

The Senate Public Safety Committee offered the following substitute to SB 102:

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 prohibit the seizure or registration of firearms during official states of emergency; to prohibit
6 any additional limitations on carrying firearms during states of emergency; to provide civil
7 remedies for violations; to provide for related matters; to amend Article 27 of Chapter 2 of
8 Title 20 of the Official Code of Georgia Annotated, relating to loitering at or disrupting
9 schools, and Chapter 38 of Title 43 of the Official Code of Georgia Annotated, relating to
10 operators of private detective businesses and private security businesses, so as to conform
11 certain language; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 SECTION 1.

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

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

19 SECTION 2.

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

22 "16-11-125.1.

23 As used in this part, the term:

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

26 ~~(1)(2)~~ 'Handgun' means a firearm of any description, ~~loaded or unloaded, from which any~~
 27 ~~shot, bullet, or other missile can be discharged by an action of an explosive where the~~
 28 ~~length of the barrel, not including any revolving, detachable, or magazine breech, does~~
 29 ~~not exceed 12 inches~~ designed or redesigned, made or remade, and intended to be held
 30 and fired by the use of a single hand; provided, however, that the term 'handgun' shall not
 31 include a gun which discharges a single shot of .46 ~~centimeters~~ centimeter or less in
 32 diameter other than by the action of an explosive.

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

36 ~~(3)(4)~~ 'License holder' means a person who ~~holds~~ has a valid weapons carry license.

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

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

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

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

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

52 ~~(6)~~ 'Shotgun' has the same meaning as in paragraph (6) of Code Section 16-11-121;
 53 provided, however, that the term 'shotgun' shall not include a gun which discharges a
 54 single shot of .46 centimeter or less in diameter by means other than an explosive.

55 ~~(5)(7)~~ 'Weapon' means a knife or handgun.

56 ~~(6)(8)~~ 'Weapons carry license' or 'license' means a license issued pursuant to Code
 57 Section 16-11-129."

58 SECTION 3.

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

61 "16-11-126.

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

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

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

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

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

85 (f) Any person with a valid hunting or fishing license on his or her person, or any person
86 not required by law to have a hunting or fishing license, who is engaged in legal hunting,
87 fishing, or sport shooting when the person has the permission of the owner of the land on
88 which the activities are being conducted may have or carry on his or her person a handgun,
89 rifle, or shotgun ~~or long gun~~ without a valid weapons carry license while hunting, fishing,
90 or engaging in sport shooting.

91 (g) Notwithstanding Code Sections 12-3-10, 27-3-1.1, 27-3-6, and 16-12-122 through
92 16-12-127, any person with a valid weapons carry license may carry a weapon in all parks,
93 historic sites, or recreational areas, as such term is defined in Code Section 12-3-10,
94 including all publicly owned buildings located in such parks, historic sites, and recreational
95 areas, in wildlife management areas, and on public transportation; provided, however, that
96 a person shall not carry a handgun into a place where it is prohibited by federal law.

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

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

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

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

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

110 SECTION 4.

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

113 "16-11-127.

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

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

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

121 (3) 'Government building' means:

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

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

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

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

132 (5) 'Parking facility' means real property owned or leased by a government entity,
 133 courthouse, jail, prison, place of worship, or bar that has been designated by such
 134 government entity, courthouse, jail, prison, place of worship, or bar for the parking of
 135 motor vehicles at a government building or at such courthouse, jail, prison, place of
 136 worship, or bar.

137 (b) A person shall be guilty of carrying a weapon, rifle, or shotgun ~~or long gun~~ in an
 138 unauthorized location and punished as for a misdemeanor when he or she carries a weapon,
 139 rifle, or shotgun, whether such firearm is loaded or unloaded, ~~or long gun~~ while:

140 (1) In a government building;

141 (2) In a courthouse;

142 (3) In a jail or prison;

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

144 ~~(5)~~(4) In a state mental health facility as defined in Code Section 37-1-1 which admits
 145 individuals on an involuntary basis for treatment of mental illness, developmental
 146 disability, or addictive disease; provided, however, that carrying a weapon, rifle, or
 147 shotgun ~~or long gun~~ in such location in a manner in compliance with paragraph (3) of
 148 subsection (d) of this Code section shall not constitute a violation of this subsection;

149 ~~(6)~~(5) In a bar, unless the owner of the bar permits the carrying of weapons, rifles, or
 150 shotguns ~~or long guns~~ by license holders;

151 ~~(7)~~(6) On the premises of a nuclear power facility, except as provided in Code Section
 152 16-11-127.2, and the punishment provisions of Code Section 16-11-127.2 shall supersede
 153 the punishment provisions of this Code section; or

154 ~~(8)~~(7) Within 150 feet of any polling place, except as provided in subsection (i) of Code
 155 Section 21-2-413.

