

House Bill 981

By: Representatives Allison of the 8<sup>th</sup>, Golick of the 34<sup>th</sup>, Jerguson of the 22<sup>nd</sup>, Harden of the 28<sup>th</sup>, Dutton of the 166<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 16, Article 3 of Chapter 5 of Title 17, and Code Sections 20-2-1184, 27-3-4,  
2 and 38-3-51 of the Official Code of Georgia Annotated, relating to crimes and offenses,  
3 disposition of seized property, reporting of students committing prohibited acts, legal  
4 weapons for hunting wildlife generally, and the emergency powers of the Governor,  
5 termination of emergency, limitations in energy emergency, and immunity, respectively, so  
6 as to change provisions regarding the carrying and possession of firearms and weapons in  
7 this state and disposition of firearms; to provide for persons holding a valid weapons carry  
8 license to carry a concealed weapon into certain locations under certain circumstances; to  
9 change provisions relating to the qualifications for licenses to carry weapons and renewal  
10 licenses; to change provisions relating to fingerprinting; to exempt license holders from  
11 certain laws regulating the carrying of firearms; to prohibit certain limitations regarding the  
12 carrying of firearms during states of emergency; to provide for civil remedies for violations;  
13 to change provisions relating to preemption by local regulation; to provide for the disposition  
14 of firearms used in burglaries or armed robberies; to provide for the disposition of firearms  
15 seized in criminal investigations and surplus firearms of law enforcement agencies; to  
16 authorize the use of silencers on hunting firearms under certain circumstances; to remove the  
17 Governor's authority to suspend the sale, dispensing, or transportation of firearms in an  
18 emergency; to define terms; to provide for related matters; to provide an effective date; to  
19 repeal conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 **SECTION 1.**

22 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is  
23 amended by revising subsection (b) of Code Section 16-11-34.1, relating to preventing or  
24 disrupting General Assembly sessions or other meetings of members, as follows:

25 "(b)(1) As used in this subsection, the term:

26 (A) 'Concealed' shall have the same meaning as set forth in Code Section 16-11-127.3.

27 (B) 'Knife' shall have the same meaning as set forth in Code Section 16-11-125.1.

28 (C) 'License holder' shall have the same meaning as set forth in Code Section  
 29 16-11-125.1.

30 (D) 'Weapon' shall have the same meaning as set forth in Code Section 16-11-125.1.

31 (2) Except as provided in paragraph (3) of this subsection, it shall be unlawful for any  
 32 person, other than those persons who are exempt from the provisions of Code Sections  
 33 16-11-126 through 16-11-127.2, to enter, occupy, or remain within the state capitol  
 34 building or any building housing committee offices, committee rooms, or offices of  
 35 members, officials, or employees of the General Assembly or either house thereof while  
 36 in the possession of any firearm; knife as such term is defined in Code Section  
 37 16-11-125.1; explosive or incendiary device or compound; bludgeon; knuckles, whether  
 38 made from metal, thermoplastic, wood, or other similar material; or any other dangerous  
 39 or deadly weapon, instrument, or device.

40 (3) A license holder carrying a concealed weapon shall be lawfully authorized to enter,  
 41 occupy, or remain within the state capitol building or any building housing committee  
 42 offices, committee rooms, or offices of members, officials, or employees of the General  
 43 Assembly or either house thereof."

44 **SECTION 2.**

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

46 "16-11-127.3.

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

48 (1) 'Bar' shall have the same meaning as set forth in Code Section 16-11-127.

49 (2) 'Concealed' means that the weapon is covered by the person's clothing or is in a  
 50 closed container.

51 (3) 'Courthouse' shall have the same meaning as set forth in Code Section 16-11-127.

52 (4) 'Government building' shall have the same meaning as set forth in Code Section  
 53 16-11-127.

54 (5) 'School' means a public or private elementary school or secondary school and a  
 55 public or private technical school, vocational school, college, university, or institution of  
 56 postsecondary education.

57 (6) 'School zone' means in or on any real property owned by or leased to any school or  
 58 school board and used for elementary or secondary education and in or on the campus of  
 59 any school or at a school function or on a bus or other transportation furnished by the  
 60 school.

61 (7) 'State mental hospital' means a facility which admits individuals on an involuntary  
 62 basis for treatment of mental illness, developmental disability, or addictive disease.

