

House Bill 512

By: Representatives Jasperse of the 11th, Meadows of the 5th, Roberts of the 155th, Ballinger of the 23rd, Powell of the 32nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
2 relating to dangerous instrumentalities and practices, so as to change provisions relating to
3 carrying weapons in unauthorized locations; to provide for a short title; to provide for and
4 change definitions; to change provisions relating to carrying a weapon in government
5 buildings, places of worship, and bars; to revise the definition of school safety zones; to
6 change provisions relating to carrying weapons within certain school safety zones and at
7 school functions; to provide for the offense of unlawfully carrying a weapon into a secure
8 airport area; to allow persons who have had their weapons carry license revoked to be
9 eligible to be license holders under certain circumstances; to remove fingerprinting
10 requirements for renewal licenses; to change provisions relating to weapons carry licenses;
11 to change provisions relating to persons exempt from the provisions of Code Sections
12 16-11-126 through 16-11-127.2; to change legislative findings and provide for preemption
13 for weapons other than firearms; to provide for a cause of action and damages; to amend
14 Title 16, relating to crimes and offenses, and Article 27 of Chapter 2 of Title 20, relating to
15 loitering at or disrupting schools, so as to correct cross-references; to provide for related
16 matters; to repeal conflicting laws; and for other purposes.

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

18 **PART I**
19 **SECTION 1-1.**

20 This Act shall be known and may be cited as the "Safe Carry Protection Act."

21 **SECTION 1-2.**

22 Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to
23 dangerous instrumentalities and practices, is amended by revising subsection (d) of Code

24 Section 16-11-126, relating to having or carrying handguns, long guns, or other weapons, as
 25 follows:

26 "(d) Any person who is not prohibited by law from possessing a handgun or long gun who
 27 is eligible for a weapons carry license may transport a handgun or long gun in any private
 28 passenger motor vehicle; provided, however, that private property owners or persons in
 29 legal control of private property through a lease, rental agreement, licensing agreement,
 30 contract, or any other agreement to control access to such private property shall have the
 31 right to ~~forbid~~ exclude or eject a person who is in possession of a weapon or long gun on
 32 their private property in accordance with paragraph (3) of subsection (b) of Code Section
 33 16-7-21, except as provided in Code Section 16-11-135."

34 **SECTION 1-3.**

35 Said article is further amended by revising Code Section 16-11-127, relating to carrying
 36 weapons in unauthorized locations and penalty, as follows:

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

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

42 ~~(2)~~(1) 'Courthouse' means a building occupied by judicial courts and containing rooms
 43 in which judicial proceedings are held.

44 ~~(3)~~(2) 'Government building' means:

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

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

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

52 ~~(4)~~(3) 'Government entity' means an office, agency, authority, department, commission,
 53 board, body, division, instrumentality, or institution of the state or any county, municipal
 54 corporation, consolidated government, or local board of education within this state.

55 ~~(5)~~(4) 'Parking facility' means real property owned or leased by a government entity,
 56 courthouse, jail, or prison, ~~place of worship, or bar~~ that has been designated by such
 57 government entity, courthouse, jail, or prison, ~~place of worship, or bar~~ for the parking of
 58 motor vehicles at a government building, or at such courthouse, jail, or prison, ~~place of~~
 59 ~~worship, or bar.~~

60 (b) Except as provided in subsection (d) of this Code section, a ~~A~~ person shall be guilty
 61 of carrying a weapon or long gun in an unauthorized location and punished as for a
 62 misdemeanor when he or she carries a weapon or long gun while:

63 (1) In a government building;

64 (2) In a courthouse;

65 (3) In a jail or prison;

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

67 ~~(5)~~(4) In a state mental health facility as defined in Code Section 37-1-1 which admits
 68 individuals on an involuntary basis for treatment of mental illness, developmental
 69 disability, or addictive disease; provided, however, that carrying a weapon or long gun
 70 in such location in a manner in compliance with paragraph (3) of subsection (d) of this
 71 Code section shall not constitute a violation of this subsection;

72 ~~(6) In a bar, unless the owner of the bar permits the carrying of weapons or long guns by~~
 73 ~~license holders;~~

74 ~~(7)~~(5) On the premises of a nuclear power facility, except as provided in Code Section
 75 16-11-127.2, and the punishment provisions of Code Section 16-11-127.2 shall supersede
 76 the punishment provisions of this Code section; or

77 ~~(8)~~(6) Within 150 feet of any polling place, except as provided in subsection (i) of Code
 78 Section 21-2-413.