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

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

166 (1) To the use of weapons, rifles, or shotguns ~~or long guns~~ as exhibits in a legal
 167 proceeding, provided such weapons, rifles, or shotguns ~~or long guns~~ are secured and

168 handled as directed by the personnel providing courtroom security or the judge hearing
 169 the case;

170 (2) To a license holder who approaches security or management personnel upon arrival
 171 at a location described in subsection (b) of this Code section and notifies such security
 172 or management personnel of the presence of the weapon, rifle, or shotgun or long gun and
 173 explicitly follows the security or management personnel's direction for removing,
 174 securing, storing, or temporarily surrendering such weapon, rifle, or shotgun or long gun;
 175 and

176 (3) To a weapon, rifle, or shotgun or long gun possessed by a license holder which is
 177 under the possessor's control in a motor vehicle or is in a locked compartment of a motor
 178 vehicle or one which is in a locked container in or a locked firearms rack which is on a
 179 motor vehicle and such vehicle is parked in a parking facility; and

180 (4) To a license holder in an airport in any area in which the possession of firearms is not
 181 prohibited by federal law."

182 **SECTION 5.**

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

185 "16-11-127.1.

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

187 (1) 'School safety zone' means in or on any real property owned by or leased to any
 188 public or private elementary school, secondary school, or school board and used for
 189 elementary or secondary education and in or on the campus of any public or private
 190 technical school, vocational school, college, university, or institution of postsecondary
 191 education.

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

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

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

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

218 (4) A child who violates this subsection may be subject to the provisions of Code Section
 219 15-11-63.

220 (c) The provisions of this Code section shall not apply to:

221 (1) Baseball bats, hockey sticks, or other sports equipment possessed by competitors for
 222 legitimate athletic purposes;

223 (2) Participants in organized sport shooting events or firearm training courses;

224 (3) Persons participating in military training programs conducted by or on behalf of the
 225 armed forces of the United States or the Georgia Department of Defense;

226 (4) Persons participating in law enforcement training conducted by a police academy
 227 certified by the Georgia Peace Officer Standards and Training Council or by a law
 228 enforcement agency of the state or the United States or any political subdivision thereof;

229 (5) The following persons, when acting in the performance of their official duties or
 230 when en route to or from their official duties:

231 (A) A peace officer as defined by Code Section 35-8-2;

232 (B) A law enforcement officer of the United States government;

233 (C) A prosecuting attorney of this state or of the United States;

234 (D) An employee of the Georgia Department of Corrections or a correctional facility
 235 operated by a political subdivision of this state or the United States who is authorized
 236 by the head of such correctional agency or facility to carry a firearm;

237 (E) A person employed as a campus police officer or school security officer who is
 238 authorized to carry a weapon in accordance with Chapter 8 of Title 20; and

239 (F) Medical examiners, coroners, and their investigators who are employed by the state
 240 or any political subdivision thereof;

241 (6) A person who has been authorized in writing by a duly authorized official of the
 242 school to have in such person's possession or use as part of any activity being conducted
 243 at a school building, school property, or school function a weapon which would otherwise
 244 be prohibited by this Code section. Such authorization shall specify the weapon or
 245 weapons which have been authorized and the time period during which the authorization
 246 is valid;

247 ~~(7) A person who is licensed in accordance with Code Section 16-11-129~~ license holder
 248 ~~or issued person to whom a permit is issued~~ pursuant to Code Section 43-38-10, when
 249 such person:

250 ~~(A) carries or picks~~ Is dropping off or picking up a student at a school building, school
 251 function, ~~or school property,~~ or on a bus or other transportation furnished by the school;
 252 or

253 ~~(B) a person who is licensed in accordance with Code Section 16-11-129 or issued a~~
 254 ~~permit pursuant to Code Section 43-38-10 when he or she has~~ Has any weapon legally
 255 kept within a vehicle or in a container or rack which is in or on a vehicle when such
 256 vehicle is ~~parked~~ at such school property or is in transit through a ~~designated~~ school
 257 safety zone;

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

266 ~~(9)~~(8) Persons employed in fulfilling defense contracts with the government of the
 267 United States or agencies thereof when possession of the weapon is necessary for
 268 manufacture, transport, installation, and testing under the requirements of such contract;

269 ~~(10)~~(9) Those employees of the State Board of Pardons and Paroles when specifically
 270 designated and authorized in writing by the members of the State Board of Pardons and
 271 Paroles to carry a weapon;

272 ~~(11)~~(10) The Attorney General and those members of his or her staff whom he or she
 273 specifically authorizes in writing to carry a weapon;

