

Senate Bill 102

By: Senators Mullis of the 53rd, Rogers of the 21st, Sims of the 12th, Williams of the 19th, Shafer of the 48th 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 provide and revise certain definitions; to revise certain provisions relative
3 to the carrying and possession of firearms; to provide for penalties; to revise certain
4 terminology; to revise the manner of issuance of and qualifications for firearms licenses; to
5 provide for related matters; to amend Article 27 of Chapter 2 of Title 20 of the Official Code
6 of Georgia Annotated, relating to loitering at or disrupting schools, and Chapter 38 of Title
7 43 of the Official Code of Georgia Annotated, relating to operators of private detective
8 businesses and private security businesses, so as to conform certain language; to repeal
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 SECTION 1.

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

15 "(C) Carrying a weapon, rifle, or shotgun ~~or long gun~~ in an unauthorized location, as
16 provided in Code Section 16-11-127;".

17 SECTION 2.

18 Said title is further amended by revising Code Section 16-11-125.1, relating to definitions
19 regarding firearms, as follows:

20 "16-11-125.1.

21 As used in this part, the term:

22 (1) 'Firearm' means any rifle, shotgun, pistol, or similar device which propels a projectile
23 or projectiles through the energy of an explosive.

24 ~~(+) (2) 'Handgun' means a firearm of any description, loaded or unloaded, from which~~
25 ~~any shot, bullet, or other missile can be discharged by an action of an explosive where the~~

26 ~~length of the barrel, not including any revolving, detachable, or magazine breech, does~~
 27 ~~not exceed 12 inches~~ designed or redesigned, made or remade, and intended to be held
 28 and fired by the use of a single hand; provided, however, that the term 'handgun' shall not
 29 include a gun firearm which discharges a single shot of ~~.46 centimeters~~ centimeter or less
 30 in diameter.

31 ~~(2)~~ (3) 'Knife' means a cutting instrument designed for the purpose of offense and
 32 defense consisting of a blade that is greater than five inches in length which is fastened
 33 to a handle.

34 ~~(3)~~ (4) 'License holder' means a person who ~~holds~~ has a valid weapons carry license.

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

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

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

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

45 (5) 'Rifle' means a firearm designed or redesigned, made or remade, and intended to be
 46 fired from the shoulder and to discharge only a single projectile through a rifled bore for
 47 each single pull of the trigger; provided, however, that the term 'rifle' shall not include a
 48 firearm which discharges a single shot of .46 centimeter or less in diameter.

49 (6) 'Shotgun' has the same meaning as in paragraph (6) of Code Section 16-11-121;
 50 provided, however, that the term 'shotgun' shall not include a firearm which discharges
 51 a single shot of .46 centimeter or less in diameter.

52 ~~(5)~~ (7) 'Weapon' means a knife or handgun.

53 ~~(6)~~ (8) 'Weapons carry license' or 'license' means a license issued pursuant to Code
 54 Section 16-11-129."

55 SECTION 3.

56 Said title is further amended by revising Code Section 16-11-126, relating to possessing or
 57 carrying a handgun or long gun, as follows:

58 16-11-126.

59 (a)(1) ~~Any person who is not prohibited by law from possessing a handgun or long gun~~
 60 ~~may have or carry on his or her person a weapon or long gun on his or her property or~~
 61 ~~inside his or her home, motor vehicle, or place of business without a valid weapons carry~~

62 ~~license~~ No person shall carry, whether openly or concealed, a weapon, rifle, or shotgun,
 63 whether such firearm is loaded or unloaded, on or about the person without a valid
 64 weapons carry license unless he or she meets one of the exceptions to having such license
 65 as provided in subsection (b) of this Code section.

66 (2) Upon conviction of an offense under this subsection, a person shall be punished as
 67 follows:

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

69 (B) For the second offense within five years, as measured from the dates of previous
 70 arrests for which convictions were obtained to the date of the current arrest for which
 71 a conviction is obtained, and for any subsequent offense, he or she shall be guilty of a
 72 felony and, upon conviction thereof, shall be imprisoned for not less than two years and
 73 not more than five years.

