

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

AS PASSED SENATE

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 additional exceptions regarding the carrying of firearms;
 8 to provide for related matters; to amend Article 27 of Chapter 2 of Title 20 of the Official
 9 Code of Georgia Annotated, relating to loitering at or disrupting schools, and Chapter 38 of
 10 Title 43 of the Official Code of Georgia Annotated, relating to operators of private detective
 11 businesses and private security businesses, so as to conform certain language; to repeal
 12 conflicting laws; and for other purposes.

13 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

14 **SECTION 1.**

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

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

20 **SECTION 2.**

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

23 "16-11-125.1.

24 As used in this part, the term:

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

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

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

37 ~~(3)(4)~~ 'License holder' means a person who ~~holds~~ has a valid weapons carry license.

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

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

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

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

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

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

56 ~~(5)(7)~~ 'Weapon' means a knife or handgun.

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

59 SECTION 3.

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

62 "16-11-126.

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

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

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

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

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

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

92 (g) Notwithstanding Code Sections 12-3-10, 27-3-1.1, 27-3-6, and 16-12-122 through
 93 16-12-127, any person with a valid weapons carry license may carry a weapon in all parks,
 94 historic sites, or recreational areas, as such term is defined in Code Section 12-3-10,
 95 including all publicly owned buildings located in such parks, historic sites, and recreational
 96 areas, in wildlife management areas, "~~and~~ on public transportation, and in county or
 97 municipal government buildings if the governing authority of such county or municipality
 98 authorizes the carrying of firearms in such buildings by ordinance or resolution"; provided,

99 however, that a person shall not carry a handgun into a place where it is prohibited by
100 federal law.

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

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

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

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

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

114 **SECTION 4.**

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

117 "16-11-127.

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

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

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

125 (3) 'Government building' means:

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

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

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

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

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

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

144 (1) ~~In~~ Except as authorized in subsection (g) of Code Section 16-11-126, in a
 145 government building;

146 (2) In a courthouse;

147 (3) In a jail or prison;

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

149 ~~(5)~~(4) In a state mental health facility as defined in Code Section 37-1-1 which admits
 150 individuals on an involuntary basis for treatment of mental illness, developmental
 151 disability, or addictive disease; provided, however, that carrying a weapon, rifle, or
 152 shotgun ~~or long gun~~ in such location in a manner in compliance with paragraph (3) of
 153 subsection (d) of this Code section shall not constitute a violation of this subsection;

154 ~~(6)~~(5) In a bar, unless the owner of the bar permits the carrying of weapons, rifles, or
 155 shotguns ~~or long guns~~ by license holders;

156 ~~(7)~~(6) On the premises of a nuclear power facility, except as provided in Code Section
 157 16-11-127.2, and the punishment provisions of Code Section 16-11-127.2 shall supersede
 158 the punishment provisions of this Code section; or

159 ~~(8)~~(7) Within 150 feet of any polling place, except as provided in subsection (i) of Code
 160 Section 21-2-413.

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

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

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

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

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

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

187 **SECTION 5.**

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

190 "16-11-127.1.

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

192 (1) 'School safety zone' means in or on any real property owned by or leased to any
 193 public or private elementary school, secondary school, or school board and used for
 194 elementary or secondary education and in or on the campus of any public or private
 195 technical school, vocational school, college, university, or institution of postsecondary
 196 education.

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

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

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

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

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

223 (4) A child who violates this subsection may be subject to the provisions of Code Section
224 15-11-63.