79 (c) Except as provided in Code Section 16-11-127.1, a license holder or person recognized
 80 under subsection (e) of Code Section 16-11-126 shall be authorized to carry a weapon as
 81 provided in Code Section 16-11-135 and in every location in this state not listed in
 82 subsection (b) or (e) of this Code section; provided, however, that private property owners
 83 or persons in legal control of private property through a lease, rental agreement, licensing
 84 agreement, contract, or any other agreement to control access to such private property shall
 85 have the right to ~~forbid~~ exclude or eject a person who is in possession of a weapon or long
 86 gun on their private property in accordance with paragraph (3) of subsection (b) of Code
 87 Section 16-7-21, except as provided in Code Section 16-11-135. A violation of
 88 subsection (b) of this Code section shall not create or give rise to a civil action for
 89 damages.

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

91 (1) To the use of weapons or long guns as exhibits in a legal proceeding, provided such
 92 weapons or long guns are secured and handled as directed by the personnel providing
 93 courtroom security or the judge hearing the case;

94 (2) To a license holder who approaches security or management personnel upon arrival
 95 at a location described in subsection (b) of this Code section and notifies such security
 96 or management personnel of the presence of the weapon or long gun and explicitly

97 follows the security or management personnel's direction for removing, securing, storing,
 98 or temporarily surrendering such weapon or long gun; and
 99 (3) To a weapon or long gun possessed by a license holder which is under the possessor's
 100 control in a motor vehicle or is in a locked compartment of a motor vehicle or one which
 101 is in a locked container in or a locked firearms rack which is on a motor vehicle and such
 102 vehicle is parked in a parking facility.
 103 (e) A license holder shall be authorized to carry a weapon in a government building or
 104 courthouse if such building or courthouse is not protected by a security guard during the
 105 hours it is open for business. A license holder violating this subsection shall be guilty of
 106 a misdemeanor; provided, however, that such license holder who exits such location upon
 107 his or her observation that such location has a security guard shall not be guilty of any
 108 offense other than trespass if he or she refuses to leave the premises."

109 SECTION 1-4.

110 Said article is further amended by revising subsection (a), paragraph (1) of subsection (b),
 111 paragraphs (6) through (8) and paragraph (17) of subsection (c), and subsections (d), (e), and
 112 (f) of Code Section 16-11-127.1, relating to carrying weapons within school safety zones, at
 113 school functions, or on school property, as follows:

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

115 (1) 'Bus or other transportation furnished by a school' means a bus or other
 116 transportation furnished by a public or private elementary or secondary school or a public
 117 or private technical school, vocational school, college, university, or other institution of
 118 postsecondary education.

119 (2) 'School function' means a school function or related activity for a public or private
 120 elementary or secondary school or a public or private technical school, vocational school,
 121 college, university, or other institution of postsecondary education.

122 ~~(1)~~(3) 'School safety zone' means in or on any real property or building owned by or
 123 leased to:

124 (A) Any any public or private elementary school, secondary school, or school board
 125 and used for elementary or secondary education; and in or on the campus of any

126 (B) Any public or private technical school, vocational school, college, university, or
 127 other institution of postsecondary education and used for student housing or
 128 competitive physical activity.

129 ~~(2)~~(4) 'Weapon' means and includes any pistol, revolver, or any weapon designed or
 130 intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife,
 131 ballistic knife, any other knife having a blade of two or more inches, straight-edge razor,
 132 razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or

133 other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any
 134 flailing instrument consisting of two or more rigid parts connected in such a manner as
 135 to allow them to swing freely, which may be known as a nun chahka, nun chuck,
 136 nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at
 137 least two points or pointed blades which is designed to be thrown or propelled and which
 138 may be known as a throwing star or oriental dart, or any weapon of like kind, and any
 139 stun gun or taser as defined in subsection (a) of Code Section 16-11-106. This paragraph
 140 excludes any of these instruments used for classroom work authorized by the teacher.