274 ~~(12)~~(11) Probation supervisors employed by and under the authority of the Department
 275 of Corrections pursuant to Article 2 of Chapter 8 of Title 42, known as the 'State-wide
 276 Probation Act,' when specifically designated and authorized in writing by the director of
 277 the Division of Probation;

278 ~~(13)~~(12) Public safety directors of municipal corporations;

279 ~~(14)~~(13) State and federal trial and appellate judges;

280 ~~(15)~~(14) United States attorneys and assistant United States attorneys;

281 ~~(16)~~(15) Clerks of the superior courts;

282 ~~(17)~~(16) Teachers and other school personnel who are otherwise authorized to possess

283 or carry weapons, provided that any such weapon is in a locked compartment of a motor

284 vehicle or ~~one which is~~ in a locked container in or a locked firearms rack which is on a

285 motor vehicle; or

286 ~~(18)~~(17) Constables of any county of this state.

287 ~~(d)(1) This Code section shall not prohibit any person who resides or works in a business~~

288 ~~or is in the ordinary course transacting lawful business or any person who is a visitor of~~

289 ~~such resident located within a school safety zone from carrying, possessing, or having~~

290 ~~under such person's control a weapon within a school safety zone; provided, however, it~~

291 ~~shall be unlawful for any such person to carry, possess, or have under such person's control~~

292 ~~while at a school building or school function or on school property, a school bus, or other~~

293 ~~transportation furnished by the school any weapon or explosive compound, other than~~

294 ~~fireworks the possession of which is regulated by Chapter 10 of Title 25.~~

295 ~~(2) Any person who violates this subsection shall be subject to the penalties specified in~~

296 ~~subsection (b) of this Code section.~~

297 ~~(3) This subsection shall not be construed to waive or alter any legal requirement for~~

298 ~~possession of weapons or firearms otherwise required by law.~~

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

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

301 (2) ~~The real~~ Real property belonging to a school was being used for other purposes

302 ~~besides~~ than school purposes at the time of the offense; or

303 (3) The offense took place on a school vehicle.

304 ~~(f)~~(e) In a prosecution under this Code section, a map produced or reproduced by any

305 municipal or county agency or department for the purpose of depicting the location and

306 boundaries of the area of the real property of a school board or a private or public

307 elementary or secondary school that is used for school purposes or the area of any campus

308 of any public or private technical school, vocational school, college, university, or

309 institution of postsecondary education, or a true copy of the map, shall, if certified as a true

310 copy by the custodian of the record, be admissible and shall constitute prima-facie evidence

311 of the location and boundaries of the area, if the governing body of the municipality or

312 county has approved the map as an official record of the location and boundaries of the

313 area. A map approved under this Code section may be revised from time to time by the

314 governing body of the municipality or county. The original of every map approved or

315 revised under this subsection or a true copy of such original map shall be filed with the
 316 municipality or county and shall be maintained as an official record of the municipality or
 317 county. This subsection shall not preclude the prosecution from introducing or relying
 318 upon any other evidence or testimony to establish any element of this offense. This
 319 subsection shall not preclude the use or admissibility of a map or diagram other than the
 320 one which has been approved by the municipality or county.

321 ~~(g)~~(f) A county school board may adopt regulations requiring the posting of signs
 322 designating the areas of school boards and private or public elementary and secondary
 323 schools as "Weapon-free and Violence-free School Safety Zones."

324 **SECTION 6.**

325 Said title is further amended by revising subsections (a) and (c) of Code Section 16-11-127.2,
 326 relating to possession of weapons on nuclear power facility premises, as follows:

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

331 "(c) This Code section shall not apply to a security officer authorized to carry dangerous
 332 weapons pursuant to Code Section 16-11-124 who is acting in connection with his or her
 333 official duties on the premises of a federally licensed nuclear power facility; nor shall this
 334 Code section apply to persons designated in paragraph (3), (4), (5), or ~~(9)~~ (8) of
 335 subsection (c) of Code Section 16-11-127.1."

336 **SECTION 7.**

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

339 "16-11-129.

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

350 (2) Except as provided in paragraph (3) of this subsection and in Code Sections
351 16-11-127, 16-11-127.1, and 16-11-127.2, the holder of a valid license or nonresident
352 holder of a license recognized under paragraph (4) of subsection (b) of Code
353 Section 16-11-126 may carry, whether openly or concealed, a weapon, including a loaded
354 handgun, in every location in this state, notwithstanding any change in such person's
355 county of residence or state of domicile that may occur after the issuance of the license.