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

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

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

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

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

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

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

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

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

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

- 242 (E) A person employed as a campus police officer or school security officer who is
 243 authorized to carry a weapon in accordance with Chapter 8 of Title 20; and
- 244 (F) Medical examiners, coroners, and their investigators who are employed by the state
 245 or any political subdivision thereof;
- 246 (6) A person who has been authorized in writing by a duly authorized official of the
 247 school to have in such person's possession or use as part of any activity being conducted
 248 at a school building, school property, or school function a weapon which would otherwise
 249 be prohibited by this Code section. Such authorization shall specify the weapon or
 250 weapons which have been authorized and the time period during which the authorization
 251 is valid;
- 252 ~~(7) A person who is licensed in accordance with Code Section 16-11-129~~ license holder
 253 or issued person to whom a permit is issued pursuant to Code Section 43-38-10, when
 254 such person:
- 255 ~~(A) carries or picks up~~ Is dropping off or picking up a student at a school building, school
 256 function, ~~or school property,~~ or on a bus or other transportation furnished by the school;
 257 or
- 258 ~~(B) a person who is licensed in accordance with Code Section 16-11-129 or issued a~~
 259 ~~permit pursuant to Code Section 43-38-10 when he or she has~~ Has any weapon legally
 260 kept within a vehicle or in a container or rack which is in or on a vehicle when such
 261 vehicle is ~~parked~~ at such school property or is in transit through a ~~designated~~ school
 262 safety zone;
- 263 ~~(8) A weapon possessed by a license holder which is under the possessor's control in a~~
 264 ~~motor vehicle or which is in a locked compartment of a motor vehicle or one which is in~~
 265 ~~a locked container in or a locked firearms rack which is on a motor vehicle which is being~~
 266 ~~used by an adult over 21 years of age to bring to or pick up a student at a school building,~~
 267 ~~school function, or school property or on a bus or other transportation furnished by the~~
 268 ~~school, or when such vehicle is used to transport someone to an activity being conducted~~
 269 ~~on school property which has been authorized by a duly authorized official of the school;~~
 270 ~~provided, however, that this exception shall not apply to a student attending such school;~~
- 271 ~~(9)~~(8) Persons employed in fulfilling defense contracts with the government of the
 272 United States or agencies thereof when possession of the weapon is necessary for
 273 manufacture, transport, installation, and testing under the requirements of such contract;
- 274 ~~(10)~~(9) Those employees of the State Board of Pardons and Paroles when specifically
 275 designated and authorized in writing by the members of the State Board of Pardons and
 276 Paroles to carry a weapon;
- 277 ~~(11)~~(10) The Attorney General and those members of his or her staff whom he or she
 278 specifically authorizes in writing to carry a weapon;

279 ~~(12)~~(11) Probation supervisors employed by and under the authority of the Department
 280 of Corrections pursuant to Article 2 of Chapter 8 of Title 42, known as the 'State-wide
 281 Probation Act,' when specifically designated and authorized in writing by the director of
 282 the Division of Probation;

283 ~~(13)~~(12) Public safety directors of municipal corporations;

284 ~~(14)~~(13) State and federal trial and appellate judges;

285 ~~(15)~~(14) United States attorneys and assistant United States attorneys;

286 ~~(16)~~(15) Clerks of the superior courts;

287 ~~(17)~~(16) Teachers and other school personnel who are otherwise authorized to possess
 288 or carry weapons, provided that any such weapon is in a locked compartment of a motor
 289 vehicle or ~~one which is~~ in a locked container in or a locked firearms rack which is on a
 290 motor vehicle; or

291 ~~(18)~~(17) Constables of any county of this state.

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

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

302 ~~(3) This subsection shall not be construed to waive or alter any legal requirement for
 303 possession of weapons or firearms otherwise required by law.~~

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

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

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

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

309 ~~(f)~~(e) In a prosecution under this Code section, a map produced or reproduced by any
 310 municipal or county agency or department for the purpose of depicting the location and
 311 boundaries of the area of the real property of a school board or a private or public
 312 elementary or secondary school that is used for school purposes or the area of any campus
 313 of any public or private technical school, vocational school, college, university, or
 314 institution of postsecondary education, or a true copy of the map, shall, if certified as a true
 315 copy by the custodian of the record, be admissible and shall constitute prima-facie evidence

316 of the location and boundaries of the area, if the governing body of the municipality or
 317 county has approved the map as an official record of the location and boundaries of the
 318 area. A map approved under this Code section may be revised from time to time by the
 319 governing body of the municipality or county. The original of every map approved or
 320 revised under this subsection or a true copy of such original map shall be filed with the
 321 municipality or county and shall be maintained as an official record of the municipality or
 322 county. This subsection shall not preclude the prosecution from introducing or relying
 323 upon any other evidence or testimony to establish any element of this offense. This
 324 subsection shall not preclude the use or admissibility of a map or diagram other than the
 325 one which has been approved by the municipality or county.

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

329 SECTION 6.

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

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

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

341 SECTION 7.

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

344 "16-11-129.