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

147 "(6) A person who has been authorized in writing by a duly authorized official of ~~the~~
 148 ~~school~~ a public or private elementary or secondary school or a public or private technical
 149 school, vocational school, college, university, or other institution of postsecondary
 150 education to have in such person's possession or use as part of any activity being
 151 conducted ~~at a school building, school property, or within a school safety zone or at a~~
 152 school function a weapon which would otherwise be prohibited by this Code section.
 153 Such authorization shall specify the weapon or weapons which have been authorized and
 154 the time period during which the authorization is valid;

155 (7) A person who is licensed in accordance with Code Section 16-11-129 or issued a
 156 permit pursuant to Code Section 43-38-10, when such person carries or picks up a student
 157 ~~at a school building~~, within a school safety zone, ~~at a school function, or school property~~
 158 or on a bus or other transportation furnished by ~~the~~ a school or a person who is licensed
 159 in accordance with Code Section 16-11-129 or issued a permit pursuant to Code Section
 160 43-38-10 when he or she has any weapon legally kept within a vehicle when such vehicle
 161 is parked ~~at such school property~~ within a school safety zone or is in transit through a
 162 designated school safety zone;

163 (8) A weapon possessed by a license holder which is under the possessor's control in a
 164 motor vehicle or which is in a locked compartment of a motor vehicle or one which is in
 165 a locked container in or a locked firearms rack which is on a motor vehicle which is being
 166 used by an adult over 21 years of age to bring to or pick up a student ~~at a school building,~~
 167 within a school safety zone, ~~at a school function, or school property~~ or on a bus or other
 168 transportation furnished by ~~the~~ a school, or when such vehicle is used to transport
 169 someone to an activity being conducted ~~on school property~~ within a school safety zone

170 which has been authorized by a duly authorized official ~~of the school~~ as provided by
 171 paragraph (6) of this subsection; provided, however, that this exception shall not apply
 172 to a student attending ~~such~~ a public or private elementary or secondary school;"

173 "(17) Teachers and other ~~school~~ personnel who are otherwise authorized to possess or
 174 carry weapons, provided that any such weapon is in a locked compartment of a motor
 175 vehicle or one which is in a locked container in or a locked firearms rack which is on a
 176 motor vehicle; or"

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

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

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

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

191 (1) A public or private elementary or secondary school or a public or private technical
 192 school, vocational school, college, university, or other institution of postsecondary
 193 education ~~School~~ was or was not in session at the time of the offense;

194 (2) The real property was being used for other purposes besides ~~school~~ public or private
 195 elementary or secondary school or public or private technical school, vocational school,
 196 college, university, or other institution of postsecondary education purposes at the time
 197 of the offense; or

198 (3) The offense took place on a bus or other transportation furnished by a school ~~vehicle~~.

199 (f) In a prosecution under this Code section, a map produced or reproduced by any
 200 municipal or county agency or department for the purpose of depicting the location and
 201 boundaries of the area of the real property of a school board or a private or public
 202 elementary or secondary school that is used for school purposes or the area of any ~~campus~~
 203 ~~of any~~ public or private technical school, vocational school, college, university, or other
 204 institution of postsecondary education and used for housing or competitive physical
 205 activity, or a true copy of the map, shall, if certified as a true copy by the custodian of the
 206 record, be admissible and shall constitute prima-facie evidence of the location and

207 boundaries of the area, if the governing body of the municipality or county has approved
 208 the map as an official record of the location and boundaries of the area. A map approved
 209 under this Code section may be revised from time to time by the governing body of the
 210 municipality or county. The original of every map approved or revised under this
 211 subsection or a true copy of such original map shall be filed with the municipality or
 212 county and shall be maintained as an official record of the municipality or county. This
 213 subsection shall not preclude the prosecution from introducing or relying upon any other
 214 evidence or testimony to establish any element of this offense. This subsection shall not
 215 preclude the use or admissibility of a map or diagram other than the one which has been
 216 approved by the municipality or county."