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

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

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

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

376 (5) At least 90 days before the expiration of a license issued under this subsection, the
377 judge of the probate court may notify the license holder in writing at the license holder's
378 last known address that such license is expiring and provide forms for renewing such
379 license. If the license holder desires to renew the license, the license holder shall submit
380 the forms for renewal to the judge of the probate court of his or her county of domicile
381 or residence, as applicable, in this state not less than 45 days prior to the expiration of
382 such license along with a fee of \$30.00. The forms for renewal shall be completed fully
383 by the applicant, shall affirm under oath that the license holder still meets the
384 qualifications for eligibility for the license, and shall contain sufficient information to
385 allow the judge of the probate court to cause a criminal history records check to be
386 performed on the license holder to verify such eligibility for a license. Within two

387 business days after receiving the forms for license renewal with the required fees, the
 388 judge of the probate court shall cause a criminal history records check from the Georgia
 389 Crime Information Center and the Federal Bureau of Investigation's National Instant
 390 Criminal Background Check System to be conducted for purposes of determining the
 391 eligibility of the license holder for a renewal license, and an appropriate report shall be
 392 returned to the judge of the probate court with the results of such check. Such check shall
 393 be conducted and the report returned to the judge of the probate court within 30 days.
 394 After receiving the results of the criminal history records check, the judge of the probate
 395 court shall verify the eligibility of the license holder for a renewal license within ten days
 396 after receiving such report. The judge of the probate court shall date stamp the report to
 397 show the date on which the report was received by the judge of the probate court. Upon
 398 verifying the license holder's eligibility, the judge of the probate court shall issue the
 399 license holder a renewal license which shall be valid for a period of five years. The
 400 Georgia Bureau of Investigation may charge such fee as is necessary to cover the cost of
 401 the records search which shall be added to the fee for the license renewal and shall be
 402 paid at the time of making the application for license renewal. When a person who is not
 403 a United States citizen applies for renewal of a license under this paragraph, the judge of
 404 the probate court shall cause a search to be made of the records maintained by United
 405 States Immigration and Customs Enforcement to verify the eligibility of the license
 406 holder for renewal of such license. As a condition to the issuance of a renewal of a
 407 license, a license holder who is in nonimmigrant status shall provide proof of his or her
 408 qualifications for an exception to the federal firearm prohibition pursuant to 18 U.S.C.
 409 Section 922(y). If the judge of the probate court finds that the person is not eligible for
 410 a license under this Code section, the judge of the probate court shall deny the license
 411 renewal and shall notify the license holder in writing of the reasons for such denial. The
 412 Department of Public Safety shall furnish license renewal forms required by this
 413 paragraph. The forms shall be furnished to each judge of each probate court within the
 414 state at no cost.

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

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

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

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

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

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

- 424 (A) Any person under 21 years of age;
- 425 ~~(B) Any person who has been convicted of a felony by a court of this state or any other~~
 426 ~~state, by a court of the United States including its territories, possessions, and~~
 427 ~~dominions; or by a court of any foreign nation and has not been pardoned for such~~
 428 ~~felony by the President of the United States, the State Board of Pardons and Paroles,~~
 429 ~~or the person or agency empowered to grant pardons under the constitution or laws of~~
 430 ~~such state or nation~~ Any person who is prohibited from receiving, transporting, or
 431 possessing a firearm under Code Section 16-11-131;
- 432 ~~(C) Any person against whom proceedings are pending for any felony;~~
- 433 ~~(D) Any person who is a fugitive from justice;~~
- 434 ~~(E)~~(C) Any person who is prohibited from receiving, transporting, possessing, or
 435 shipping a firearm ~~in interstate commerce~~ pursuant to subsections (g) and (n) of 18
 436 U.S.C. Section 922;
- 437 ~~(F)~~(D) Any person who has been convicted of an offense arising out of the unlawful
 438 manufacture or distribution of a controlled substance or other dangerous drug;
- 439 ~~(G)~~(E) Any person who, within the past five years, has had his or her weapons carry
 440 license revoked pursuant to subsection (e) of this Code section;
- 441 ~~(H)~~(F) Any person who has been convicted of any of the following:
- 442 (i) Pointing a gun or a pistol at another in violation of Code Section 16-11-102;
- 443 (ii) Carrying a weapon without a weapons carry license in violation of Code Section
 444 16-11-126; or
- 445 (iii) Carrying a weapon, rifle, or shotgun ~~or long gun~~ in an unauthorized location in
 446 violation of Code Section 16-11-127
- 447 and has not been free of all restraint or supervision in connection therewith and free of
 448 any other conviction for at least five years immediately preceding the date of the
 449 application;
- 450 ~~(I)~~(G) Any person who has been convicted of any misdemeanor involving the use or
 451 possession of a controlled substance and has not been free of all restraint or supervision
 452 in connection therewith or free of:
- 453 (i) A second conviction of any misdemeanor involving the use or possession of a
 454 controlled substance; or
- 455 (ii) Any conviction under subparagraphs ~~(E)~~ (C) through ~~(G)~~ (E) of this paragraph
 456 for at least five years immediately preceding the date of the application; or
- 457 ~~(J)~~(H) Any person who has been hospitalized as an inpatient in any mental hospital or
 458 alcohol or drug treatment center within the five years immediately preceding the
 459 application. The judge of the probate court may require any applicant to sign a waiver
 460 authorizing any mental hospital or treatment center to inform the judge whether or not

