described in
135 subsection (b) of this Code section and notifies such security or management personnel
136 of the presence of the weapon and follows the security or management personnel's
137 direction for securing, storing, or temporarily surrendering such weapon; and

138 (3) To a weapon possessed by a person properly licensed pursuant to Code Section
 139 16-11-129 which is under the possessor's control in a motor vehicle or is in a locked
 140 compartment of a motor vehicle or one which is in a locked container in or a locked
 141 firearms rack which is on a motor vehicle and such vehicle is parked in the parking
 142 facility of a government building, a courtroom, a jail, a prison, or any school.

143 (e) The lack of a license shall be an element of the offense of any crime for which
 144 possession of such license is an exception to the crime. Failure to have such license on or
 145 about the person at the time of arrest shall be prima-facie evidence of the lack of a license."

146 **SECTION 3.**

147 Said title is further amended by revising subsection (a) of Code Section 16-11-127.1, relating
 148 to carrying weapons within school safety zones, at school functions, or on school property,
 149 as follows:

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

151 (1) 'School safety zone' means in, on, or within 1,000 feet of any real property owned by
 152 or leased to any public or private elementary school, secondary school, or school board
 153 and used for elementary or secondary education ~~and in, on, or within 1,000 feet of the~~
 154 ~~campus of any public or private technical school, vocational school, college, university,~~
 155 ~~or institution of postsecondary education.~~

156 (2) 'Weapon,' notwithstanding Code Section 16-11-126, means and includes any pistol,
 157 revolver, or any weapon designed or intended to propel a missile of any kind, or any dirk,
 158 bowie knife, switchblade knife, ballistic knife, any other knife having a blade of two or
 159 more inches, straight-edge razor, razor blade, spring stick, knuckles, whether made from
 160 metal, thermoplastic, wood, or other similar material, blackjack, any bat, club, or other
 161 bludgeon-type weapon, or any flailing instrument consisting of two or more rigid parts
 162 connected in such a manner as to allow them to swing freely, which may be known as a
 163 nun chahka, nun chuck, nunchaku, shuriken, or fighting chain, or any disc, of whatever
 164 configuration, having at least two points or pointed blades which is designed to be thrown
 165 or propelled and which may be known as a throwing star or oriental dart, or any weapon
 166 of like kind, and any stun gun or taser as defined in subsection (a) of Code Section
 167 16-11-106. This paragraph excludes any of these instruments used for classroom work
 168 authorized by the teacher."

169 **SECTION 4.**

170 Said title is further amended by revising in its entirety Code Section 16-11-129, relating to
 171 the license to carry a pistol or revolver, as follows:

172 "16-11-129.

173 (a) Application for weapons license; term. The Secretary of State shall, on application and
174 payment of a fee of \$15.00, issue a weapons license valid for a period of five years to any
175 person who is not ineligible for a weapons license pursuant to Code Section 16-11-129.1
176 which shall authorize that person to carry any weapon. The Secretary of State shall create
177 forms for the purpose of applying for a weapons license. Such forms shall be designed to
178 elicit information from the applicant pertaining to his or her eligibility under this Code
179 section but shall not require information that is not pertinent, including, but not limited to,
180 serial numbers or other identification information capable of being used as a de facto
181 registration of weapons owned by the applicant. Forms shall not request the disclosure of
182 the applicant's social security number. The Secretary of State shall make the application
183 forms publicly available and shall post them on the Internet in a downloadable format. The
184 Secretary of State shall accept applications by mail.

185 (b) Licensing exceptions. No weapons license shall be issued to:

186 (1) Any person under 21 years of age;

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

189 (3) Any person registered as a sexual offender pursuant to Code Section 42-1-12;

190 (4) Any person who has been convicted of three or more charges of driving under the
191 influence, boating under the influence, or operating an aircraft under the influence and
192 has not been free of all restraint or supervision in connection to such convictions for at
193 least five years;

194 (5) Any person who has been convicted of any of the following misdemeanors, and has
195 not been free of any conviction for a period of ten years for the violation of:

196 (A) Code Section 16-5-20, relating to simple assault;

197 (B) Code Section 16-5-23.1, relating to battery;