74 ~~(b) Any person who is not prohibited by law from possessing a handgun or long gun may~~
 75 ~~have or carry on his or her person a long gun without a valid weapons carry license;~~
 76 ~~provided that if the long gun is loaded, it shall only be carried in an open and fully exposed~~
 77 ~~manner~~ The prohibition contained in subsection (a) of this Code section shall not apply to
 78 any person who is engaged in any one or more of the following:

79 (1) Carrying, whether openly or concealed, a weapon, rifle, or shotgun, whether such
 80 firearm is loaded or unloaded, on or about the person when in or on property that the
 81 person owns or legally possesses or in or on the person's own vehicle;

82 (2) Carrying a rifle or shotgun on or about the person, provided that, if the rifle or
 83 shotgun is loaded, it must be carried in an open and fully exposed manner;

84 (3) Carrying an unloaded handgun completely enclosed in a case;

85 (4) Carrying, as a nonresident of this state and a license holder in any other state whose
 86 laws recognize and give effect to a license issued pursuant to this part, a weapon on or
 87 about the person in compliance with the laws that apply to license holders of this state;
 88 or

89 (5) Carrying, whether openly or concealed, a weapon, rifle, or shotgun, whether such
 90 firearm is loaded or unloaded, while lawfully hunting, fishing, or sport shooting.

91 ~~(c) Any person who is not prohibited by law from possessing a handgun or long gun may~~
 92 ~~have or carry any handgun provided that it is enclosed in a case and unloaded~~ Nothing in
 93 this Code section shall be construed to alter or impair the right of persons who own or
 94 legally control private property to restrict or prohibit the possession or carrying of firearms
 95 in or on such property, except as provided in Code Section 16-11-135.

96 ~~(d) Any person who is not prohibited by law from possessing a handgun or long gun who~~
 97 ~~is eligible for a weapons carry license may transport a handgun or long gun in any private~~
 98 ~~passenger motor vehicle; provided, however, that private property owners or persons in~~

99 ~~legal control of property through a lease, rental agreement, licensing agreement, contract,~~
 100 ~~or any other agreement to control access to such property shall have the right to forbid~~
 101 ~~possession of a weapon or long gun on their property, except as provided in Code Section~~
 102 ~~16-11-135 Nothing in this Code section shall be construed to authorize the possession or~~
 103 ~~carrying of firearms where prohibited by federal law.~~

104 ~~(e) Any person licensed to carry a handgun or weapon in any other state whose laws~~
 105 ~~recognize and give effect to a license issued pursuant to this part shall be authorized to~~
 106 ~~carry a weapon in this state, but only while the licensee is not a resident of this state;~~
 107 ~~provided, however, that such licensee shall carry the weapon in compliance with the laws~~
 108 ~~of this state.~~

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

115 ~~(g) Notwithstanding Code Sections 12-3-10, 27-3-1.1, 27-3-6, and 16-12-122 through~~
 116 ~~16-12-127, any person with a valid weapons carry license may carry a weapon in all parks,~~
 117 ~~historic sites, or recreational areas, as such term is defined in Code Section 12-3-10,~~
 118 ~~including all publicly owned buildings located in such parks, historic sites, and recreational~~
 119 ~~areas, in wildlife management areas, and on public transportation; provided, however, that~~
 120 ~~a person shall not carry a handgun into a place where it is prohibited by federal law.~~

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

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

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

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

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

134 **SECTION 4.**

135 Said title is further amended by revising Code Section 16-11-127, relating to carrying
 136 weapons, as follows:

137 "16-11-127.

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

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

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

145 (3) 'Government building' means:

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

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

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

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

156 (5) 'Parking facility' means real property owned or leased by a government entity,
 157 courthouse, jail, prison, place of worship, or bar that has been designated by such
 158 government entity, courthouse, jail, prison, place of worship, or bar for the parking of
 159 motor vehicles at a government building or at such courthouse, jail, prison, place of
 160 worship, or bar.

161 (b) A person, including a license holder or nonresident holder of a license recognized
 162 under paragraph (4) of subsection (b) of Code Section 16-11-126, commits shall be guilty
 163 of carrying a weapon or long gun in an unauthorized location and punished as for a
 164 misdemeanor when he or she carries, whether openly or concealed, a weapon, rifle, or
 165 shotgun, whether such firearm is loaded or unloaded, or long gun while:

166 (1) In a government building;

167 (2) In a courthouse;

168 (3) In a jail or prison;

169 ~~(4) In a place of worship;~~

170 ~~(5)~~ (4) In a state mental health facility as defined in Code Section 37-1-1 which admits
 171 individuals on an involuntary basis for treatment of mental illness, developmental
 172 disability, or addictive disease; ~~provided, however, that carrying a weapon or long gun~~
 173 ~~in such location in a manner in compliance with paragraph (3) of subsection (d) of this~~
 174 ~~Code section shall not constitute a violation of this subsection;~~

175 ~~(6)~~ (5) In a bar, unless the owner of the bar permits the carrying of weapons, rifles, or
 176 shotguns ~~or long guns~~ by license holders;

177 ~~(7)~~ (6) On the premises of a nuclear power facility, except as provided in Code Section
 178 16-11-127.2, and the punishment provisions of Code Section 16-11-127.2 shall supersede
 179 the punishment provisions of this Code section; or

180 ~~(8)~~ (7) Within 150 feet of any polling place, except as provided in subsection (i) of Code
 181 Section 21-2-413.