63 (b) Notwithstanding the provisions of Code Section 16-11-127 or 16-11-127.1, a license  
 64 holder shall be authorized to carry a concealed weapon in a place of worship, state mental  
 65 hospital, polling place, bar, school zone, and government building, so long as the  
 66 government building is not a courthouse; provided, however, that private property owners  
 67 or persons in legal control of property through a lease, rental agreement, licensing  
 68 agreement, contract, or any other agreement to control access to such property shall have  
 69 the right to forbid possession of a weapon, except as provided in Code Section 16-11-135.  
 70 (c) Any license holder who violates this Code section shall be guilty of a misdemeanor.  
 71 Any person who is not a license holder who violates this Code section shall be guilty of a  
 72 felony and, upon conviction thereof, shall be punished by a fine of not more than  
 73 \$10,000.00, by imprisonment for not less than two nor more than ten years, or both.  
 74 (d) A violation of this Code section shall not create or give rise to a civil action for  
 75 damages."

### 76 SECTION 3.

77 Said title is further amended by revising subparagraph (b)(2)(J) and subsections (c) and (d)  
 78 of Code Section 16-11-129, relating to license to carry weapon, as follows:

79 "(J) Any person who has been hospitalized as an involuntary inpatient in any mental  
 80 hospital or alcohol or drug treatment center within the five years immediately preceding  
 81 the application. ~~The~~ An applicant's affirmation that he or she has not been hospitalized  
 82 as an involuntarily inpatient in a mental health or drug treatment center within the five  
 83 years immediately preceding the application shall create a rebuttable presumption that  
 84 the applicant has not been so hospitalized; provided, however, that the judge of the  
 85 probate court may require any applicant to sign a waiver authorizing any mental  
 86 hospital or treatment center to inform the judge whether or not the applicant has been  
 87 an involuntary inpatient in any such facility in the last five years and authorizing the  
 88 superintendent of such facility to make to the judge a recommendation regarding  
 89 whether the applicant is a threat to the safety of others and whether a license to carry  
 90 a weapon should be issued. When such a waiver is required by the judge, the applicant  
 91 shall pay a fee of \$3.00 for reimbursement of the cost of making such a report by the  
 92 mental health hospital, alcohol or drug treatment center, or the Department of  
 93 Behavioral Health and Developmental Disabilities, which the judge shall remit to the  
 94 hospital, center, or department. The judge shall keep any such hospitalization or  
 95 treatment information confidential. It shall be at the discretion of the judge, considering  
 96 the circumstances surrounding the hospitalization and the recommendation of the  
 97 superintendent of the hospital or treatment center where the individual was a patient,  
 98 to issue the weapons carry license or renewal license."

99 **"(c) Fingerprinting.**

100 As used in this subsection, the term 'initial weapons carry license' means a weapons carry  
 101 license for an applicant who does not have a valid weapons carry license issued by another  
 102 probate judge of this state at the time of the individual's application for such license.  
 103 Following completion of the application for a an initial weapons carry license ~~or the~~  
 104 ~~renewal of a license~~, the judge of the probate court shall require the applicant to proceed  
 105 to ~~an appropriate~~ any law enforcement agency in the county with the completed  
 106 application. The ~~appropriate~~ local law enforcement agency ~~in each county~~ shall then  
 107 capture the fingerprints of the applicant for a an initial weapons carry license ~~or renewal~~  
 108 ~~license~~ and place the name of the applicant on the blank license form. ~~The appropriate~~  
 109 ~~local law enforcement agency shall place the fingerprint on a blank license form which has~~  
 110 ~~been furnished to the law enforcement agency by the judge of the probate court if a~~  
 111 ~~fingerprint is required to be furnished by subsection (f) of this Code section.~~ The law  
 112 enforcement agency shall be entitled to a fee of \$5.00 from the applicant for its services in  
 113 connection with the application. On or before September 1, 2012, each probate judge of  
 114 this state shall enroll in a Georgia Bureau of Investigation approved system that captures  
 115 fingerprints and reports results of a fingerprint based criminal background check.

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

117 (1) For ~~both~~ weapons carry license applications ~~and requests for license renewals~~, the  
 118 judge of the probate court shall within five days following the receipt of the application  
 119 or request direct the law enforcement agency to request a fingerprint based criminal  
 120 history records check from the Georgia Crime Information Center and Federal Bureau of  
 121 Investigation for purposes of determining the suitability of the applicant and return an  
 122 appropriate report to the judge of the probate court. Fingerprints shall be in such form  
 123 and of such quality as prescribed by the Georgia Crime Information Center and under  
 124 standards adopted by the Federal Bureau of Investigation. The Georgia Bureau of  
 125 Investigation may charge such fee as is necessary to cover the cost of the records search.