217 SECTION 1-5.

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

219 "16-11-127.3.

220 (a) No person shall enter the restricted access area of a commercial service airport, in or
 221 beyond the airport security screening checkpoint, knowingly possessing or knowingly
 222 having under his or her control a weapon or long gun. This area shall not include an airport
 223 drive, general parking area, walkway, or shops and areas of the terminal that are outside
 224 the screening checkpoint and that are normally open to unscreened passengers or visitors
 225 to the airport. Any restricted access area shall be clearly indicated by prominent signs
 226 indicating that weapons are prohibited in the area.

227 (b) A person who violates the provisions of subsection (a) of this Code section shall be
 228 guilty of a misdemeanor offense; provided, however, that a person who violates subsection
 229 (a) of this Code section with the intent to commit a separate felony offense shall be guilty
 230 of a felony and, upon conviction thereof, shall be punished by a fine of not less than
 231 \$1,000.00 nor more than \$15,000.00 or by imprisonment for not less than one nor more
 232 than ten years, or both."

233 SECTION 1-6.

234 Said article is further amended by revising subsections (b), (c), (d), and (f) of Code Section
 235 16-11-129, relating to license to carry weapons, as follows:

236 **"(b) Licensing exceptions.**

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

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

240 (B) 'Convicted' means ~~a plea of guilty or a finding of guilt by a court of competent~~
 241 ~~jurisdiction or the acceptance of a plea of nolo contendere, irrespective of the pendency~~

242 ~~or availability of an appeal or an application for collateral relief~~ an adjudication of guilt.
 243 Such term shall not include an order of discharge and exoneration pursuant to Article
 244 3 of Chapter 8 of Title 42.

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

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

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

248 (B) Any person who has been convicted of a felony by a court of this state or any other
 249 state; by a court of the United States including its territories, possessions, and
 250 dominions; or by a court of any foreign nation and has not been pardoned for such
 251 felony by the President of the United States, the State Board of Pardons and Paroles,
 252 or the person or agency empowered to grant pardons under the constitution or laws of
 253 such state or nation;

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

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

256 (E) Any person who is prohibited from possessing or shipping a firearm in interstate
 257 commerce pursuant to subsections (g) and (n) of 18 U.S.C. Section 922;

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

260 (G) Any person who has had his or her weapons carry license revoked pursuant to
 261 subsection (e) of this Code section within three years of the date of his or her
 262 application;

263 (H) Any person who has been convicted of any of the following:

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

265 (ii) Carrying a weapon without a weapons carry license in violation of Code Section
 266 16-11-126; or

267 (iii) Carrying a weapon or long gun in an unauthorized location in violation of Code
 268 Section 16-11-127

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

272 (I) Any person who has been convicted of any misdemeanor involving the use or
 273 possession of a controlled substance and has not been free of all restraint or supervision
 274 in connection therewith or free of:

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

277 (ii) Any conviction under subparagraphs (E) through (G) of this paragraph
 278 for at least five years immediately preceding the date of the application; or

279 (J) Any person who has been involuntarily hospitalized as an inpatient in any mental
 280 hospital or alcohol or drug treatment center within the five years immediately preceding
 281 the application. An applicant's statement that he or she has not been involuntarily
 282 hospitalized as an inpatient in any mental hospital or alcohol or drug treatment center
 283 within the five years immediately preceding his or her application shall create a
 284 rebuttable presumption that he or she has not been so hospitalized; provided, however,
 285 that the ~~The~~ judge of the probate court ~~may~~ shall require ~~any~~ an applicant to sign a
 286 waiver authorizing any mental hospital or treatment center to inform the judge whether
 287 or not the applicant has been involuntarily hospitalized as an inpatient in any such
 288 facility in the last five years and authorizing the superintendent of such facility to make
 289 to the judge a recommendation regarding whether the applicant is a threat to the safety
 290 of others and whether a license to carry a weapon should be issued. ~~When such a~~
 291 ~~waiver is required by the judge, the~~ Each applicant shall pay a fee of \$3.00 for
 292 reimbursement of the cost of making such a report by the mental health hospital,
 293 alcohol or drug treatment center, or ~~the~~ Department of Behavioral Health and
 294 Developmental Disabilities, which the judge shall remit to the hospital, center, or
 295 department. The mental health hospital, alcohol or drug treatment center, or
 296 Department of Behavioral Health and Developmental Disabilities shall provide a report
 297 of any findings relating to the applicant which may bear on the applicant's eligibility
 298 for a weapons carry license or license renewal to the judge by telephone and in writing
 299 within 30 days of receiving the request for such information. The judge shall keep any
 300 such hospitalization or treatment information confidential. It shall be at the discretion
 301 of the judge, considering the circumstances surrounding the hospitalization and the
 302 recommendation of the superintendent of the hospital or treatment center where the
 303 individual was a patient, to issue the weapons carry license or renewal license.