182 ~~(c)~~ Except as provided in Code Section 16-11-127.1, a license holder or person recognized
 183 under subsection (e) of Code Section 16-11-126 shall be authorized to carry a weapon as
 184 provided in Code Section 16-11-135 and in every location in this state not listed in
 185 subsection (b) of this Code section; ~~provided, however, that private property owners or~~
 186 ~~persons in legal control of property through a lease, rental agreement, licensing agreement,~~
 187 ~~contract, or any other agreement to control access to such property shall have the right to~~
 188 ~~forbid possession of a weapon or long gun on their property, except as provided in Code~~
 189 ~~Section 16-11-135. A violation of subsection (b) of this Code section shall not create or~~
 190 ~~give rise to a civil action for damages.~~

191 ~~(d)~~ (c) Subsection (b) of this Code section shall not apply:

192 (1) To the use of weapons, rifles, or shotguns ~~or long guns~~ as exhibits in a legal
 193 proceeding, provided such weapons, rifles, or shotguns ~~or long guns~~ are secured and
 194 handled as directed by the personnel providing courtroom security or the judge hearing
 195 the case;

196 (2) To a license holder who approaches security or management personnel upon arrival
 197 at a location described in subsection (b) of this Code section and notifies such security
 198 or management personnel of the presence of the weapon, rifle, or shotgun ~~or long gun~~ and
 199 explicitly follows the security or management personnel's direction for removing,
 200 securing, storing, or temporarily surrendering such weapon, rifle, or shotgun ~~or long gun~~;
 201 and

202 (3) To a weapon, rifle, or shotgun ~~or long gun~~ possessed by a license holder which is
 203 under the possessor's control in a motor vehicle or is in a locked compartment of a motor
 204 vehicle or one which is in a locked container in or a locked firearms rack which is on a
 205 motor vehicle and such vehicle is parked in a parking facility."

206

SECTION 5.

207 Said title is further amended by revising Code Section 16-11-127.1, relating to weapons in
208 school safety zones, buildings, and grounds and at school functions, as follows:

209 "16-11-127.1.

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

211 (1) 'School safety zone' means in or on any real property owned by or leased to any
212 public or private elementary school, secondary school, or school board and used for
213 elementary or secondary education and in or on the campus of any public or private
214 technical school, vocational school, college, university, or institution of postsecondary
215 education.

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

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

234 (2) Any license holder who violates this subsection shall be guilty of a misdemeanor.
235 Any person who is not a license holder who violates this subsection shall be guilty of a
236 felony and, upon conviction thereof, be punished by a fine of not more than \$10,000.00,
237 by imprisonment for not less than two nor more than ten years, or both.

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

- 242 (4) A child who violates this subsection may be subject to the provisions of Code Section
 243 15-11-63.
- 244 (c) The provisions of this Code section shall not apply to:
- 245 (1) Baseball bats, hockey sticks, or other sports equipment possessed by competitors for
 246 legitimate athletic purposes;
- 247 (2) Participants in organized sport shooting events or firearm training courses;
- 248 (3) Persons participating in military training programs conducted by or on behalf of the
 249 armed forces of the United States or the Georgia Department of Defense;
- 250 (4) Persons participating in law enforcement training conducted by a police academy
 251 certified by the Georgia Peace Officer Standards and Training Council or by a law
 252 enforcement agency of the state or the United States or any political subdivision thereof;
- 253 (5) The following persons, when acting in the performance of their official duties or
 254 when en route to or from their official duties:
- 255 (A) A peace officer as defined by Code Section 35-8-2;
- 256 (B) A law enforcement officer of the United States government;
- 257 (C) A prosecuting attorney of this state or of the United States;
- 258 (D) An employee of the Georgia Department of Corrections or a correctional facility
 259 operated by a political subdivision of this state or the United States who is authorized
 260 by the head of such correctional agency or facility to carry a firearm;
- 261 (E) A person employed as a campus police officer or school security officer who is
 262 authorized to carry a weapon in accordance with Chapter 8 of Title 20; and
- 263 (F) Medical examiners, coroners, and their investigators who are employed by the state
 264 or any political subdivision thereof;
- 265 (6) A person who has been authorized in writing by a duly authorized official of the
 266 school to have in such person's possession or use as part of any activity being conducted
 267 at a school building, school property, or school function a weapon which would otherwise
 268 be prohibited by this Code section. Such authorization shall specify the weapon or
 269 weapons which have been authorized and the time period during which the authorization
 270 is valid;
- 271 (7) A person who is licensed in accordance with Code Section 16-11-129 or issued a
 272 permit pursuant to Code Section 43-38-10, when such person:
- 273 ~~(A) carries or picks up~~ Is dropping off or picking up a student at a school building, school
 274 function, ~~or school property,~~ or on the parking area of a bus or other transportation
 275 furnished by the school; or
- 276 ~~(B) a person who is licensed in accordance with Code Section 16-11-129 or issued a~~
 277 ~~permit pursuant to Code Section 43-38-10 when he or she has~~ Has any weapon legally
 278 kept locked within a vehicle or in a locked container or rack which is in or on a vehicle