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

131 (3) When a person who is not a United States citizen applies for a weapons carry license  
 132 or renewal of a license under this Code section, the judge of the probate court shall direct  
 133 the law enforcement agency to conduct a search of the records maintained by United  
 134 States Immigration and Customs Enforcement and return an appropriate report to the  
 135 probate judge. As a condition to the issuance of a license or the renewal of a license, an

136 applicant who is in nonimmigrant status shall provide proof of his or her qualifications  
 137 for an exception to the federal firearm prohibition pursuant to 18 U.S.C. Section 922(y).  
 138 (4) The law enforcement agency shall report to the judge of the probate court within 30  
 139 days, by telephone and in writing, of any findings relating to the applicant which may  
 140 bear on his or her eligibility for a weapons carry license or renewal license under the  
 141 terms of this Code section. When no derogatory information is found on the applicant  
 142 bearing on his or her eligibility to obtain a license or renewal license, a report shall not  
 143 be required. The law enforcement agency shall return the application and the blank  
 144 license form with the fingerprint thereon directly to the judge of the probate court within  
 145 such time period. Not later than ten days after the judge of the probate court receives the  
 146 report from the law enforcement agency concerning the suitability of the applicant for a  
 147 license, the judge of the probate court shall issue such applicant a license or renewal  
 148 license to carry any weapon unless facts establishing ineligibility have been reported or  
 149 unless the judge determines such applicant has not met all the qualifications, is not of  
 150 good moral character, or has failed to comply with any of the requirements contained in  
 151 this Code section. The judge of the probate court shall date stamp the report from the law  
 152 enforcement agency to show the date on which the report was received by the judge of  
 153 the probate court.

154 (5) For both weapons carry license applications and requests for license renewals, if the  
 155 probate judge requires an applicant to sign a waiver as provided in subparagraph (b)(2)(J)  
 156 of this Code section, the judge shall request the report within 72 hours of receiving the  
 157 waiver and shall issue or deny the weapons carry license or renewal license within 14  
 158 days of receiving such report."

#### 159 SECTION 4.

160 Said title is further amended by revising paragraph (12) of subsection (a) of Code Section  
 161 16-11-130, relating to exemptions from Code Section 16-11-126 through 127.2, as follows:  
 162 "(12) State and federal trial and appellate judges, full-time and permanent part-time  
 163 judges of municipal and city courts, and former state trial and appellate judges retired  
 164 from their respective offices ~~under state retirement;~~"

#### 165 SECTION 5.

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

167 "16-11-136.

168 (a) No officer or employee of the state or any political subdivision thereof, member of the  
 169 National Guard in the service of the state, or any person operating pursuant to or under  
 170 color of state law, receiving state funds, under control of any official of the state or political

171 subdivision thereof, or providing services to such officer, employee, or other person, while  
 172 acting during a declared official state of emergency, shall:

173 (1) Temporarily or permanently seize, or authorize the seizure of, any firearm the  
 174 possession of which is not prohibited under Article 4 of this chapter, other than as  
 175 evidence in a criminal investigation;

176 (2) Require registration of any firearm for which registration is not required by Article 4  
 177 of this chapter;

178 (3) Prohibit possession of any firearm, or promulgate any rule, regulation, or order  
 179 prohibiting possession of any firearm, in any place where such possession is not  
 180 otherwise prohibited by Article 4 of this chapter; or

181 (4) Prohibit the carrying of firearms by any person otherwise authorized to carry firearms  
 182 under Article 4 of this chapter, solely because such person is operating under the  
 183 direction, control, or supervision of an agency of the state or political subdivision thereof  
 184 during a declared official state of emergency.

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

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

196 **SECTION 6.**

197 Said title is further amended by revising Code Section 16-11-173, relating to legislative  
 198 findings and preemption of local regulation and lawsuits, as follows:

199 "16-11-173.

200 (a)(1) As used in this Code section, the term 'weapon' shall have the same meaning as  
 201 set forth in Code Section 16-11-127.1.

202 (2) It is declared by the General Assembly that the regulation of firearms and weapons  
 203 is properly an issue of general, state-wide concern.

