

Senate Bill 101

By: Senators Ginn of the 47th, Stone of the 23rd, Tolleson of the 20th, Mullis of the 53rd,
Hill of the 32nd and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Titles 8, 16, and 43 of the Official Code of Georgia Annotated, relating to buildings
2 and housing, crimes and offenses, and professions and businesses, respectively, so as to
3 regulate the sale, use, and possession of firearms in this state; to prohibit conditioning tenancy
4 in public housing upon certain restrictions on the possession of firearms; to provide for
5 exceptions; to authorize persons licensed in other states to carry firearms in this state; to
6 authorize persons who are between the ages of 18 and 21 to carry firearms under certain
7 circumstances; to provide for the issuance of a permit to carry firearms to persons between
8 the ages of 18 and 21; to provide that information relating to persons issued weapons carry
9 licenses shall be confidential; to prohibit the creation or maintenance of any data bases
10 regarding persons issued weapons carry licenses; to provide for verification of licenses; to
11 repeal state laws regarding firearms dealers; to provide for related matters; to repeal
12 conflicting laws; and for other purposes.

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

14 **SECTION 1.**

15 Title 8 of the Official Code of Georgia Annotated, relating to buildings and housing, is
16 amended by revising subsection (a) of Code Section 8-3-202, relating to unlawful practices
17 in selling or renting dwellings and exceptions, as follows:

18 "(a) Except as exempted by subsection (b) or (d) of this Code section or Code
19 Section 8-3-205, it shall be unlawful:

20 (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate
21 for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person
22 because of race, color, religion, sex, disability, familial status, or national origin;

23 (2) To discriminate against any person in the terms, conditions, or privileges of sale or
24 rental of a dwelling, or in the provision of services or facilities in connection therewith,
25 because of race, color, religion, sex, disability, familial status, or national origin;

- 26 (3) To make, print, or publish or cause to be made, printed, or published any notice,
 27 statement, or advertisement, with respect to the sale or rental of a dwelling, that indicates
 28 any preference, limitation, or discrimination based on race, color, religion, sex, disability,
 29 familial status, or national origin, or an intention to make any such preference, limitation,
 30 or discrimination;
- 31 (4) To represent to any person because of race, color, religion, sex, disability, familial
 32 status, or national origin that any dwelling is not available for inspection, sale, or rental
 33 when such dwelling is in fact so available;
- 34 (5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by
 35 representations regarding the entry or prospective entry into the neighborhood of a person
 36 or persons of a particular race, color, religion, sex, familial status, or national origin or
 37 with a disability;
- 38 (6) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a
 39 dwelling to any buyer or renter because of a disability of:
- 40 (A) That buyer or renter;
- 41 (B) A person residing in or intending to reside in that dwelling after it is sold, rented,
 42 or made available; or
- 43 (C) Any person associated with that buyer or renter; ~~or~~
- 44 (7)(A) To discriminate against any person in the terms, conditions, or privileges of sale
 45 or rental of a dwelling, or in the provision of services or facilities in connection with
 46 such dwelling, because of a disability of:
- 47 (i) That person;
- 48 (ii) A person residing in or intending to reside in that dwelling after it is sold, rented,
 49 or made available; or
- 50 (iii) Any person associated with that person.
- 51 (B) For purposes of this paragraph, discrimination includes:
- 52 (i) A refusal to permit, at the expense of the person with disabilities, reasonable
 53 modifications of existing premises occupied or to be occupied by such person if such
 54 modifications may be necessary to afford such person full enjoyment of the premises,
 55 except that, in the case of a rental, the landlord may where it is reasonable to do so
 56 condition permission for a modification on the renter's agreeing to restore the interior
 57 of the premises to the condition that existed before the modification, reasonable wear
 58 and tear excepted;
- 59 (ii) A refusal to make reasonable accommodations in rules, policies, practices, or
 60 services when such accommodations may be necessary to afford such person equal
 61 opportunity to use and enjoy a dwelling; or

62 (iii) In connection with the design and construction of covered multifamily dwellings
 63 for first occupancy after March 13, 1991, a failure to design and construct those
 64 dwellings in such a manner that:

65 (I) The public use and common use portions of such dwellings are readily accessible
 66 to and usable by persons with disabilities;

67 (II) All the doors designed to allow passage into and within all premises within such
 68 dwellings are sufficiently wide to allow passage by persons with disabilities in
 69 wheelchairs; and

70 (III) All premises within such dwellings contain the following features of adaptive
 71 design: (a) an accessible route into and through the dwelling; (b) light switches,
 72 electrical outlets, thermostats, and other environmental controls in accessible
 73 locations; (c) reinforcements in bathroom walls to allow later installation of grab
 74 bars; and (d) usable kitchens and bathrooms such that an individual in a wheelchair
 75 can maneuver about the space.