198 (C) Paragraph (3) of subsection (e) of Code Section 16-5-70, relating to cruelty to
199 children in the third degree;

200 (D) Code Section 16-5-90, relating to stalking;

201 (E) Code Section 16-6-10, relating to keeping a place of prostitution;

202 (F) Code Section 16-6-11, relating to pimping;

203 (G) Code Section 16-6-22.1, relating to sexual battery;

204 (H) Code Section 16-7-21, relating to criminal trespass;

205 (I) Code Section 16-11-102, relating to pointing a gun or a pistol at another;

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

207 (K) Code Section 16-11-127, relating to carrying a firearm into any place forbidden
208 under Georgia law;

209 (L) Code Section 16-11-128, relating to carrying a pistol without a license;

210 (M) Subsection (i) of this Code section, relating to the use of a revoked Georgia
211 weapons license;

212 (N) Code Section 16-11-134, relating to discharging a firearm while under the
213 influence; or

214 (O) Code Section 16-12-100, relating to child sexual exploitation;

215 (6) Any person who has been hospitalized as an inpatient in any mental hospital or
216 alcohol or drug treatment center within the five years immediately preceding the
217 application. The Secretary of State may require any applicant to sign a waiver
218 authorizing any mental hospital or treatment center to inform the Secretary of State
219 whether or not the applicant has been an inpatient in any such facility in the last five
220 years and authorizing the superintendent of such facility to make to the Secretary of State
221 a recommendation regarding whether the applicant is a threat to the safety of others and
222 whether a license to carry a weapon should be issued. When such a waiver is required by
223 the Secretary of State, the applicant shall pay a fee of \$3.00 for reimbursement of the cost
224 of making such a report by the mental health hospital, alcohol or drug treatment center,
225 or the Department of Behavioral Health and Developmental Disabilities, which the
226 Secretary of State shall remit to the hospital, center, or department. The Secretary of State
227 shall keep any such hospitalization or treatment information confidential. It shall be at
228 the discretion of the Secretary of State, considering the circumstances surrounding the
229 hospitalization and the recommendation of the superintendent of the hospital or treatment
230 center where the individual was a patient, to issue the license or renewal license; or

231 (7)(A) Any person who has been convicted of an offense arising out of the unlawful
232 manufacture, distribution, possession, or use of a controlled substance or other
233 dangerous drug.

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

235 (i) 'Controlled substance' means any drug, substance, or immediate precursor
236 included in the definition of controlled substances in paragraph (4) of Code Section
237 16-13-21.

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

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

243 (c) Alteration or counterfeiting of license; penalty. A person who deliberately alters or
244 counterfeits a weapons license commits a felony and, upon conviction thereof, shall be
245 punished by imprisonment for a period of not less than one nor more than five years.

246 (d) First time applicants. For the purposes of this subsection, a person who has a valid
247 weapons license issued under this Code section as it existed on June 30, 2010, shall not be
248 considered to be applying for a weapons license for the first time under this Code section.
249 Application for a license under this Code section shall constitute express consent and
250 authorization for the Secretary of State or his or her representative to perform a criminal
251 background check. Each applicant who submits an application to the Secretary of State for
252 licensure pursuant to this Code section agrees to provide the Secretary of State with any
253 and all information necessary to run a criminal background check, including but not limited
254 to classifiable sets of fingerprints. The applicant shall be responsible for all fees associated
255 with the performance of such background check. Fingerprints shall be in such form and
256 of such quality as prescribed by the Georgia Crime Information Center and under standards
257 adopted by the Federal Bureau of Investigation. The Secretary of State shall submit
258 fingerprints captured for the purposes of obtaining a weapons license to the Georgia Crime
259 Information Center for a background check. The agency or contractor may charge a fee
260 not to exceed \$25.00 for capturing the fingerprints and running the background check.