279 when such vehicle is parked at such school property or is in transit through a ~~designated~~
 280 school safety zone;

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

289 ~~(9)~~ (8) Persons employed in fulfilling defense contracts with the government of the
 290 United States or agencies thereof when possession of the weapon is necessary for
 291 manufacture, transport, installation, and testing under the requirements of such contract;

292 ~~(10)~~ (9) Those employees of the State Board of Pardons and Paroles when specifically
 293 designated and authorized in writing by the members of the State Board of Pardons and
 294 Paroles to carry a weapon;

295 ~~(11)~~ (10) The Attorney General and those members of his or her staff whom he or she
 296 specifically authorizes in writing to carry a weapon;

297 ~~(12)~~ (11) Probation supervisors employed by and under the authority of the Department
 298 of Corrections pursuant to Article 2 of Chapter 8 of Title 42, known as the 'State-wide
 299 Probation Act,' when specifically designated and authorized in writing by the director of
 300 the Division of Probation;

301 ~~(13)~~ (12) Public safety directors of municipal corporations;

302 ~~(14)~~ (13) State and federal trial and appellate judges;

303 ~~(15)~~ (14) United States attorneys and assistant United States attorneys;

304 ~~(16)~~ (15) Clerks of the superior courts;

305 ~~(17)~~ (16) Teachers and other school personnel who are otherwise authorized to possess
 306 or carry weapons, provided that any such weapon is in a locked compartment of a motor
 307 vehicle or ~~one which is~~ in a locked container in or a locked firearms rack which is on a
 308 motor vehicle; ~~or~~

309 ~~(18)~~ (17) Constables of any county of this state;

310 (18) A person who is in lawful possession of a weapon in or on a vehicle while in transit
 311 through a school safety zone;

312 (19) A person who resides within a school safety zone, as well as invitees of such person,
 313 when in or on the person's property; or

314 (20) A person who, within a school safety zone, owns or manages a lawful business that
 315 is not part of the school itself, as well as the person's business invitees, when in or on the
 316 person's business premises.

317 ~~(d)(1) This Code section shall not prohibit any person who resides or works in a business~~
 318 ~~or is in the ordinary course transacting lawful business or any person who is a visitor of~~
 319 ~~such resident located within a school safety zone from carrying, possessing, or having~~
 320 ~~under such person's control a weapon within a school safety zone; provided, however, it~~
 321 ~~shall be unlawful for any such person to carry, possess, or have under such person's control~~
 322 ~~while at a school building or school function or on school property, a school bus, or other~~
 323 ~~transportation furnished by the school any weapon or explosive compound, other than~~
 324 ~~fireworks the possession of which is regulated by Chapter 10 of Title 25.~~

325 ~~(2) Any person who violates this subsection shall be subject to the penalties specified in~~
 326 ~~subsection (b) of this Code section.~~

327 ~~(3) This subsection~~ Subsection (c) of this Code section shall not be construed to waive
 328 or alter any legal requirement for possession of weapons or firearms otherwise required
 329 by law.

330 (e) It shall be no defense to a prosecution for a violation of this Code section that:

331 (1) School was or was not in session at the time of the offense;

332 (2) ~~The real~~ Real property belonging to a school was being used for other purposes
 333 besides than school purposes at the time of the offense; or

334 (3) The offense took place on a school vehicle outside of a school safety zone.

