

House Bill 266 (AS PASSED HOUSE AND SENATE)

By: Representative Yates of the 73<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 16-11-130 of the Official Code of Georgia Annotated, relating to  
2 exemptions from Code Sections 16-11-126 through 16-11-127.2, concerning carrying  
3 weapons, so as to authorize constables to be able to carry weapons under certain  
4 circumstances; to provide for related matters; to repeal conflicting laws; and for other  
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 16-11-130 of the Official Code of Georgia Annotated, relating to exemptions  
9 from Code Sections 16-11-126 through 16-11-127.2, concerning carrying weapons, is  
10 amended by revising subsection (a) as follows:

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

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

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

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

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

25 (5) District attorneys, investigators employed by and assigned to a district attorney's  
26 office, assistant district attorneys, attorneys or investigators employed by the Prosecuting

27 Attorneys' Council of the State of Georgia, and any retired district attorney, assistant  
 28 district attorney, district attorney's investigator, or attorney or investigator retired from  
 29 the Prosecuting Attorneys' Council of the State of Georgia, if such employee is retired in  
 30 good standing and is receiving benefits under Title 47 or is retired in good standing and  
 31 receiving benefits from a county or municipal retirement system;

32 (6) State court solicitors-general; investigators employed by and assigned to a state court  
 33 solicitor-general's office; assistant state court solicitors-general; the corresponding  
 34 personnel of any city court expressly continued in existence as a city court pursuant to  
 35 Article VI, Section X, Paragraph I, subparagraph (5) of the Constitution; and the  
 36 corresponding personnel of any civil court expressly continued as a civil court pursuant  
 37 to said provision of the Constitution;

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

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

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

48 (10) Public safety directors of municipal corporations;

49 (11) Explosive ordnance disposal technicians, as such term is defined by Code Section  
 50 16-7-80, and persons certified as provided in Code Section 35-8-13 to handle animals  
 51 trained to detect explosives, while in the performance of their duties;

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

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

56 (14) County medical examiners and coroners and their sworn officers employed by  
 57 county government; ~~and~~

58 (15) Clerks of the superior courts; and

59 (16) Constables employed by a magistrate court of this state."

60 **SECTION 2.**

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