461 the applicant has been an inpatient in any such facility in the last five years and
 462 authorizing the superintendent of such facility to make to the judge a recommendation
 463 regarding whether the applicant is a threat to the safety of others and whether a license
 464 to carry a weapon should be issued. When such a waiver is required by the judge, the
 465 applicant shall pay a fee of \$3.00 for reimbursement of the cost of making such a report
 466 by the mental health hospital, alcohol or drug treatment center, or the Department of
 467 Behavioral Health and Developmental Disabilities, which the judge shall remit to the
 468 hospital, center, or department. If the judge of the probate court does not receive such
 469 report within 30 days following the request for such report, the judge of the probate
 470 court shall proceed as if a report had been received that indicated no inpatient treatment.
 471 If a report is received later that establishes the ineligibility of the applicant to receive
 472 a license and such license has been issued, the judge of the probate court may proceed
 473 with revocation proceedings as the judge deems appropriate under the circumstances.
 474 The judge shall keep any such hospitalization or treatment information confidential.
 475 ~~It shall be at the discretion of the judge, considering the circumstances surrounding the~~
 476 ~~hospitalization and the~~ In the absence of other substantial evidence that the person
 477 poses a danger to himself or herself or others, the judge shall defer to a favorable
 478 recommendation of the superintendent of the hospital or treatment center where the
 479 individual was a patient, ~~to issue the weapons carry license or renewal license.~~

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

486 (c) **Fingerprinting.**

487 Following completion of the application for a weapons carry license ~~or the renewal of a~~
 488 ~~license,~~ the judge of the probate court shall require the applicant to proceed to an
 489 appropriate law enforcement agency in the county with the completed application. The
 490 appropriate local law enforcement agency in each county shall then capture the fingerprints
 491 of the applicant for a weapons carry license ~~or renewal license~~ and place the name of the
 492 applicant on the blank license form. ~~The appropriate local law enforcement agency shall~~
 493 ~~place the fingerprint on a blank license form which has been furnished to the law~~
 494 ~~enforcement agency by the judge of the probate court if a fingerprint is required to be~~
 495 ~~furnished by subsection (f) of this Code section.~~ The law enforcement agency shall be
 496 entitled to a fee of \$5.00 from the applicant for its services in connection with the
 497 application.

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

499 (1) For ~~both~~ initial weapons carry license applications ~~and requests for license renewals~~,
500 the judge of the probate court shall within five days following the receipt of the
501 application ~~or request~~ direct the law enforcement agency to request a fingerprint based
502 criminal history records check from the Georgia Crime Information Center and Federal
503 Bureau of Investigation for purposes of determining the suitability eligibility of the
504 applicant and return an appropriate report to the judge of the probate court. Fingerprints
505 shall be in such form and of such quality as prescribed by the Georgia Crime Information
506 Center and under standards adopted by the Federal Bureau of Investigation. The Georgia
507 Bureau of Investigation may charge such fee as is necessary to cover the cost of the
508 records search.

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

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

522 (4) The law enforcement agency shall report to the judge of the probate court within 30
523 days, by telephone and in writing, of any findings relating to the applicant ~~which may that~~
524 bear on ~~his or her~~ the applicant's eligibility for a an initial weapons carry license ~~or~~
525 ~~renewal license~~ under the terms of this Code section. ~~When no derogatory information~~
526 ~~is found on the applicant bearing on his or her eligibility to obtain a license or renewal~~
527 ~~license, a~~ A report shall not be required if the investigation does not reveal any
528 disqualifying information. The law enforcement agency shall return the application and
529 the blank license form with the fingerprint thereon directly to the judge of the probate
530 court within such time period. Not later than ten days after the judge of the probate court
531 receives the report from the law enforcement agency concerning the suitability eligibility
532 of the applicant for a license, the judge of the probate court shall issue such applicant a
533 license ~~or renewal license~~ to carry any weapon unless facts establishing ineligibility have
534 been reported or unless the judge determines such applicant has not met all the

535 qualifications, ~~is not of good moral character~~, or has failed to comply with any of the
 536 requirements contained in this Code section. The judge of the probate court shall date
 537 stamp the report from the law enforcement agency to show the date on which the report
 538 was received by the judge of the probate court.