261 (e) First time and renewal applicants. The Secretary of State shall perform a background
262 check using the Federal Bureau of Investigation's National Instant Criminal Background
263 Check System in accordance with the federal Brady Handgun Violence Prevention Act, 18
264 U.S.C. Section 921, et seq., on every applicant to determine eligibility for a weapons
265 license in accordance with Code Section 16-11-129.1. The Secretary of State shall perform
266 the background check using the National Instant Criminal Background Check System
267 within five days of receipt of an application for a weapons license. A person may apply
268 for a renewal weapons license up to 90 days before and 30 days after the expiration of his
269 or her current weapons license. When a person who is not a United States citizen applies
270 for a license or renewal of a license under this Code section, the Secretary of State shall
271 direct the law enforcement agency to conduct a search of the records maintained by United
272 States Immigration and Customs Enforcement. As a condition to the issuance of a license
273 or the renewal of a license, an applicant who is in nonimmigrant status shall provide proof
274 of his or her qualifications for an exception to the federal weapon prohibition pursuant to
275 18 U.S.C. Section 922(y).

276 (f) Administrative contracts. The Secretary of State shall be authorized to enter into
277 contracts with private persons and entities to perform administrative functions relating to
278 Georgia Crime Information Center background checks.

279 (g) Issuance of weapons license. The Secretary of State shall issue a weapons license
280 within five days of completion of the background check using the Federal Bureau of
281 Investigation's National Instant Criminal Background Check System. For first time
282 applicants, if the fingerprint based background check is not available at the time of issuance
283 and later reveals material falsification of the application or grounds for ineligibility of a
284 weapons license, the Secretary of State may commence proceedings to revoke the weapons
285 license pursuant to subsection (h) of this Code section. A weapons license issued pursuant
286 to this Code section shall be valid for a period of five years.

287 (h) Lost or damaged weapons license. If a weapons license issued under this Code section
288 becomes lost, stolen, or damaged, the licensee shall report such fact to the Secretary of
289 State, who shall issue a replacement weapons license within five days of receiving such
290 report. The Secretary of State may charge a fee not to exceed \$5.00 for a replacement
291 weapons license. No background checks shall be performed for issuing a replacement
292 weapons license.

293 (i) Revocation of weapons license. If the Secretary of State learns of any factor that
294 renders a licensee ineligible for a weapons license, the Secretary of State may initiate
295 revocation proceedings pursuant to Chapter 13 of Title 50, the 'Georgia Administrative
296 Procedure Act.' Upon revocation, the licensee shall surrender his or her weapons license
297 to the Secretary of State. Any person who uses a revoked weapons license for any purpose
298 shall be punished as for a misdemeanor.

299 (j) Private right of action. If an eligible applicant does not receive a weapons license or
300 replacement weapons license as required by this Code section, the applicant may bring an
301 action for mandamus or other legal proceeding in order to obtain a weapons license or
302 replacement weapons license, and such applicant shall be entitled to recover his or her costs
303 in such action, including reasonable attorney's fees.

304 (k) Revocation of license after conviction of a crime. If a person possessing a license
305 pursuant to this Code section is convicted of a crime, and such conviction requires the
306 revocation of his or her license pursuant to subsection (h) of this Code section, the clerk
307 of the court convicting such person shall notify the Secretary of State. Upon receiving such
308 notification, the Secretary of State shall begin the process to revoke such person's license
309 pursuant to subsection (h) of this Code section.

310 (l) Lack of licence as element of a crime. The lack of a license issued pursuant to this
311 Code section, or of a license issued by another state that is recognized by this state pursuant
312 to subsection (g) of Code Section 16-11-126, shall be an element of the crime for the
313 offenses established in:

314 (1) Code Section 12-3-10, relating to persons permitted at parks, historic sites, or
315 recreational areas;

- 316 (2) Code Section 16-11-126, relating to carrying a concealed weapon;
 317 (3) Code Section 16-11-127, relating to carrying weapons to or at public buildings; and
 318 (4) Code Section 16-11-127.1, relating to carrying weapons within school safety zones.
 319 (5) Code Section 16-12-123, relating to boarding a bus or rail with a concealed weapon;
 320 (6) Code Section 16-12-127, relating to the prohibition of firearms, hazardous
 321 substances, knives, or other devices in a terminal;
 322 (7) Code Section 21-2-413, relating to the conduct of voters, campaigners, and others at
 323 polling places;
 324 (8) Code Section 27-3-1.1, relating to acts prohibited on wildlife management areas;
 325 (9) Code Section 27-3-6, relating to possession of a firearm while hunting with bow and
 326 arrow; and
 327 (10) Code Section 27-3-11.1, relating to the possession of firearms and intoxication on
 328 public fishing areas."