76 (C) Compliance with the appropriate requirements of the American National Standard
 77 for buildings and facilities providing accessibility and usability for physically disabled
 78 people (commonly cited as 'ANSI A117.1') suffices to satisfy the requirements of
 79 subdivision (B)(iii)(III) of this paragraph.

80 (D) In regard to persons with disabilities, discrimination includes, in connection with
 81 the design and construction of covered multifamily dwellings for first occupancy after
 82 March 13, 1991, a failure to design and construct dwellings in such a manner that the
 83 dwellings have at least one building entrance on an accessible route, unless it is
 84 impracticable to do so because of the terrain or unusual characteristics of the site; or

85 (8) To require, as a condition of tenancy in public housing, any prohibition or restriction
 86 of any lawful possession of a firearm within an individual dwelling unless required by
 87 federal law or regulation."

88 SECTION 2.

89 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
 90 amended by revising subsection (e) of Code Section 16-11-126, relating to having or carrying
 91 handguns, long guns, or other weapons; license requirements; exceptions for homes, motor
 92 vehicles, and other locations and conditions; and penalties for violations, as follows:

93 "(e) Any person licensed to carry a handgun or weapon in any other state ~~whose laws~~
 94 ~~recognize and give effect to a license issued pursuant to this part~~ shall be authorized to carry
 95 a weapon in this state, but only while the licensee is not a resident of this state; provided,

96 however, that such licensee shall carry the weapon in compliance with the laws of this
97 state."

98 **SECTION 3.**

99 Said title is further amended by revising subparagraph (b)(2)(A) of Code Section 16-11-129,
100 relating to license to carry weapon, temporary renewal permit, and mandamus, as follows:

101 "(A) ~~Any~~ Except as otherwise provided under Code Section 16-11-137, any person
102 under 21 years of age;".

103 **SECTION 4.**

104 Said title is further amended by adding new Code sections to read as follows:

105 "16-11-129.1.

106 (a) All records and information regarding persons issued weapons carry licenses maintained
107 by the judge of the probate court shall be confidential and not subject to inspection or
108 disclosure under Article 4 of Chapter 18 of Title 50.

109 (b) The state shall be prohibited from creating or maintaining a data base of information
110 regarding persons issued weapons carry licenses.

111 (c) The judge of the probate court of each county shall be authorized to verify only the
112 legitimacy and validity of a weapons carry license, but shall not be authorized to provide
113 any further information regarding licensees."

114 "16-11-137.

115 A resident of this state who is between the ages of 18 and 21 may be issued a license to
116 carry a weapon under Code Section 16-11-129 if such person meets all of the other
117 requirements for such license except for age and provides proof of:

118 (1) Completion of basic training in any branch of the United States military or the United
119 States Coast Guard; and

120 (2) Current active service in the United States military or the United States Coast Guard
121 or proof of discharge from the armed forces or coast guard under conditions other than
122 dishonorable."

123 **SECTION 5.**

124 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is
125 amended by repealing and reserving Chapter 16, relating to firearms dealers, in its entirety.

126

SECTION 6.

127 Said title is further amended by revising subsection (a) of Code Section 43-38-10, relating to
128 permits to carry firearms, proficiency requirement, exemption from specified laws, denial,
129 refusal to renew, and suspension of permits, and effect of license suspension and restoration,
130 as follows:

131 "(a) The board may grant a permit to carry a pistol, revolver, or other firearm to any person
132 who is at least 21 years of age, or at least 18 years of age if such person has been issued a
133 weapons carry license under Code Sections 16-11-129 and 16-11-137, and who is licensed
134 or registered in accordance with this chapter and who meets the qualifications and training
135 requirements set forth in this Code section and such other qualifications and training
136 requirements as the board by rule may establish. The board shall have the authority to
137 establish limits on type and caliber of such weapons by rule. Application for such permit
138 and for renewal thereof shall be made on forms provided by the division director. No
139 weapons permit issued under this Code section shall be transferable to another individual."

140

SECTION 7.

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