539 (e) **Revocation, loss, or damage to license.** If, at any time during the period for which
 540 the weapons carry license was issued, the judge of the probate court of the county in which
 541 the license was issued shall learn or have brought to his or her attention in any manner any
 542 reasonable ground to believe the licensee is not eligible to retain the license, the judge may,
 543 after notice and hearing, revoke the license of the person upon a finding that such person
 544 is not eligible for a weapons carry license pursuant to subsection (b) of this Code section
 545 or an adjudication of falsification of application, mental incompetency, or chronic alcohol
 546 or narcotic usage. It shall be unlawful for any person to possess a license which has been
 547 revoked, and any person found in possession of any such revoked license, except a law
 548 enforcement officer in the performance of his or her official duties, shall be guilty of a
 549 misdemeanor. ~~It shall be required that any license holder under this Code section have in~~
 550 ~~his or her possession his or her valid license whenever he or she is carrying a weapon under~~
 551 ~~the authority granted by this Code section, and his or her failure to do so shall be~~
 552 ~~prima-facie evidence of a violation of Code Section 16-11-126.~~ Loss of any license issued
 553 in accordance with this Code section or damage to the license in any manner which shall
 554 render it illegible shall be reported to the judge of the probate court of the county in which
 555 it was issued within 48 hours of the time the loss or damage becomes known to the license
 556 holder. The judge of the probate court shall thereupon issue a replacement for and shall
 557 take custody of and destroy a damaged license; and in any case in which a license has been
 558 lost, he or she shall issue a cancellation order and notify by telephone and in writing each
 559 of the law enforcement agencies whose records were checked before issuance of the
 560 original license. The judge shall charge the fee specified in subsection (k) of Code Section
 561 15-9-60 for such services.

562 (f)(1) **Weapons carry license specifications.** Weapons carry licenses issued as
 563 prescribed in this Code section shall be printed on durable but lightweight card stock, and
 564 the completed card shall be laminated in plastic to improve its wearing qualities and to
 565 inhibit alterations. Measurements shall be 3 1/4 inches long and 2 1/4 inches wide. Each
 566 shall be serially numbered within the county of issuance and shall bear the full name,
 567 residential address, birth date, weight, height, color of eyes, and sex of the licensee. The
 568 license shall show the date of issuance, the expiration date, and the probate court in which
 569 issued and shall be signed by the licensee and bear the signature or facsimile thereof of
 570 the judge. The seal of the court shall be placed on the face before the license is
 571 laminated. Licenses issued on and before December 31, ~~2011~~ 2012, shall bear a clear

572 print of the licensee's right index finger; however, if the right index fingerprint cannot be
573 secured for any reason, the print of another finger may be used but such print shall be
574 marked to identify the finger from which the print is taken.

575 (2)(A) On and after January 1, ~~2012~~ 2013, newly issued or renewal weapons carry
576 licenses shall incorporate overt and covert security features which shall be blended with
577 the personal data printed on the license to form a significant barrier to imitation,
578 replication, and duplication. There shall be a minimum of three different ultraviolet
579 colors used to enhance the security of the license incorporating variable data, color
580 shifting characteristics, and front edge only perimeter visibility. The weapons carry
581 license shall have a color photograph viewable under ambient light on both the front
582 and back of the license. The license shall incorporate custom optical variable devices
583 featuring the great seal of the State of Georgia as well as matching demetalized optical
584 variable devices viewable under ambient light from the front and back of the license
585 incorporating microtext and unique alphanumeric serialization specific to the license
586 holder. The license shall be of similar material, size, and thickness of a credit card and
587 have a holographic laminate to secure and protect the license for the duration of the
588 license period.

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

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

601 (h) **Licenses for former law enforcement officers.** Except as otherwise provided in Code
602 Section 16-11-130, any person who has served as a law enforcement officer for at least ten
603 of the 12 years immediately preceding the retirement of such person as a law enforcement
604 officer shall be entitled to be issued a weapons carry license as provided for in this Code
605 section without the payment of any of the fees provided for in this Code section. Such
606 person shall comply with all the other provisions of this Code section relative to the
607 issuance of such licenses. As used in this subsection, the term 'law enforcement officer'
608 means any peace officer who is employed by the United States government or by the State

609 of Georgia or any political subdivision thereof and who is required by the terms of his or
 610 her employment, whether by election or appointment, to give his or her full time to the
 611 preservation of public order or the protection of life and property or the prevention of
 612 crime. Such term shall include conservation rangers. Licenses issued to such former law
 613 enforcement officers shall be distinctive in design by the use of color or style or other
 614 means from other licenses issued under this Code section.

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

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

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

623 (3) Such a temporary renewal license shall be in the form of a paper receipt indicating
 624 the date on which the court received the renewal application and shall show the name,
 625 address, sex, age, and race of the applicant and that the temporary renewal license expires
 626 90 days from the date of issue.