304 (3) If first offender treatment without adjudication of guilt for a conviction contained in
 305 subparagraph (F) or (I) of paragraph (2) of this subsection was entered and such sentence
 306 was successfully completed and such person has not had any other conviction since the
 307 completion of such sentence and for at least five years immediately preceding the date
 308 of the application, he or she shall be eligible for a weapons carry license provided that no
 309 other license exception applies.

310 (c) **Fingerprinting.** Following completion of the application for a weapons carry license
 311 ~~or the renewal of a license,~~ the judge of the probate court shall require the applicant to
 312 proceed to an appropriate law enforcement agency in the county with the completed
 313 application. ~~The appropriate local law enforcement agency in each county shall then so~~
 314 that such agency can capture the fingerprints of the applicant ~~for a weapons carry license~~
 315 ~~or renewal license and place the name of the applicant on the blank license form.~~ ~~The~~

316 ~~appropriate local law enforcement agency shall place the fingerprint on a blank license~~
 317 ~~form which has been furnished to the law enforcement agency by the judge of the probate~~
 318 ~~court if a fingerprint is required to be furnished by subsection (f) of this Code section. The~~
 319 ~~law enforcement agency shall be entitled to a fee of \$5.00 from the applicant for its~~
 320 ~~services in connection with the fingerprinting and processing of an application.~~
 321 Fingerprinting shall not be required for applicants seeking temporary renewal licenses or
 322 renewal licenses.

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

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

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

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

345 (4) The law enforcement agency shall report to the judge of the probate court within 30
 346 days, by telephone and in writing, of any findings relating to the applicant which may
 347 bear on his or her eligibility for a weapons carry license or renewal license under the
 348 terms of this Code section. When no derogatory information is found on the applicant
 349 bearing on his or her eligibility to obtain a license or renewal license, a report shall not
 350 be required. The law enforcement agency shall return the application ~~and the blank~~
 351 ~~license form with the fingerprint thereon~~ directly to the judge of the probate court within
 352 such time period. Not later than ten days after the judge of the probate court receives the

353 report from the law enforcement agency concerning the suitability of the applicant for a
 354 license, the judge of the probate court shall issue such applicant a license or renewal
 355 license to carry any weapon unless facts establishing ineligibility have been reported or
 356 unless the judge determines such applicant has not met all the qualifications, is not of
 357 good moral character, or has failed to comply with any of the requirements contained in
 358 this Code section. The judge of the probate court shall date stamp the report from the law
 359 enforcement agency to show the date on which the report was received by the judge of
 360 the probate court."

361 ~~"(f)(1) **Weapons carry license specifications.** Weapons carry licenses issued as~~
 362 ~~prescribed in this Code section shall be printed on durable but lightweight card stock, and~~
 363 ~~the completed card shall be laminated in plastic to improve its wearing qualities and to~~
 364 ~~inhibit alterations. Measurements shall be 3 1/4 inches long and 2 1/4 inches wide. Each~~
 365 ~~shall be serially numbered within the county of issuance and shall bear the full name,~~
 366 ~~residential address, birth date, weight, height, color of eyes, and sex of the licensee. The~~
 367 ~~license shall show the date of issuance, the expiration date, and the probate court in which~~
 368 ~~issued and shall be signed by the licensee and bear the signature or facsimile thereof of the~~
 369 ~~judge. The seal of the court shall be placed on the face before the license is laminated.~~
 370 ~~Licenses issued on and before December 31, 2011, shall bear a clear print of the licensee's~~
 371 ~~right index finger; however, if the right index fingerprint cannot be secured for any reason,~~
 372 ~~the print of another finger may be used but such print shall be marked to identify the finger~~
 373 ~~from which the print is taken.~~