204 ~~(2)~~(3) The General Assembly further declares that the lawful design, marketing,  
 205 manufacture, and sale of firearms and ammunition and other weapons to the public is not  
 206 unreasonably dangerous activity and does not constitute a nuisance per se.

207 (b)(1) No county or municipal corporation, by zoning, ~~or by~~ ordinance, resolution, or  
 208 other enactment, and no state agency, board, or authority other than the General  
 209 Assembly, by rule, regulation, or other enactment, shall regulate in any manner gun  
 210 shows; the possession, ownership, transport, carrying, transfer, sale, purchase, licensing,  
 211 or registration of firearms or other weapons or components of firearms or other weapons;  
 212 firearms dealers; or dealers in firearms components or components of other weapons.

213 (2) The authority to bring suit and right to recover against any firearms or ammunition  
 214 manufacturer, trade association, or dealer by or on behalf of any governmental unit  
 215 created by or pursuant to an Act of the General Assembly or the Constitution, or any  
 216 department, agency, or authority thereof, for damages, abatement, or injunctive relief  
 217 resulting from or relating to the lawful design, manufacture, marketing, or sale of  
 218 firearms or ammunition to the public shall be reserved exclusively to the state. This  
 219 paragraph shall not prohibit a political subdivision or local government authority from  
 220 bringing an action against a firearms or ammunition manufacturer or dealer for breach  
 221 of contract or express warranty as to firearms or ammunition purchased by the political  
 222 subdivision or local government authority.

223 (c) A county or municipal corporation may regulate the transport, carrying, or possession  
 224 of firearms by employees of the local unit of government in the course of their employment  
 225 with such local unit of government.

226 (d) Nothing contained in this Code section shall prohibit municipalities or counties, by  
 227 ordinance, resolution, or other enactment, from requiring the ownership of guns by heads  
 228 of households within the political subdivision.

229 (e) Nothing contained in this Code section shall prohibit municipalities or counties, by  
 230 ordinance, resolution, or other enactment, from reasonably limiting or prohibiting the  
 231 discharge of firearms within the boundaries of the municipal corporation or county."

232 **SECTION 7.**

233 Said title is further amended by revising subsection (a) of Code Section 16-16-2, relating to  
 234 motor vehicles, tools, and weapons subject to forfeiture, grounds for seizure, custody of  
 235 property, duties of officers, proceedings for forfeiture, and disposition of property, as  
 236 follows:

237 "(a) All motor vehicles, tools, and weapons which are used or intended for use in any  
 238 manner in the commission of or to facilitate the commission of a burglary or armed robbery  
 239 ~~are~~ shall be subject to forfeiture under this chapter, but:

240 (1) No motor vehicle used by any person as a common carrier in the transaction of  
 241 business as a common carrier ~~is~~ shall be subject to forfeiture under this Code section

242 unless it appears that the owner or other person in charge of the motor vehicle is a  
 243 consenting party or privy to the commission of a burglary or armed robbery;

244 (2) No motor vehicle ~~is~~ shall be subject to forfeiture under this Code section by reason  
 245 of any act or omission established by the owner thereof to have been committed or  
 246 omitted without his or her knowledge or consent, and any co-owner of a motor vehicle  
 247 without knowledge of or consent to the act or omission ~~is~~ shall be protected to the extent  
 248 of the interest of such co-owner; and

249 (3) A forfeiture of a motor vehicle encumbered by a bona fide security interest ~~is~~ shall  
 250 be subject to the interest of the secured party if he or she neither had knowledge of or nor  
 251 consented to the act or omission.

252 Notwithstanding any provisions of this Code section to the contrary, any firearm forfeited  
 253 under this chapter shall be disposed of in accordance with the provisions of Code  
 254 Section 17-5-52."

255 **SECTION 8.**

256 Article 3 of Chapter 5 of Title 17 of the Official Code of Georgia Annotated, relating to  
 257 disposition of seized property, is amended by revising Code Section 17-5-51, relating to  
 258 forfeiture of weapons used in commission of crime, possession of which constitutes crime  
 259 or delinquent act, or illegal concealment generally, as follows:

260 "17-5-51.