335 (f) In a prosecution under this Code section, a map produced or reproduced by any
 336 municipal or county agency or department for the purpose of depicting the location and
 337 boundaries of the area of the real property of a school board or a private or public
 338 elementary or secondary school that is used for school purposes or the area of any campus
 339 of any public or private technical school, vocational school, college, university, or
 340 institution of postsecondary education, or a true copy of the map, shall, if certified as a true
 341 copy by the custodian of the record, be admissible and shall constitute prima-facie evidence
 342 of the location and boundaries of the area, if the governing body of the municipality or
 343 county has approved the map as an official record of the location and boundaries of the
 344 area. A map approved under this Code section may be revised from time to time by the
 345 governing body of the municipality or county. The original of every map approved or
 346 revised under this subsection or a true copy of such original map shall be filed with the
 347 municipality or county and shall be maintained as an official record of the municipality or
 348 county. This subsection shall not preclude the prosecution from introducing or relying
 349 upon any other evidence or testimony to establish any element of this offense. This

350 subsection shall not preclude the use or admissibility of a map or diagram other than the
351 one which has been approved by the municipality or county.

352 (g) A county school board may adopt regulations requiring the posting of signs designating
353 the areas of school boards and private or public elementary and secondary schools as
354 'Weapon-free and Violence-free School Safety Zones.'

355 **SECTION 6.**

356 Said title is further amended by revising subsection (a) of Code Section 16-11-127.2, relating
357 to possession of weapons on nuclear power facility premises, as follows:

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

362 **SECTION 7.**

363 Said title is further amended by revising Code Section 16-11-129, relating to license to carry
364 weapons, as follows:

365 "16-11-129.

366 (a)(1) **Application for weapons carry license or renewal license; term.** The judge of
367 the probate court of each county ~~may~~ shall, on receipt of an application under oath and
368 ~~on~~ payment of a fee of \$30.00, issue a weapons carry license or renewal license valid for
369 a period of five years to any person not disqualified under this Code section whose
370 domicile is in that county or who is on active duty with the United States armed forces
371 and who is not a domiciliary of this state but who either resides in that county or on a
372 military reservation located in whole or in part in that county at the time of such
373 application. ~~Such license or renewal license shall authorize that person to carry any~~
374 ~~weapon in any county of this state notwithstanding any change in that person's county of~~
375 ~~residence or state of domicile.~~

376 (2) Except as provided in paragraph (3) of this subsection and in Code Sections
377 16-11-127, 16-11-127.1, and 16-11-127.2, the holder of a valid license or nonresident
378 holder of a license recognized under paragraph (4) of subsection (b) of Code
379 Section 16-11-126 may carry, whether openly or concealed, a weapon, including a loaded
380 handgun, in every location in this state, notwithstanding any change in such person's
381 county of residence or state of domicile that may occur after the issuance of the license.

382 (3) Nothing in this Code section shall be construed to:

383 (A) Alter or impair the right of persons who own or control private property to restrict
 384 or prohibit the possession or carrying of firearms in or on such property, except as is
 385 provided in Code Section 16-11-135; or

386 (B) Authorize the possession or carrying of firearms where prohibited by federal law.

387 (4) Applicants shall submit the application for a weapons carry license or renewal license
 388 to the judge of the probate court on forms prescribed and furnished free of charge to
 389 persons wishing to apply for the license or renewal license. An applicant who is not a
 390 United States citizen shall provide sufficient personal identifying data, including without
 391 limitation his or her place of birth and United States issued alien or admission number,
 392 as the Georgia Bureau of Investigation may prescribe by rule or regulation. An applicant
 393 who is in nonimmigrant status shall provide proof of his or her qualifications for an
 394 exception to the federal firearm prohibition pursuant to 18 U.S.C. Section 922(y). Forms
 395 shall be designed to elicit information from the applicant pertinent to his or her eligibility
 396 under this Code section, including citizenship, but shall not require data which is
 397 nonpertinent or irrelevant such as serial numbers or other identification capable of being
 398 used as a de facto registration of firearms owned by the applicant. The Department of
 399 Public Safety shall furnish application forms and license forms required by this Code
 400 section. The forms shall be furnished to each judge of each probate court within the state
 401 at no cost.