374 ~~(2)(A)~~(1) On and after January 1, 2012, newly issued or renewal weapons carry licenses
 375 shall incorporate overt and covert security features which shall be blended with the
 376 personal data printed on the license to form a significant barrier to imitation, replication,
 377 and duplication. There shall be a minimum of three different ultraviolet colors used to
 378 enhance the security of the license incorporating variable data, color shifting
 379 characteristics, and front edge only perimeter visibility. The weapons carry license shall
 380 have a color photograph viewable under ambient light on both the front and back of the
 381 license. The license shall incorporate custom optical variable devices featuring the great
 382 seal of the State of Georgia as well as matching demetalized optical variable devices
 383 viewable under ambient light from the front and back of the license incorporating
 384 microtext and unique alphanumeric serialization specific to the license holder. The
 385 license shall be of similar material, size, and thickness of a credit card and have a
 386 holographic laminate to secure and protect the license for the duration of the license
 387 period.

388 ~~(B)~~(2) Using the physical characteristics of the license set forth in ~~subparagraph (A) of~~
 389 ~~this paragraph~~ paragraph (1) of this subsection, The Council of Probate Court Judges of

390 Georgia shall create specifications for the probate courts so that all weapons carry
 391 licenses in this state shall be uniform and so that probate courts can petition the
 392 Department of Administrative Services to purchase the equipment and supplies necessary
 393 for producing such licenses. The department shall follow the competitive bidding
 394 procedure set forth in Code Section 50-5-102."

395 **SECTION 1-7.**

396 Said article is further amended by revising paragraph (3) of subsection (a) of Code Section
 397 16-11-130, relating to exemptions from Code Sections 16-11-126 through 16-11-127.2, as
 398 follows:

399 "(3) Persons in the military service of the state or of the United States or a person who
 400 has received an honorable discharge from the military service of the United States;"

401 **SECTION 1-8.**

402 Said article is further amended by revising subsections (a) and (b) of Code Section
 403 16-11-173, relating to legislative findings and preemption of local regulation and lawsuits,
 404 and adding two new subsections to read as follows:

405 "(a)(1) It is declared by the General Assembly that the regulation of firearms and other
 406 weapons is properly an issue of general, state-wide concern.

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

410 (b)(1) No county or municipal corporation, by zoning or by ordinance, resolution, or
 411 other enactment, nor any agency, board, department, commission, or authority of this
 412 state, other than the General Assembly, by rule, regulation, or other enactment shall
 413 regulate in any manner gun shows; the possession, ownership, transport, carrying,
 414 transfer, sale, purchase, licensing, or registration of firearms or other weapons or
 415 components of firearms or other weapons; firearms dealers or dealers of other weapons;
 416 or dealers in ~~firearms~~ components of firearms or other weapons.

417 (2) The authority to bring suit and right to recover against any weapons, firearms, or
 418 ammunition manufacturer, trade association, or dealer by or on behalf of any
 419 governmental unit created by or pursuant to an Act of the General Assembly or the
 420 Constitution, or any department, agency, or authority thereof, for damages, abatement,
 421 or injunctive relief resulting from or relating to the lawful design, manufacture,
 422 marketing, or sale of weapons, firearms, or ammunition to the public shall be reserved
 423 exclusively to the state. This paragraph shall not prohibit a political subdivision or local
 424 government authority from bringing an action against a weapons, firearms, or

425 ammunition manufacturer or dealer for breach of contract or express warranty as to
 426 weapons, firearms, or ammunition purchased by the political subdivision or local
 427 government authority."

428 "(f) As used in this Code section, the term 'weapon' shall have the same meaning as set
 429 forth in Code Section 16-11-127.1.