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

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

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

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

640 **SECTION 8.**

641 Said title is further amended by revising subsection (a) of Code Section 16-11-130, relating
 642 to exceptions, as follows:

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

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

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

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

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

658 (5) District attorneys, investigators employed by and assigned to a district attorney's
659 office, assistant district attorneys, attorneys or investigators employed by the Prosecuting
660 Attorneys' Council of the State of Georgia, and any retired district attorney, assistant
661 district attorney, district attorney's investigator, or attorney or investigator retired from
662 the Prosecuting Attorneys' Council of the State of Georgia, if such employee is retired in
663 good standing and is receiving benefits under Title 47 or is retired in good standing and
664 receiving benefits from a county or municipal retirement system;

665 (6) State court solicitors-general; investigators employed by and assigned to a state court
666 solicitor-general's office; assistant state court solicitors-general; the corresponding
667 personnel of any city court expressly continued in existence as a city court pursuant to
668 Article VI, Section X, Paragraph I, subparagraph (5) of the Constitution; and the
669 corresponding personnel of any civil court expressly continued as a civil court pursuant
670 to said provision of the Constitution;

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

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

676 (9) Chief probation officers, probation officers, intensive probation officers, and
677 surveillance officers employed by and under the authority of the Department of
678 Corrections pursuant to Article 2 of Chapter 8 of Title 42, known as the 'State-wide

- 679 Probation Act,' when specifically designated and authorized in writing by the director of
 680 Division of Probation;
- 681 (10) Public safety directors of municipal corporations;
- 682 (11) Explosive ordnance disposal technicians, as such term is defined by Code Section
 683 16-7-80, and persons certified as provided in Code Section 35-8-13 to handle animals
 684 trained to detect explosives, while in the performance of their duties;
- 685 (12) State and federal trial and appellate judges, full-time and permanent part-time
 686 judges of municipal and city courts, and former state trial and appellate judges retired
 687 from their respective offices under state retirement;
- 688 (13) United States Attorneys and Assistant United States Attorneys;
- 689 (14) County medical examiners and coroners and their sworn officers employed by
 690 county government; and
- 691 (15) Clerks of the superior courts."

692 **SECTION 9.**

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

695 "16-11-131.

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

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

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

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

710 (b) Any person who is on probation as a felony first offender pursuant to Article 3 of
 711 Chapter 8 of Title 42 or who has been convicted of a felony by a court of this state or any
 712 other state; or by a court of the United States, including its territories, possessions, and
 713 dominions, ~~or by a court of any foreign nation~~ and who receives, possesses, or transports
 714 any firearm commits a felony and, upon conviction thereof, shall be imprisoned for not less

715 than one nor more than five years; provided, however, that if the felony as to which the
716 person is on probation or has been previously convicted is a forcible felony, then upon
717 conviction of receiving, possessing, or transporting a firearm, such person shall be
718 imprisoned for a period of five years.

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

724 (c) This Code section shall not apply to any person who has been pardoned for the felony
725 by the President of the United States, the State Board of Pardons and Paroles, or the person
726 or agency empowered to grant pardons under the constitutions or laws of the several states
727 ~~or of a foreign nation and, by when~~ the terms of the pardon, has do not expressly been
728 authorized to receive, possess, or transport ~~prohibit such person from receiving, possessing,~~
729 or transporting a firearm.

730 (d) A person who has been convicted of a felony, but who has been granted relief from the
731 disabilities imposed by the laws of the United States with respect to the acquisition, receipt,
732 transfer, shipment, or possession of firearms by the secretary of the United States
733 Department of the Treasury pursuant to 18 U.S.C. Section 925, shall, upon presenting to
734 the Board of Public Safety proof that the relief has been granted and it being established
735 from proof submitted by the applicant to the satisfaction of the Board of Public Safety that
736 the circumstances regarding the conviction and the applicant's record and reputation are
737 such that the acquisition, receipt, transfer, shipment, or possession of firearms by the
738 person would not present a threat to the safety of the citizens of Georgia and that the
739 granting of the relief sought would not be contrary to the public interest, be granted relief
740 from the disabilities imposed by this Code section. A person who has been convicted
741 under federal or state law of a felony pertaining to antitrust violations, unfair trade
742 practices, or restraint of trade shall, upon presenting to the Board of Public Safety proof,
743 and it being established from said proof, submitted by the applicant to the satisfaction of
744 the Board of Public Safety that the circumstances regarding the conviction and the
745 applicant's record and reputation are such that the acquisition, receipt, transfer, shipment,
746 or possession of firearms by the person would not present a threat to the safety of the
747 citizens of Georgia and that the granting of the relief sought would not be contrary to the
748 public interest, be granted relief from the disabilities imposed by this Code section. A
749 record that the relief has been granted by the board shall be entered upon the criminal
750 history of the person maintained by the Georgia Crime Information Center and the board
751 shall maintain a list of the names of such persons which shall be open for public inspection.