402 (b) **Licensing exceptions disqualifications.**

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

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

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

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

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

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

412 ~~(B) Any person who has been convicted of a felony by a court of this state or any other~~
 413 ~~state; by a court of the United States including its territories, possessions, and~~
 414 ~~dominions; or by a court of any foreign nation and has not been pardoned for such~~
 415 ~~felony by the President of the United States, the State Board of Pardons and Paroles,~~
 416 ~~or the person or agency empowered to grant pardons under the constitution or laws of~~
 417 ~~such state or nation~~ Any person whois prohibited from receiving, transporting, or
 418 possessing a firearm under Code Section 16-11-131;

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

420 ~~(D)~~ Any person who is a fugitive from justice;

421 ~~(E)~~ (C) Any person who is prohibited from receiving, transporting, possessing, or

422 shipping a firearm ~~in interstate commerce~~ pursuant to subsections (g) and (n) of 18

423 U.S.C. Section 922;

424 ~~(F)~~ (D) Any person who has been convicted of an offense arising out of the unlawful

425 manufacture or distribution of a controlled substance or other dangerous drug;

426 ~~(G)~~ (E) Any person who, within the past five years, has had his or her weapons carry

427 license revoked pursuant to subsection (e) of this Code section;

428 ~~(H)~~ (F) Any person who has been convicted of any of the following:

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

430 (ii) Carrying a weapon without a weapons carry license in violation of Code Section

431 16-11-126; or

432 (iii) Carrying a weapon, rifle, or shotgun ~~or long gun~~ in an unauthorized location in

433 violation of Code Section 16-11-127

434 and has not been free of all restraint or supervision in connection therewith and free of

435 any other conviction for at least five years immediately preceding the date of the

436 application;

437 ~~(I)~~ (G) Any person who has been convicted of any misdemeanor involving the use or

438 possession of a controlled substance and has not been free of all restraint or supervision

439 in connection therewith or free of:

440 (i) A second conviction of any misdemeanor involving the use or possession of a

441 controlled substance; or

442 (ii) Any conviction under subparagraphs ~~(E)~~ (C) through ~~(G)~~ (E) of this paragraph

443 for at least five years immediately preceding the date of the application; or

444 ~~(J)~~ (H) Any person who has been hospitalized as an inpatient in any mental hospital or

445 alcohol or drug treatment center within the five years immediately preceding the

446 application. The judge of the probate court may require any applicant to sign a waiver

447 authorizing any mental hospital or treatment center to inform the judge whether or not

448 the applicant has been an inpatient in any such facility in the last five years and

449 authorizing the superintendent of such facility to make to the judge a recommendation

450 regarding whether the applicant is a threat to the safety of others and whether a license

451 to carry a weapon should be issued. When such a waiver is required by the judge, the

452 applicant shall pay a fee of \$3.00 for reimbursement of the cost of making such a report

453 by the mental health hospital, alcohol or drug treatment center, or the Department of

454 Behavioral Health and Developmental Disabilities, which the judge shall remit to the

455 hospital, center, or department. The judge shall keep any such hospitalization or

456 treatment information confidential. ~~It shall be at the discretion of the judge, considering~~

457 ~~the circumstances surrounding the hospitalization and the~~ In the absence of other
 458 substantial evidence that the person poses a danger to himself or herself or others, the
 459 judge shall defer to a favorable recommendation of the superintendent of the hospital
 460 or treatment center where the individual was a patient, ~~to issue the weapons carry~~
 461 ~~license or renewal license.~~

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

468 (c) **Fingerprinting.**

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

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

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

491 (2) For both initial and renewal weapons carry license applications ~~and requests for~~
 492 ~~license renewals~~, the judge of the probate court shall within five days following the
 493 receipt of the application ~~or request~~ also direct the law enforcement agency to conduct

494 a background check using the Federal Bureau of Investigation's National Instant Criminal
495 Background Check System and return an appropriate report to the probate judge.

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

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

521 (e) **Revocation, loss, or damage to license.** If, at any time during the period for which
522 the weapons carry license was issued, the judge of the probate court of the county in which
523 the license was issued shall learn or have brought to his or her attention in any manner any
524 reasonable ground to believe the licensee is not eligible to retain the license, the judge may,
525 after notice and hearing, revoke the license of the person upon a finding that such person
526 is not eligible for a weapons carry license pursuant to subsection (b) of this Code section
527 or an adjudication of falsification of application, mental incompetency, or chronic alcohol
528 or narcotic usage. It shall be unlawful for any person to possess a license which has been
529 revoked, and any person found in possession of any such revoked license, except a law
530 enforcement officer in the performance of his or her official duties, shall be guilty of a

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

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

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

568 holder. The license shall be of similar material, size, and thickness of a credit card and
 569 have a holographic laminate to secure and protect the license for the duration of the
 570 license period.

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

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

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

595 (i) **Temporary renewal licenses.**

596 (1) Any person who holds a weapons carry license under this Code section may, at the
 597 time he or she applies for a renewal of the license, also apply for a temporary renewal
 598 license if less than 90 days remain before expiration of the license he or she then holds
 599 or if the previous license has expired within the last 30 days.