345 (a)(1) **Application for weapons carry license or renewal license; term.** The judge of
 346 the probate court of each county ~~may~~ shall, on receipt of an application under oath and
 347 ~~on~~ payment of a fee of \$30.00, issue a weapons carry license ~~or renewal license~~ valid for
 348 a period of five years to any person not disqualified under this Code section whose
 349 domicile is in that county or who is on active duty with the United States armed forces
 350 and who is not a domiciliary of this state but who either resides in that county or on a

351 military reservation located in whole or in part in that county at the time of such
352 application. ~~Such license or renewal license shall authorize that person to carry any~~
353 ~~weapon in any county of this state notwithstanding any change in that person's county of~~
354 ~~residence or state of domicile.~~

355 (2) Except as provided in paragraph (3) of this subsection and in Code Sections
356 16-11-127, 16-11-127.1, and 16-11-127.2, the holder of a valid license or nonresident
357 holder of a license recognized under paragraph (4) of subsection (b) of Code
358 Section 16-11-126 may carry, whether openly or concealed, a weapon, including a loaded
359 handgun, in every location in this state, notwithstanding any change in such person's
360 county of residence or state of domicile that may occur after the issuance of the license.

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

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

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

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

381 (5) At least 90 days before the expiration of a license issued under this subsection, the
382 judge of the probate court may notify the license holder in writing at the license holder's
383 last known address that such license is expiring and provide forms for renewing such
384 license. If the license holder desires to renew the license, the license holder shall submit
385 the forms for renewal to the judge of the probate court of his or her county of domicile
386 or residence, as applicable, in this state along with a fee of \$30.00. The forms for
387 renewal shall be completed fully by the applicant, shall affirm under oath that the license

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

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

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

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

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

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

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

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

429 ~~(B) Any person who has been convicted of a felony by a court of this state or any other~~
 430 ~~state; by a court of the United States including its territories, possessions, and~~
 431 ~~dominions; or by a court of any foreign nation and has not been pardoned for such~~
 432 ~~felony by the President of the United States, the State Board of Pardons and Paroles,~~
 433 ~~or the person or agency empowered to grant pardons under the constitution or laws of~~
 434 ~~such state or nation~~ Any person who is prohibited from receiving, transporting, or
 435 possessing a firearm under Code Section 16-11-131;

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

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

438 ~~(E)~~(C) Any person who is prohibited from receiving, transporting, possessing, or
 439 shipping a firearm ~~in interstate commerce~~ pursuant to subsections (g) and (n) of 18
 440 U.S.C. Section 922;

441 ~~(F)~~(D) Any person who has been convicted of an offense arising out of the unlawful
 442 manufacture or distribution of a controlled substance or other dangerous drug;

443 ~~(G)~~(E) Any person who, within the past five years, has had his or her weapons carry
 444 license revoked pursuant to subsection (e) of this Code section;

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

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

447 (ii) Carrying a weapon without a weapons carry license in violation of Code Section
 448 16-11-126; or

449 (iii) Carrying a weapon, rifle, or shotgun ~~or long gun~~ in an unauthorized location in
 450 violation of Code Section 16-11-127

451 and has not been free of all restraint or supervision in connection therewith and free of
 452 any other conviction for at least five years immediately preceding the date of the
 453 application;

454 ~~(I)~~(G) Any person who has been convicted of any misdemeanor involving the use or
 455 possession of a controlled substance and has not been free of all restraint or supervision
 456 in connection therewith or free of:

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

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

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

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

490 (c) **Fingerprinting.**

491 Following completion of the application for a weapons carry license ~~or the renewal of a~~
 492 ~~license~~, the judge of the probate court shall require the applicant to proceed to an
 493 appropriate law enforcement agency in the county with the completed application. The
 494 appropriate local law enforcement agency in each county shall then capture the fingerprints
 495 of the applicant for a weapons carry license ~~or renewal license~~ and place the name of the
 496 applicant on the blank license form. ~~The appropriate local law enforcement agency shall~~

497 ~~place the fingerprint on a blank license form which has been furnished to the law~~
 498 ~~enforcement agency by the judge of the probate court if a fingerprint is required to be~~
 499 ~~furnished by subsection (f) of this Code section.~~ The law enforcement agency shall be
 500 entitled to a fee of \$5.00 from the applicant for its services in connection with the
 501 application.