329 **SECTION 5.**

330 Said title is further amended by revising subsection (b) of Code Section 16-11-129, relating
 331 to the license to carry a pistol or revolver, as follows:

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

- 333 ~~(1.1) Any person under 21 years of age;~~
 334 ~~(2) Any person who is a fugitive from justice or against whom proceedings are pending~~
 335 ~~for any felony, forcible misdemeanor, or violation of Code Section 16-11-126,~~
 336 ~~16-11-127, or 16-11-128 until such time as the proceedings are adjudicated;~~
 337 ~~(3) Any person who has been convicted of a felony by a court of this state or any other~~
 338 ~~state; by a court of the United States including its territories, possessions, and dominions;~~
 339 ~~or by a court of any foreign nation and has not been pardoned for such felony by the~~
 340 ~~President of the United States, the State Board of Pardons and Paroles, or the person or~~
 341 ~~agency empowered to grant pardons under the constitution or laws of such state or nation~~
 342 ~~or any person who has been convicted of a forcible misdemeanor and has not been free~~
 343 ~~of all restraint or supervision in connection therewith for at least five years or any person~~
 344 ~~who has been convicted of a violation of Code Section 16-11-126, 16-11-127, or~~
 345 ~~16-11-128 and has not been free of all restraint or supervision in connection therewith for~~
 346 ~~at least three years, immediately preceding the date of the application;~~
 347 ~~(4) Any individual who has been hospitalized as an inpatient in any mental hospital or~~
 348 ~~alcohol or drug treatment center within five years of the date of his or her application.~~
 349 ~~The probate judge may require any applicant to sign a waiver authorizing any mental~~
 350 ~~hospital or treatment center to inform the judge whether or not the applicant has been an~~
 351 ~~inpatient in any such facility in the last five years and authorizing the superintendent of~~

352 such facility to make to the judge a recommendation regarding whether a license to carry
 353 a pistol or revolver should be issued. When such a waiver is required by the probate
 354 judge, the applicant shall pay to the probate judge a fee of \$3.00 for reimbursement of the
 355 cost of making such a report by the mental health hospital, alcohol or drug treatment
 356 center, or the Department of Behavioral Health and Developmental Disabilities, which
 357 the probate judge shall remit to the hospital, center, or department. The judge shall keep
 358 any such hospitalization or treatment information confidential. It shall be at the
 359 discretion of the probate judge, considering the circumstances surrounding the
 360 hospitalization and the recommendation of the superintendent of the hospital or treatment
 361 center where the individual was a patient, to issue the license or renewal license;

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

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

366 (i) ~~'Controlled substance' means any drug, substance, or immediate precursor~~
 367 ~~included in the definition of controlled substances in paragraph (4) of Code Section~~
 368 ~~16-13-21.~~

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

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

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

375

376

SECTION 6.

377 Said title is further amended by adding a new Code section to read as follows:

378 "16.11.129.1.

379 (a) No weapons license shall be issued to:

380 (1) Any person under 21 years of age;

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

383 (3) Any person registered as a sexual offender pursuant to Code Section 42-1-12;

384 (4) Any person who has been convicted of three or more charges of driving under the
 385 influence, boating under the influence, or operating an aircraft under the influence and
 386 has not been free of all restraint or supervision in connection to such convictions for at
 387 least five years;

388 (5) Any person who has been convicted of any of the following misdemeanors, and has
389 not been free of any conviction for a period of ten years for the violation of:

390 (A) Code Section 16-5-20, relating to simple assault;
391 (B) Code Section 16-5-23.1, relating to battery;
392 (C) Paragraph (3) of subsection (e) of Code Section 16-5-70, relating to cruelty to
393 children in the third degree;
394 (D) Code Section 16-5-90, relating to stalking;
395 (E) Code Section 16-6-10, relating to keeping a place of prostitution;
396 (F) Code Section 16-6-11, relating to pimping;
397 (G) Code Section 16-6-22.1, relating to sexual battery;
398 (H) Code Section 16-7-21, relating to criminal trespass;
399 (I) Code Section 16-11-102, relating to pointing a gun or a pistol at another;
400 (J) Code Section 16-11-126, relating to carrying a concealed weapon;
401 (K) Code Section 16-11-127, relating to carrying a firearm into any place forbidden
402 under Georgia law;
403 (L) Code Section 16-11-128, relating to carrying a pistol without a license;
404 (M) Subsection (i) of Code Section 16-11-129, relating to the use of a revoked Georgia
405 weapons license;
406 (N) Code Section 16-11-134, relating to discharging a firearm while under the
407 influence; or
408 (O) Code Section 16-12-100, relating to child sexual exploitation;

409 (6) Any person who has been hospitalized as an inpatient in any mental hospital or
410 alcohol or drug treatment center within the five years immediately preceding the
411 application. The judge of the probate court issuing the weapons license may require any
412 applicant to sign a waiver authorizing any mental hospital or treatment center to inform
413 the probate judge whether or not the applicant has been an inpatient in any such facility
414 in the last five years and authorizing the superintendent of such facility to make to the
415 probate judge a recommendation regarding whether the applicant is a threat to the safety
416 of others and whether a license to carry a weapon should be issued. When such a waiver
417 is required by the probate judge, the applicant shall pay a fee of \$3.00 for reimbursement
418 of the cost of making such a report by the mental health hospital, alcohol or drug
419 treatment center, or the Department of Behavioral Health and Developmental Disabilities,
420 which the probate judge shall remit to the hospital, center, or department. The probate
421 judge shall keep any such hospitalization or treatment information confidential. It shall
422 be at the discretion of the probate judge, considering the circumstances surrounding the
423 hospitalization and the recommendation of the superintendent of the hospital or treatment
424 center where the individual was a patient, to issue the license or renewal license; or

425 (7)(A) Any person who has been convicted of an offense arising out of the unlawful
 426 manufacture, distribution, possession, or use of a controlled substance or other
 427 dangerous drug.

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

429 (i) 'Controlled substance' means any drug, substance, or immediate precursor
 430 included in the definition of controlled substances in paragraph (4) of Code Section
 431 16-13-21.

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

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

437 (b) This Code section shall be repealed on January 1, 2012."

438 **SECTION 7.**

439 Said title is further amended in Code Section 16-10-51, relating to bail jumping, by revising
 440 subparagraph (c)(2)(C) as follows:

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

443 **SECTION 8.**

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

447 "(o) It shall be unlawful for any person to use or possess in any park, historic site, or
 448 recreational area any fireworks, explosives, or firecrackers, unless stored so as not to be
 449 readily accessible or unless such use has been approved by prior written permission of the
 450 commissioner of natural resources or his or her authorized representative. It shall also be
 451 unlawful for any person without a weapons license issued pursuant to Code Section
 452 16-11-129 to use or possess in any park, historic site, or recreational area any firearms,
 453 It shall also be unlawful for any person to use or possess in any park, historic site, or
 454 recreational area any bows and arrows, spring guns, air rifles, slingshots, or any other
 455 device which discharges projectiles by any means, unless the device is unloaded and stored
 456 so as not to be readily accessible or unless such use has been approved within restricted
 457 areas by prior written permission of the commissioner of natural resources or his or her
 458 authorized representative."

459

SECTION 9.

460 Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by
461 revising Code Section 27-3-1.1, relating to acts prohibited on wildlife management areas, as
462 follows:

463 "27-3-1.1.