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

603 (3) Such a temporary renewal license shall be in the form of a paper receipt indicating
 604 the date on which the court received the renewal application and shall show the name,

605 address, sex, age, and race of the applicant and that the temporary renewal license expires
606 90 days from the date of issue.

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

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

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

614 (j) When an eligible applicant fails to receive a license, temporary permit, or renewal
615 license within the time period required by this Code section and the application or request
616 has been properly filed, the applicant may bring an action in mandamus or other legal
617 proceeding in order to obtain a license, temporary license, or renewal license. If such
618 applicant is the prevailing party, he or she shall be entitled to recover his or her costs in
619 such action, including reasonable attorney's fees."

620 **SECTION 8.**

621 Said title is further amended by revising subsections (a) and (d) of Code Section 16-11-130,
622 relating to exceptions, as follows:

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

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

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

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

634 (4) Persons employed in fulfilling defense contracts with the government of the United
635 States or agencies thereof when possession of the weapon, rifle, or shotgun ~~or long gun~~
636 is necessary for manufacture, transport, installation, and testing under the requirements
637 of such contract;

638 (5) District attorneys, investigators employed by and assigned to a district attorney's
639 office, assistant district attorneys, attorneys or investigators employed by the Prosecuting
640 Attorneys' Council of the State of Georgia, and any retired district attorney, assistant

641 district attorney, district attorney's investigator, or attorney or investigator retired from
 642 the Prosecuting Attorneys' Council of the State of Georgia, if such employee is retired in
 643 good standing and is receiving benefits under Title 47 or is retired in good standing and
 644 receiving benefits from a county or municipal retirement system;

645 (6) State court solicitors-general; investigators employed by and assigned to a state court
 646 solicitor-general's office; assistant state court solicitors-general; the corresponding
 647 personnel of any city court expressly continued in existence as a city court pursuant to
 648 Article VI, Section X, Paragraph I, subparagraph (5) of the Constitution; and the
 649 corresponding personnel of any civil court expressly continued as a civil court pursuant
 650 to said provision of the Constitution;

651 (7) Those employees of the State Board of Pardons and Paroles when specifically
 652 designated and authorized in writing by the members of the State Board of Pardons and
 653 Paroles to carry a weapon, rifle, or shotgun or ~~long gun~~;

654 (8) The Attorney General and those members of his or her staff whom he or she
 655 specifically authorizes in writing to carry a weapon, rifle, or shotgun or ~~long gun~~;

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

661 (10) Public safety directors of municipal corporations;

662 (11) Explosive ordnance disposal technicians, as such term is defined by Code Section
 663 16-7-80, and persons certified as provided in Code Section 35-8-13 to handle animals
 664 trained to detect explosives, while in the performance of their duties;

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

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

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

671 (15) Clerks of the superior courts."

672 "(d) ~~A prosecution based upon a violation of Code Section 16-11-126 or 16-11-127 need~~
 673 ~~not negate any exemptions.~~ Reserved."

674 **SECTION 9.**

675 Said title is further amended by revising Code Section 16-11-131, relating to possession of
 676 firearms by convicted felons, as follows:

677 "16-11-131.

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

679 (1) 'Felony' means any offense punishable by imprisonment for a term of one year or
 680 more and includes conviction by a court-martial under the Uniform Code of Military
 681 Justice for an offense which would constitute a felony under the laws of the United
 682 States.

683 (2) 'Firearm' includes any handgun, rifle, shotgun, or other weapon which will or can be
 684 converted to expel a projectile by the action of an explosive or electrical charge.

685 (3) 'Forcible felony' means any felony which involves the use or threat of physical force
 686 or violence against any person and further includes, without limitation, murder; felony
 687 murder; burglary; robbery; armed robbery; kidnapping; hijacking of an aircraft or motor
 688 vehicle; aggravated stalking; rape; aggravated child molestation; aggravated sexual
 689 battery; arson in the first degree; the manufacturing, transporting, distribution, or
 690 possession of explosives with intent to kill, injure, or intimidate individuals or destroy a
 691 public building; terroristic threats; or acts of treason or insurrection.

692 (b) Any person who is on probation as a felony first offender pursuant to Article 3 of
 693 Chapter 8 of Title 42 or who has been convicted of a felony by a court of this state or any
 694 other state; or by a court of the United States, including its territories, possessions, and
 695 dominions; ~~or by a court of any foreign nation~~ and who receives, possesses, or transports
 696 any firearm commits a felony and, upon conviction thereof, shall be imprisoned for not less
 697 than one nor more than five years; provided, however, that if the felony as to which the
 698 person is on probation or has been previously convicted is a forcible felony, then upon
 699 conviction of receiving, possessing, or transporting a firearm, such person shall be
 700 imprisoned for a period of five years.