430 (g) Any person may bring an action to enforce the provisions of this Code section or any
 431 person who suffers damage as a result of a violation of this Code section may bring an
 432 action against the person who caused such damage. The aggrieved person shall be entitled
 433 to reasonable attorney's fees and expenses of litigation and may recover or obtain against
 434 the person who caused such damages any of the following:

435 (1) Actual damages or \$100.00, whichever is greater;

436 (2) Equitable relief, including, but not limited to, an injunction or restitution of money
 437 and property; and

438 (3) Any other relief which the court deems proper."

439 **PART II**
 440 **SECTION 2-1.**

441 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
 442 amended by revising subsection (i) of Code Section 16-5-21, relating to aggravated assault,
 443 as follows:

444 "(i) Any person who commits the offense of aggravated assault involving the use of a
 445 firearm upon a student or teacher or other school personnel within a school safety zone as
 446 defined in paragraph (1) of subsection (a) of Code Section ~~16-11-127.1~~ 20-2-1180 shall,
 447 upon conviction thereof, be punished by imprisonment for not less than five nor more than
 448 20 years."

449 **SECTION 2-2.**

450 Said title is further amended by revising subsection (g) of Code Section 16-5-24, relating to
 451 aggravated battery, as follows:

452 "(g) Any person who commits the offense of aggravated battery upon a student or teacher
 453 or other school personnel within a school safety zone as defined in paragraph (1) of
 454 subsection (a) of Code Section ~~16-11-127.1~~ 20-2-1180 shall, upon conviction thereof, be
 455 punished by imprisonment for not less than five nor more than 20 years."

456

SECTION 2-3.

457 Said title is further amended by revising paragraph (5) of subsection (b) of Code Section
 458 16-12-1, relating to contributing to the delinquency, unruliness, or deprivation of a minor,
 459 as follows:

460 "(5) Knowingly and willfully provides to a minor any weapon as defined in ~~paragraph~~
 461 ~~(2) of subsection (a) of~~ Code Section 16-11-127.1 or any weapon as defined in Code
 462 Section 16-11-121 to commit any felony which encompasses force or violence as an
 463 element of the offense or delinquent act which would constitute a felony which
 464 encompasses force or violence as an element of the offense if committed by an adult; or"

465

SECTION 2-4.

466 Article 27 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
 467 loitering at or disrupting schools, is amended by revising subsection (a) of Code Section
 468 20-2-1180, relating to loitering upon school premises or within a school safety zone, as
 469 follows:

470 "(a)(1) As used in this Code section, the term 'school safety zone' means in or on any real
 471 property owned by or leased to any public or private elementary school, secondary
 472 school, or school board and used for elementary or secondary education and in or on the
 473 campus of any public or private technical school, vocational school, college, university,
 474 or other institution of postsecondary education.

475 (2) It shall be unlawful for any person to remain upon the premises or within the school
 476 safety zone as defined in paragraph (1) of subsection (a) of Code Section 16-11-127.1 of
 477 any public or private school in this state or to remain upon such premises or within such
 478 school safety zone when that person does not have a legitimate cause or need to be
 479 present thereon. Each principal or designee of each public or private school in this state
 480 shall have the authority to exercise such control over the buildings and grounds upon
 481 which a school is located so as to prohibit any person who does not have a legitimate
 482 need or cause to be present thereon from loitering upon such premises. Each principal
 483 or designee of each public or private school in this state shall notify the appropriate law
 484 enforcement agency to prohibit any person who does not have a legitimate need or cause
 485 to be present therein from loitering within the school safety zone."

486

SECTION 2-5.

487 Said article is further amended by revising subsection (c) of Code Section 20-2-1185, relating
 488 to school safety plan, as follows:

489 "(c) School safety plans prepared by public schools shall address security issues in school
 490 safety zones as defined in paragraph (1) of subsection (a) of Code Section ~~16-11-127.1~~

491 20-2-1180. School safety plans should also address security issues involving the
492 transportation of pupils to and from school and school functions when such transportation
493 is furnished by the school or school system and school functions held during
494 noninstructional hours."

495

PART III

496

SECTION 3-1.

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