464 It shall be unlawful for any person on any wildlife management area owned or operated by
465 the department:

466 (1) To possess a firearm during a closed hunting season for that area unless such firearm
467 is unloaded and stored in a motor vehicle so as not to be readily accessible;

468 (2) To possess a loaded firearm in a motor vehicle during a legal open hunting season
469 for that area;

470 (3) To be under the influence of drugs, intoxicating liquors, beers, or wines. The
471 determination of whether any person is under the influence of drugs or intoxicating
472 liquors, beers, or wines may be made in accordance with Code Section 27-3-7;

473 (4) To hunt within 50 yards of any road which receives regular maintenance for the
474 purpose of public vehicular access;

475 (5) To target practice, except where an authorized shooting range is made available by
476 the department, and then only in a manner consistent with the rules for shooting ranges
477 promulgated by the board;

478 (6) To drive a vehicle around a closed gate, cable, sign, or other structure or device
479 intended to prevent vehicular access to a road entering onto or within such an area;

480 (7) To hunt within any posted safety zone;

481 (8) To camp upon or drive a motor vehicle over any permanent pasture or area planted
482 in crops;

483 (9) While hunting bears in any such area opened to bear hunting, to kill a female bear
484 with a cub or cubs or to kill a cub weighing less than 75 pounds;

485 (10) To fail to report if he or she kills a deer, bear, or turkey in the manner specified by
486 the rules of the department for that wildlife management area on the date killed to the
487 state game and fish checking station on the area;

488 (11) To construct any tree stand or to hunt from any tree stand except a portable or
489 natural tree stand; or

490 (12) To trap except with a special trapping permit issued by the department.

491 Paragraphs (1) and (2) of this Code section shall not apply to persons possessing a weapons
492 license issued pursuant to Code Section 16-11-129."

493 **SECTION 10.**

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

496 "27-3-6.

497 It shall be unlawful for any person to possess any center-fire or rimfire firearm while
498 hunting with a bow and arrow during archery or primitive weapons season for deer or while
499 hunting with a muzzleloading firearm during a primitive weapons season for deer unless
500 such person possesses a weapons license issued pursuant to Code Section 16-11-129."

501 **SECTION 11.**

502 Said title is further amended in subsection (a) of Code Section 27-4-11.1, relating to the
503 possession of firearms and intoxication on public fishing areas, as follows:

504 "(a) It shall be unlawful for any person on any public fishing area owned or operated by
505 the department:

506 (1) To possess a firearm during a closed hunting season for that area unless such firearm
507 is unloaded and stored in a motor vehicle so as not to be readily accessible;

508 (2) To possess a loaded firearm in a motor vehicle during a legal open hunting season
509 for that area; or

510 (3) To be under the influence of drugs, intoxicating liquors, beers, or wines. The
511 determination of whether any person is under the influence of drugs or intoxicating
512 liquors, beers, or wines may be made in accordance with the provisions of Chapter 3 of
513 this title relating to hunting while under the influence of drugs or alcohol.

514 Paragraphs (1) and (2) of this subsection shall not apply to person possessing a weapons
515 license issued pursuant to Code Section 16-11-129."

516 **SECTION 12.**

517 Code Section 20-2-1184 of the Official Code of Georgia Annotated, relating to reporting of
518 students committing prohibited acts, is amended by revising paragraph (4) of subsection (a)
519 as follows:

520 "(4) Code Section 16-11-127, relating to carrying deadly weapons at ~~public gatherings~~
521 an unauthorized location;"

522 **SECTION 13.**

523 Code Section 43-38-10 of the Official Code of Georgia Annotated, relating to permits to
524 carry weapons and certain proficiency requirements, is amended by revising subsection (f)
525 as follows:

526 "(f) An individual issued a permit in accordance with this Code section shall be exempt
 527 from the following laws of this state:
 528 (1) Code Section 16-11-126, relating to carrying a concealed weapon;
 529 (2) Code Section 16-11-127, relating to carrying deadly weapons at ~~public gatherings~~ an
 530 unauthorized location;
 531 (3) Code Section 16-11-128, relating to carrying a pistol without a license; and
 532 (4) Code Section 16-11-129, relating to licenses to carry ~~pistols and revolvers~~ firearms
 533 weapons generally."

534 **SECTION 14.**

535 Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public
 536 disclosure of public records are not required, is amended by revising subsection (d) as
 537 follows:

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

544 **SECTION 15.**

545 Sections 4 and 14 of this Act shall become effective on January 1, 2012. The remaining
 546 sections of this Act shall become effective upon its approval by the Governor or upon its
 547 becoming law without such approval.

548 **SECTION 16.**

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