701 (b.1) Any person who is prohibited by this Code section from possessing a firearm because
 702 of conviction of a forcible felony or because of being on probation as a first offender for
 703 a forcible felony pursuant to this Code section and who attempts to purchase or obtain
 704 transfer of a firearm shall be guilty of a felony and shall be punished by imprisonment for
 705 not less than one nor more than five years.

706 (c) This Code section shall not apply to any person who has been pardoned for the felony
 707 by the President of the United States, the State Board of Pardons and Paroles, or the person
 708 or agency empowered to grant pardons under the constitutions or laws of the several states
 709 ~~or of a foreign nation and, by~~ when the terms of the pardon, ~~has~~ do not expressly been

710 ~~authorized to receive, possess, or transport~~ prohibit such person from receiving, possessing,
 711 or transporting a firearm.

712 (d) A person who has been convicted of a felony, but who has been granted relief from the
 713 disabilities imposed by the laws of the United States with respect to the acquisition, receipt,
 714 transfer, shipment, or possession of firearms by the secretary of the United States
 715 Department of the Treasury pursuant to 18 U.S.C. Section 925, shall, upon presenting to
 716 the Board of Public Safety proof that the relief has been granted and it being established
 717 from proof submitted by the applicant to the satisfaction of the Board of Public Safety that
 718 the circumstances regarding the conviction and the applicant's record and reputation are
 719 such that the acquisition, receipt, transfer, shipment, or possession of firearms by the
 720 person would not present a threat to the safety of the citizens of Georgia and that the
 721 granting of the relief sought would not be contrary to the public interest, be granted relief
 722 from the disabilities imposed by this Code section. A person who has been convicted
 723 under federal or state law of a felony pertaining to antitrust violations, unfair trade
 724 practices, or restraint of trade shall, upon presenting to the Board of Public Safety proof,
 725 and it being established from said proof, submitted by the applicant to the satisfaction of
 726 the Board of Public Safety that the circumstances regarding the conviction and the
 727 applicant's record and reputation are such that the acquisition, receipt, transfer, shipment,
 728 or possession of firearms by the person would not present a threat to the safety of the
 729 citizens of Georgia and that the granting of the relief sought would not be contrary to the
 730 public interest, be granted relief from the disabilities imposed by this Code section. A
 731 record that the relief has been granted by the board shall be entered upon the criminal
 732 history of the person maintained by the Georgia Crime Information Center and the board
 733 shall maintain a list of the names of such persons which shall be open for public inspection.

734 ~~(e) As used in this Code section, the term 'forcible felony' means any felony which~~
 735 ~~involves the use or threat of physical force or violence against any person and further~~
 736 ~~includes, without limitation, murder; felony murder; burglary; robbery; armed robbery;~~
 737 ~~kidnapping; hijacking of an aircraft or motor vehicle; aggravated stalking; rape; aggravated~~
 738 ~~child molestation; aggravated sexual battery; arson in the first degree; the manufacturing,~~
 739 ~~transporting, distribution, or possession of explosives with intent to kill, injure, or~~
 740 ~~intimidate individuals or destroy a public building; terroristic threats; or acts of treason or~~
 741 ~~insurrection.~~

742 ~~(f)~~(e) Any person placed on probation as a first offender pursuant to Article 3 of Chapter
 743 8 of Title 42 and subsequently discharged without court adjudication of guilt pursuant to
 744 Code Section 42-8-62 shall, upon such discharge, be relieved from the disabilities imposed
 745 by this Code section."

746 **SECTION 10.**

747 Article 27 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
748 loitering at or disrupting schools, is amended by revising paragraph (4) of subsection (a) of
749 Code Section 20-2-1184, relating to reporting of students committing prohibited acts, as
750 follows:

751 "(4) Code Section 16-11-127, relating to carrying a weapon, rifle, or shotgun ~~or long gun~~
752 in an unauthorized location;"

753 **SECTION 11.**

754 Chapter 38 of Title 43 of the Official Code of Georgia Annotated, relating to operators of
755 private detective businesses and private security businesses, is amended by revising
756 paragraph (2) of subsection (f) of Code Section 43-38-10, relating to permits to carry
757 firearms, as follows:

758 "(2) Code Section 16-11-127, relating to carrying a weapon, rifle, or shotgun ~~or long gun~~
759 in an unauthorized location; and"

760 **SECTION 12.**

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