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

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

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

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

526 (4) The law enforcement agency shall report to the judge of the probate court within 30
 527 days, by telephone and in writing, of any findings relating to the applicant ~~which may~~ that
 528 bear on ~~his or her~~ the applicant's eligibility for a an initial weapons carry license ~~or~~
 529 ~~renewal license~~ under the terms of this Code section. ~~When no derogatory information~~
 530 ~~is found on the applicant bearing on his or her eligibility to obtain a license or renewal~~
 531 ~~license,~~ a A report shall not be required if the investigation does not reveal any
 532 disqualifying information. The law enforcement agency shall return the application and
 533 the blank license form with the fingerprint thereon directly to the judge of the probate

534 court within such time period. Not later than ten days after the judge of the probate court
 535 receives the report from the law enforcement agency concerning the ~~suitability~~ eligibility
 536 of the applicant for a license, the judge of the probate court shall issue such applicant a
 537 license ~~or renewal license~~ to carry any weapon unless facts establishing ineligibility have
 538 been reported or unless the judge determines such applicant has not met all the
 539 qualifications, ~~is not of good moral character~~, or has failed to comply with any of the
 540 requirements contained in this Code section. The judge of the probate court shall date
 541 stamp the report from the law enforcement agency to show the date on which the report
 542 was received by the judge of the probate court.

543 (e) **Revocation, loss, or damage to license.** If, at any time during the period for which
 544 the weapons carry license was issued, the judge of the probate court of the county in which
 545 the license was issued shall learn or have brought to his or her attention in any manner any
 546 reasonable ground to believe the licensee is not eligible to retain the license, the judge may,
 547 after notice and hearing, revoke the license of the person upon a finding that such person
 548 is not eligible for a weapons carry license pursuant to subsection (b) of this Code section
 549 or an adjudication of falsification of application, mental incompetency, or chronic alcohol
 550 or narcotic usage. It shall be unlawful for any person to possess a license which has been
 551 revoked, and any person found in possession of any such revoked license, except a law
 552 enforcement officer in the performance of his or her official duties, shall be guilty of a
 553 misdemeanor. ~~It shall be required that any license holder under this Code section have in~~
 554 ~~his or her possession his or her valid license whenever he or she is carrying a weapon under~~
 555 ~~the authority granted by this Code section, and his or her failure to do so shall be~~
 556 ~~prima-facie evidence of a violation of Code Section 16-11-126.~~ Loss of any license issued
 557 in accordance with this Code section or damage to the license in any manner which shall
 558 render it illegible shall be reported to the judge of the probate court of the county in which
 559 it was issued within 48 hours of the time the loss or damage becomes known to the license
 560 holder. The judge of the probate court shall thereupon issue a replacement for and shall
 561 take custody of and destroy a damaged license; and in any case in which a license has been
 562 lost, he or she shall issue a cancellation order and notify by telephone and in writing each
 563 of the law enforcement agencies whose records were checked before issuance of the
 564 original license. The judge shall charge the fee specified in subsection (k) of Code Section
 565 15-9-60 for such services.

566 (f)(1) **Weapons carry license specifications.** Weapons carry licenses issued as
 567 prescribed in this Code section shall be printed on durable but lightweight card stock, and
 568 the completed card shall be laminated in plastic to improve its wearing qualities and to
 569 inhibit alterations. Measurements shall be 3 1/4 inches long and 2 1/4 inches wide. Each
 570 shall be serially numbered within the county of issuance and shall bear the full name,

571 residential address, birth date, weight, height, color of eyes, and sex of the licensee. The
572 license shall show the date of issuance, the expiration date, and the probate court in which
573 issued and shall be signed by the licensee and bear the signature or facsimile thereof of
574 the judge. The seal of the court shall be placed on the face before the license is
575 laminated. Licenses issued on and before December 31, ~~2011~~ 2012, shall bear a clear
576 print of the licensee's right index finger; however, if the right index fingerprint cannot be
577 secured for any reason, the print of another finger may be used but such print shall be
578 marked to identify the finger from which the print is taken.

