

House Bill 394

By: Representatives Hill of the 22nd, Powell of the 32nd, Taylor of the 173rd, Talton of the 147th, Hitchens of the 161st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia
2 Annotated, relating to carrying and possession of firearms, so as to authorize members of the
3 General Assembly to be able to carry firearms on government and other properties; to
4 provide for limitations; to provide for related matters; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
9 relating to carrying and possession of firearms, is amended by revising Code Section
10 16-11-130, relating to exemptions from Code Sections 16-11-126 through 16-11-127.2, as
11 follows:

12 "16-11-130.

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

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

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

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

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

- 27 (5) District attorneys, investigators employed by and assigned to a district attorney's
28 office, assistant district attorneys, attorneys or investigators employed by the Prosecuting
29 Attorneys' Council of the State of Georgia, and any retired district attorney, assistant
30 district attorney, district attorney's investigator, or attorney or investigator retired from
31 the Prosecuting Attorneys' Council of the State of Georgia, if such employee is retired in
32 good standing and is receiving benefits under Title 47 or is retired in good standing and
33 receiving benefits from a county or municipal retirement system;
- 34 (6) State court solicitors-general; investigators employed by and assigned to a state court
35 solicitor-general's office; assistant state court solicitors-general; the corresponding
36 personnel of any city court expressly continued in existence as a city court pursuant to
37 Article VI, Section X, Paragraph I, subparagraph (5) of the Constitution; and the
38 corresponding personnel of any civil court expressly continued as a civil court pursuant
39 to said provision of the Constitution;
- 40 (7) Those employees of the State Board of Pardons and Paroles when specifically
41 designated and authorized in writing by the members of the State Board of Pardons and
42 Paroles to carry a weapon or long gun;
- 43 (8) The Attorney General and those members of his or her staff whom he or she
44 specifically authorizes in writing to carry a weapon or long gun;
- 45 (9) Chief probation officers, probation officers, intensive probation officers, and
46 surveillance officers employed by and under the authority of the Department of
47 Corrections pursuant to Article 2 of Chapter 8 of Title 42, known as the 'State-wide
48 Probation Act,' when specifically designated and authorized in writing by the director of
49 Division of Probation;
- 50 (10) Public safety directors of municipal corporations;
- 51 (11) Explosive ordnance disposal technicians, as such term is defined by Code Section
52 16-7-80, and persons certified as provided in Code Section 35-8-13 to handle animals
53 trained to detect explosives, while in the performance of their duties;
- 54 (12) State and federal trial and appellate judges, full-time and permanent part-time
55 judges of municipal and city courts, and former state trial and appellate judges retired
56 from their respective offices under state retirement;
- 57 (13) United States Attorneys and Assistant United States Attorneys;
- 58 (14) County medical examiners and coroners and their sworn officers employed by
59 county government;
- 60 (15) Current and former members of the General Assembly who possess a valid weapons
61 carry license issued in this state; provided, however, that no member of the General
62 Assembly shall be authorized to carry a weapon within the chamber of the House of
63 Representatives or the chamber of the Senate;

64 ~~(15)~~(16) Clerks of the superior courts; and
65 ~~(16)~~(17) Constables employed by a magistrate court of this state.

66 (b) Code Sections 16-11-126 through 16-11-127.2 shall not apply to or affect persons who
67 at the time of their retirement from service with the Department of Corrections were chief
68 probation officers, probation officers, intensive probation officers, or surveillance officers,
69 when specifically designated and authorized in writing by the director of the Division of
70 Probation.

71 (c) Code Sections 16-11-126 through 16-11-127.2 shall not apply to or affect any:

72 (1) Sheriff, retired sheriff, deputy sheriff, or retired deputy sheriff if such retired sheriff
73 or deputy sheriff is eligible to receive or is receiving benefits under the Peace Officers'
74 Annuity and Benefit Fund provided under Chapter 17 of Title 47, the Sheriffs' Retirement
75 Fund of Georgia provided under Chapter 16 of Title 47, or any other public retirement
76 system established under the laws of this state for service as a law enforcement officer;

77 (2) Member of the Georgia State Patrol or agent of the Georgia Bureau of Investigation
78 or retired member of the Georgia State Patrol or agent of the Georgia Bureau of
79 Investigation if such retired member or agent is receiving benefits under the Employees'
80 Retirement System;

81 (3) Full-time law enforcement chief executive engaging in the management of a county,
82 municipal, state, state authority, or federal law enforcement agency in the State of
83 Georgia, including any college or university law enforcement chief executive that is
84 registered or certified by the Georgia Peace Officer Standards and Training Council; or
85 retired law enforcement chief executive that formerly managed a county, municipal, state,
86 state authority, or federal law enforcement agency in the State of Georgia, including any
87 college or university law enforcement chief executive that was registered or certified at
88 the time of his or her retirement by the Georgia Peace Officer Standards and Training
89 Council, if such retired law enforcement chief executive is receiving benefits under the
90 Peace Officers' Annuity and Benefit Fund provided under Chapter 17 of Title 47 or is
91 retired in good standing and receiving benefits from a county, municipal, State of
92 Georgia, state authority, or federal retirement system; or

93 (4) Police officer of any county, municipal, state, state authority, or federal law
94 enforcement agency in the State of Georgia, including any college or university police
95 officer that is registered or certified by the Georgia Peace Officer Standards and Training
96 Council, or retired police officer of any county, municipal, state, state authority, or
97 federal law enforcement agency in the State of Georgia, including any college or
98 university police officer that was registered or certified at the time of his or her retirement
99 by the Georgia Peace Officer Standards and Training Council, if such retired employee
100 is receiving benefits under the Peace Officers' Annuity and Benefit Fund provided under

101 Chapter 17 of Title 47 or is retired in good standing and receiving benefits from a county,
102 municipal, State of Georgia, state authority, or federal retirement system.
103 In addition, any such sheriff, retired sheriff, deputy sheriff, retired deputy sheriff, active or
104 retired law enforcement chief executive, or other law enforcement officer referred to in this
105 subsection shall be authorized to carry a handgun on or off duty anywhere within the state
106 and the provisions of Code Sections 16-11-126 through 16-11-127.2 shall not apply to the
107 carrying of such firearms.
108 (d) A prosecution based upon a violation of Code Section 16-11-126 or 16-11-127 need
109 not negative any exemptions."

110 **SECTION 2.**

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