

House Bill 394

By: Representatives Hill of the 22<sup>nd</sup>, Powell of the 32<sup>nd</sup>, Taylor of the 173<sup>rd</sup>, Talton of the 147<sup>th</sup>, Hitchens of the 161<sup>st</sup>, 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.