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

760 ~~(f)~~(e) Any person placed on probation as a first offender pursuant to Article 3 of Chapter
 761 8 of Title 42 and subsequently discharged without court adjudication of guilt pursuant to
 762 Code Section 42-8-62 shall, upon such discharge, be relieved from the disabilities imposed
 763 by this Code section."

764 SECTION 10.

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

766 "16-11-136.

767 (a) No officer or employee of the state or any political subdivision thereof, member of the
 768 National Guard in the service of the state, or any person operating pursuant to or under
 769 color of state law, receiving state funds, under control of any official of the state or political
 770 subdivision thereof, or providing services to such officer, employee, or other person shall:

771 (1) Temporarily or permanently seize, or authorize seizure of, any firearm the possession
 772 of which is not prohibited under this article, other than as evidence in a criminal
 773 investigation;

774 (2) Require registration of any firearm for which registration is not required by this
 775 article;

776 (3) Prohibit possession of any firearm, or promulgate any rule, regulation, or order
 777 prohibiting possession of any firearm, in any place or by any person where such
 778 possession is not otherwise prohibited by this article; or

779 (4) Prohibit the carrying of firearms by any person otherwise authorized to carry firearms
 780 under this article, solely because such person is operating under the direction, control, or
 781 supervision of an agency of the state or political subdivision thereof during a declared
 782 official state of emergency.

783 (b) Any individual aggrieved by a violation of this Code section may seek in the courts of
 784 this state relief in an action at law or in equity or other proper proceeding for redress
 785 against any person who subjects such individual, or causes such individual to be subjected,
 786 to the deprivation of any of the rights, privileges, or immunities provided by this Code
 787 section.

788 (c) In addition to any other remedy at law or in equity, an individual aggrieved by the
 789 seizure or confiscation of a firearm in violation of this Code section may bring an action
 790 for return of such firearm in the superior court of the county in which that individual
 791 resides or in which such firearm is located. In any action or proceeding to enforce this
 792 Code section, the court shall award the prevailing party, other than the state or political
 793 subdivision thereof, reasonable attorney fees.

794 (d) No political subdivision, official, officer, or employee shall be held liable for any harm,
 795 damage, loss of life, or loss of property related directly or indirectly to the actions
 796 involving the use of a firearm of any person who is not a certified peace officer under
 797 Chapter 8 of Title 35 and is otherwise authorized to carry a firearm during a state of
 798 emergency.

799 (e) No political subdivision, official, officer, employee, or volunteer shall be required to
 800 accept the services of any person authorized to carry firearms under this article."

801 **SECTION 11.**

802 Said title is further amended by revising subsections (a) and (b) of Code Section 16-11-173,
 803 relating to legislative findings, preemption of local regulation and lawsuits, and exceptions,
 804 as follows:

805 "(a)(1) It is declared by the General Assembly that the regulation of ~~firearms~~ weapons
 806 is properly an issue of general, state-wide concern.

807 (2) The General Assembly further declares that the lawful design, marketing,
 808 manufacture, and sale of ~~firearms~~ weapons and ammunition to the public is not
 809 unreasonably dangerous activity and does not constitute a nuisance per se.

810 (b)(1) No county or municipal corporation or state agency, board, or authority other than
 811 the General Assembly, by zoning or by ordinance, resolution, or other enactment, shall
 812 regulate in any manner gun shows; the possession, ownership, transport, carrying,
 813 transfer, sale, purchase, licensing, or registration of ~~firearms~~ weapons or components of
 814 ~~firearms~~ weapons; ~~firearms~~ weapons dealers; or dealers in ~~firearms~~ weapons components.

815 (2) The authority to bring suit and right to recover against any ~~firearms~~ weapons or
 816 ammunition manufacturer, trade association, or dealer by or on behalf of any
 817 governmental unit created by or pursuant to an Act of the General Assembly or the
 818 Constitution, or any department, agency, or authority thereof, for damages, abatement,
 819 or injunctive relief resulting from or relating to the lawful design, manufacture,
 820 marketing, or sale of ~~firearms~~ weapons or ammunition to the public shall be reserved
 821 exclusively to the state. This paragraph shall not prohibit a political subdivision or local
 822 government authority from bringing an action against a ~~firearms~~ weapons or ammunition

823 manufacturer or dealer for breach of contract or express warranty as to ~~firearms~~ weapons
 824 or ammunition purchased by the political subdivision or local government authority.
 825 (3) As used in this Code section, the term 'weapons' shall have the meaning set forth in
 826 paragraph (2) of subsection (a) of Code Section 16-11-127.1."

827 **SECTION 12.**

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

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

834 **SECTION 13.**

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

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

841 **SECTION 14.**

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