261 (a) Except as provided in subsection (b) of this Code section, any ~~Any~~ device which is  
 262 used as a weapon in the commission of any crime against any person or any attempt to  
 263 commit any crime against any person, any weapon the possession or carrying of which  
 264 constitutes a crime or delinquent act, and any weapon for which a person has been  
 265 convicted of violating Code Section 16-11-126 are declared to be contraband and are  
 266 forfeited. For the purposes of this article, a motor vehicle shall not be deemed to be a  
 267 weapon or device and shall not be contraband or forfeited under this article; provided,  
 268 however, that this exception shall not be construed to prohibit the seizure, condemnation,  
 269 and sale of motor vehicles used in the illegal transportation of alcoholic beverages.

270 (b) A firearm that is the property of a person other than the perpetrator of the crime or  
 271 delinquent act shall be returned to such person when such firearm is no longer needed for  
 272 evidentiary purposes, provided that the person who owned such firearm did not know or  
 273 in the exercise of ordinary care would not have known that such firearm would be used by  
 274 the perpetrator for an unlawful purpose and the person is authorized by state and federal  
 275 law to receive and possess such firearm."

276

**SECTION 9.**

277 Said article is further amended by revising subsection (a) of Code Section 17-5-52, relating  
 278 to sale or destruction of weapons used in commission of crime or delinquent act involving  
 279 possession, sale of weapons not the property of the defendant, disposition of proceeds of sale,  
 280 and record keeping, as follows:

281 "(a) When a final judgment is entered finding a defendant guilty of the commission or  
 282 attempted commission of a crime against any person or guilty of the commission of a crime  
 283 or delinquent act involving the illegal possession or carrying of a weapon, any device  
 284 which was used as a weapon in the commission of the crime or delinquent act shall be  
 285 turned over by the person having custody of the weapon or device to the sheriff, chief of  
 286 police, or other executive officer of the law enforcement agency that originally confiscated  
 287 the weapon or device when the weapon or device is no longer needed for evidentiary  
 288 purposes. ~~Within~~ With the exception of firearms which shall be disposed of in accordance  
 289 with Code Section 17-5-52.1, within 90 days after receiving the weapon or device, the  
 290 sheriff, chief of police, or other executive officer of the law enforcement agency shall  
 291 retain the weapon or device for use in law enforcement, destroy the same, or sell the  
 292 weapon or device pursuant to judicial sale as provided in Article 7 of Chapter 13 of Title 9  
 293 or by any commercially feasible means, provided that; if the weapon or device used as a  
 294 weapon in the crime is not the property of the defendant, there shall be no forfeiture of such  
 295 weapon or device."

296

**SECTION 10.**

297 Said article is further amended by adding a new Code section to read as follows:

298 "17-5-52.1.

299 (a) Notwithstanding any other provision of law to the contrary and subject to the duty to  
 300 return firearms to innocent owners pursuant to subsection (b) of Code Section 17-5-51 and  
 301 this Code section, all firearms, as defined in paragraph (3) of Code Section 16-11-171, that  
 302 are forfeited or abandoned to any law enforcement agency of this state or a political  
 303 subdivision of this state, including the Department of Natural Resources, or that are  
 304 otherwise acquired by the state or a political subdivision and are no longer needed, shall  
 305 be disposed of as provided in this Code section.

306 (b) Prior to the disposal of any firearm that has been forfeited or abandoned to the state or  
 307 a political subdivision of the state, the agency with custody of the firearm shall use best  
 308 efforts to determine if the firearm has been lost by, stolen from, or otherwise illegally  
 309 obtained from an innocent owner and, if so, shall return the firearm to its innocent owner,  
 310 if ascertainable, unless that person is ineligible to receive or possess a firearm under state  
 311 or federal law.