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

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

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

605 (h) **Licenses for former law enforcement officers.** Except as otherwise provided in Code
606 Section 16-11-130, any person who has served as a law enforcement officer for at least ten
607 of the 12 years immediately preceding the retirement of such person as a law enforcement

608 officer shall be entitled to be issued a weapons carry license as provided for in this Code
609 section without the payment of any of the fees provided for in this Code section. Such
610 person shall comply with all the other provisions of this Code section relative to the
611 issuance of such licenses. As used in this subsection, the term 'law enforcement officer'
612 means any peace officer who is employed by the United States government or by the State
613 of Georgia or any political subdivision thereof and who is required by the terms of his or
614 her employment, whether by election or appointment, to give his or her full time to the
615 preservation of public order or the protection of life and property or the prevention of
616 crime. Such term shall include conservation rangers. Licenses issued to such former law
617 enforcement officers shall be distinctive in design by the use of color or style or other
618 means from other licenses issued under this Code section.

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

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

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

627 (3) Such a temporary renewal license shall be in the form of a paper receipt indicating
628 the date on which the court received the renewal application and shall show the name,
629 address, sex, age, and race of the applicant and that the temporary renewal license expires
630 90 days from the date of issue.

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

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

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

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

644

SECTION 8.

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

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

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

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

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

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

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

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

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

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

- 680 (9) Chief probation officers, probation officers, intensive probation officers, and
 681 surveillance officers employed by and under the authority of the Department of
 682 Corrections pursuant to Article 2 of Chapter 8 of Title 42, known as the 'State-wide
 683 Probation Act,' when specifically designated and authorized in writing by the director of
 684 Division of Probation;
- 685 (10) Public safety directors of municipal corporations;
- 686 (11) Explosive ordnance disposal technicians, as such term is defined by Code Section
 687 16-7-80, and persons certified as provided in Code Section 35-8-13 to handle animals
 688 trained to detect explosives, while in the performance of their duties;
- 689 (12) State and federal trial and appellate judges, full-time and permanent part-time
 690 judges of municipal and city courts, and former state trial and appellate judges retired
 691 from their respective offices under state retirement;
- 692 (13) United States Attorneys and Assistant United States Attorneys;
- 693 (14) County medical examiners and coroners and their sworn officers employed by
 694 county government; and
- 695 (15) All persons holding elected state or local offices in this state not otherwise covered
 696 in this subsection".

697 **SECTION 9.**

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

700 "16-11-131.

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

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

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

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

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

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

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

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

752 citizens of Georgia and that the granting of the relief sought would not be contrary to the
 753 public interest, be granted relief from the disabilities imposed by this Code section. A
 754 record that the relief has been granted by the board shall be entered upon the criminal
 755 history of the person maintained by the Georgia Crime Information Center and the board
 756 shall maintain a list of the names of such persons which shall be open for public inspection.

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

765 ~~(f)~~(e) Any person placed on probation as a first offender pursuant to Article 3 of Chapter
 766 8 of Title 42 and subsequently discharged without court adjudication of guilt pursuant to
 767 Code Section 42-8-62 shall, upon such discharge, be relieved from the disabilities imposed
 768 by this Code section."

769 SECTION 10.

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

771 "16-11-136.

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

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

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

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

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

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

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

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

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

806 **SECTION 11.**

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

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

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

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

820 (2) The authority to bring suit and right to recover against any ~~firearms~~ weapons or
 821 ammunition manufacturer, trade association, or dealer by or on behalf of any
 822 governmental unit created by or pursuant to an Act of the General Assembly or the
 823 Constitution, or any department, agency, or authority thereof, for damages, abatement,

824 or injunctive relief resulting from or relating to the lawful design, manufacture,
 825 marketing, or sale of ~~firearms~~ weapons or ammunition to the public shall be reserved
 826 exclusively to the state. This paragraph shall not prohibit a political subdivision or local
 827 government authority from bringing an action against a ~~firearms~~ weapons or ammunition
 828 manufacturer or dealer for breach of contract or express warranty as to ~~firearms~~ weapons
 829 or ammunition purchased by the political subdivision or local government authority.
 830 (3) As used in this Code section, the term 'weapons' shall have the meaning set forth in
 831 paragraph (2) of subsection (a) of Code Section 16-11-127.1."

832 **SECTION 12.**

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

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

839 **SECTION 13.**

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

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

846 **SECTION 14.**

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