312 (c)(1) Except as provided in subsection (b) of this Code section, the custodial agency  
313 shall dispose of the firearms that it receives under subsection (a) of this Code section by  
314 sale at public auction to persons licensed as firearms collectors, dealers, importers, or  
315 manufacturers under the provisions of 18 U.S.C. Section 921, et seq., and Chapter 16 of  
316 Title 43 and who are authorized to receive such firearms under the terms of such license.  
317 (2) Auctions required by this subsection may occur online on a rolling basis or at live  
318 events, but in no event shall occur less frequently than once every six months during any  
319 time in which the agency has an inventory of saleable firearms.  
320 (3) The agency shall retain only such proceeds as are necessary to cover the costs of  
321 administering this Code section, with any surplus to be transferred to the general fund of  
322 the jurisdiction in which the agency is located, provided that an agency may be  
323 reimbursed for any firearms formerly in use by the agency that are sold under this Code  
324 section.  
325 (4) Employees of the agency shall not be eligible to bid on the firearms at an auction  
326 conducted under this Code section and, except for the costs of administration authorized  
327 under paragraph (3) of this subsection, neither the agency nor its employees shall retain  
328 any proceeds from any sale required by this Code section nor shall the agency or its  
329 employees retain any firearm required to be sold under this Code section.  
330 (d) The requirements of subsection (c) of this Code section shall not apply to a firearm if  
331 no bids from eligible recipients are received within six months from when bidding opened  
332 on such firearm or that the sheriff, chief of police, agency director, or designee of such  
333 official certifies is unsafe for use because of wear, damage, age, or modification. Any such  
334 firearm shall, at the discretion of the sheriff, chief of police, agency director, or designee  
335 of such official, be transferred to the Division of Forensic Sciences of the Georgia Bureau  
336 of Investigation for training or experimental purposes or to a museum or historical society  
337 that displays such items to the public and is lawfully eligible to receive the item or be  
338 destroyed.  
339 (e) All agencies subject to the provisions of this Code section shall keep records of the  
340 firearms acquired and disposed of as herein provided as well as the proceeds of the sales  
341 thereof and the disbursement of such proceeds and shall maintain such records for not less  
342 than ten years from the date on which a firearm is disposed of or on which a disbursement  
343 of funds is made, as the case may be.  
344 (f) Neither the state nor any political subdivision of the state nor any of its officers, agents,  
345 or employees shall be liable to any person, including the purchaser of a firearm, for  
346 personal injuries or damage to property arising from the sale of a firearm under this Code  
347 section unless the state or political subdivision acted with gross negligence or  
348 recklessness."

349

**SECTION 11.**

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

352 "(a) Any teacher or other person employed at any public or private elementary or  
353 secondary school or any dean or public safety officer employed by a college or university  
354 who has reasonable cause to believe that a student at that school has committed any act  
355 upon school property or at any school function, which act is prohibited by any of the  
356 following:

357 (1) Code Section 16-5-21, relating to aggravated assault if a firearm is involved;

358 (2) Code Section 16-5-24, relating to aggravated battery;

359 (3) Chapter 6 of Title 16, relating to sexual offenses;

360 (4) Code Section 16-11-127, relating to carrying a weapon or long gun in an  
361 unauthorized location, except as provided in Code Section 16-11-127.3;

362 (5) Code Section 16-11-127.1, relating to carrying weapons at school functions or on  
363 school property or within school safety zones, except as provided in Code Section  
364 16-11-127.3;

365 (6) Code Section 16-11-132, relating to the illegal possession of a handgun by a person  
366 under 18 years of age; or

367 (7) Code Section 16-13-30, relating to possession and other activities regarding  
368 marijuana and controlled substances,

369 shall immediately report the act and the name of the student to the principal or president  
370 of that school or the principal's or president's designee."

371

**SECTION 12.**

372 Code Section 27-3-4 of the Official Code of Georgia Annotated, relating to legal weapons  
373 for hunting wildlife generally, is amended by revising paragraph (9) as follows:

374 "~~(9) The use of silencers for hunting within this state is prohibited~~ Any firearm otherwise  
375 authorized for use in the hunting or taking of game may be equipped with a silencer, as  
376 defined in paragraph (7) of Code Section 16-11-121, possessed by the user in accordance  
377 with paragraph (4) of Code Section 16-11-124."

378

**SECTION 13.**

379 Code Section 38-3-51 of the Official Code of Georgia Annotated, relating to emergency  
380 powers of the Governor, termination of emergency, limitations in energy emergency, and  
381 immunity, is amended by revising paragraph (8) of subsection (d) as follows:

382 "(8) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages,  
383 ~~firearms, explosives, and combustibles; provided, however, that any limitation on~~

384 ~~firearms under this Code section shall not include an individual firearm owned by a~~  
385 ~~private citizen which was legal and owned by that citizen prior to the declaration of state~~  
386 ~~of emergency or disaster or thereafter acquired in compliance with all applicable laws of~~  
387 ~~this state and the United States; and"~~

388 **SECTION 14.**

389 This Act shall become effective upon its approval by the Governor or upon its becoming law  
390 without such approval.

391 **SECTION 15.**

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