

The House Committee on Public Safety and Homeland Security offers the following substitute to HB 512:

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 change provisions relating to exemptions for carrying weapons within
8 school safety zones; to allow persons who have had their weapons carry license revoked to
9 be 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 provide for local boards of education to authorize
13 personnel to carry weapons within school safety zones under certain circumstances; to
14 provide for the offense of unlawfully carrying a weapon into a secure airport area; to change
15 legislative findings and provide for preemption for weapons other than firearms; to amend
16 Code Section 16-12-1 of the Official Code of Georgia Annotated, relating to contributing to
17 the delinquency, unruliness, or deprivation of a minor, so as to correct a cross-reference; to
18 provide for related matters; to repeal conflicting laws; and for other purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 PART I
21 SECTION 1-1.

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

23 **SECTION 1-2.**

24 Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to
 25 dangerous instrumentalities and practices, is amended by revising subsection (d) of Code
 26 Section 16-11-126, relating to having or carrying handguns, long guns, or other weapons, as
 27 follows:

28 "(d) Any person who is not prohibited by law from possessing a handgun or long gun who
 29 is eligible for a weapons carry license may transport a handgun or long gun in any private
 30 passenger motor vehicle; provided, however, that private property owners or persons in
 31 legal control of private property through a lease, rental agreement, licensing agreement,
 32 contract, or any other agreement to control access to such private property shall have the
 33 right to ~~forbid~~ exclude or eject a person who is in possession of a weapon or long gun on
 34 their private property in accordance with paragraph (3) of subsection (b) of Code Section
 35 16-7-21, except as provided in Code Section 16-11-135."

36 **SECTION 1-3.**

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

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

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

44 ~~(2)~~(1) 'Courthouse' means a building occupied by judicial courts and containing rooms
 45 in which judicial proceedings are held.

46 ~~(3)~~(2) 'Government building' means:

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

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

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

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

57 ~~(5)~~(4) 'Parking facility' means real property owned or leased by a government entity,
 58 courthouse, jail, or prison, ~~place of worship, or bar~~ that has been designated by such

59 government entity, courthouse, jail, or prison, ~~place of worship, or bar~~ for the parking of
 60 motor vehicles at a government building, or at such courthouse, jail, or prison, ~~place of~~
 61 ~~worship, or bar.~~

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

65 (1) In a government building;

66 (2) In a courthouse;

67 (3) In a jail or prison;

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

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

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

76 ~~(7)~~(5) On the premises of a nuclear power facility, except as provided in Code Section
 77 16-11-127.2, and the punishment provisions of Code Section 16-11-127.2 shall supersede
 78 the punishment provisions of this Code section; or

79 ~~(8)~~(6) Within 150 feet of any polling place, except as provided in subsection (i) of Code
 80 Section 21-2-413.

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

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

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

96 (2) To a license holder who approaches security or management personnel upon arrival
 97 at a location described in subsection (b) of this Code section and notifies such security
 98 or management personnel of the presence of the weapon or long gun and explicitly
 99 follows the security or management personnel's direction for removing, securing, storing,
 100 or temporarily surrendering such weapon or long gun; and

101 (3) To a weapon or long gun possessed by a license holder which is under the possessor's
 102 control in a motor vehicle or is in a locked compartment of a motor vehicle or one which
 103 is in a locked container in or a locked firearms rack which is on a motor vehicle and such
 104 vehicle is parked in a parking facility.

105 (e) A license holder shall be authorized to carry a weapon in a government building or
 106 courthouse where ingress into such building or courthouse is not restricted or screened by
 107 security personnel during the hours the government building or courthouse is open for
 108 business. A person who is not a license holder and who attempts to enter a government
 109 building or courthouse with a weapon shall be guilty of a misdemeanor. A person who
 110 enters or attempts to enter a government building or courthouse where ingress is restricted
 111 or screened by security personnel shall be guilty of a misdemeanor; provided, however, that
 112 a person who exits such building or courthouse or leaves such location upon his or her
 113 observation that such building or courthouse has security personnel restricting or screening
 114 ingress into such building or courthouse shall not be guilty of violating this subsection."

115 **SECTION 1-4.**

116 Said article is further amended by revising subsection (a), paragraph (1) of subsection (b),
 117 and subsections (c) through (f) of Code Section 16-11-127.1, relating to carrying weapons
 118 within school safety zones, at school functions, or on school property, as follows:

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

120 (1) 'Bus or other transportation furnished by a school' means a bus or other transportation
 121 furnished by a public or private elementary or secondary school.

122 (2) 'School function' means a school function or related activity that occurs outside of a
 123 school safety zone and is for a public or private elementary or secondary school.

124 ~~(1)~~(3) 'School safety zone' means in or on any real property or building owned by or
 125 leased to:

126 (A) Any any public or private elementary school, secondary school, or school local
 127 board of education and used for elementary or secondary education; and in or on the
 128 campus of any

129 (B) Any public or private technical school, vocational school, college, university, or
 130 other institution of postsecondary education.

131 ~~(2)~~(4) 'Weapon' means and includes any pistol, revolver, or any weapon designed or
 132 intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife,
 133 ballistic knife, any other knife having a blade of two or more inches, straight-edge razor,
 134 razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or
 135 other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any
 136 flailing instrument consisting of two or more rigid parts connected in such a manner as
 137 to allow them to swing freely, which may be known as a nun chahka, nun chuck,
 138 nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at
 139 least two points or pointed blades which is designed to be thrown or propelled and which
 140 may be known as a throwing star or oriental dart, or any weapon of like kind, and any
 141 stun gun or taser as defined in subsection (a) of Code Section 16-11-106. This paragraph
 142 excludes any of these instruments used for classroom work authorized by the teacher.

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

149 "(c) The provisions of this Code section shall not apply to:

150 (1) Baseball bats, hockey sticks, or other sports equipment possessed by competitors for
 151 legitimate athletic purposes;

152 (2) Participants in organized sport shooting events or firearm training courses;

153 (3) Persons participating in military training programs conducted by or on behalf of the
 154 armed forces of the United States or the Georgia Department of Defense;

155 (4) Persons participating in law enforcement training conducted by a police academy
 156 certified by the Georgia Peace Officer Standards and Training Council or by a law
 157 enforcement agency of the state or the United States or any political subdivision thereof;

158 (5) The following persons, when acting in the performance of their official duties or
 159 when en route to or from their official duties:

160 (A) A peace officer as defined by Code Section 35-8-2;

161 (B) A law enforcement officer of the United States government;

162 (C) A prosecuting attorney of this state or of the United States;

163 (D) An employee of the Georgia Department of Corrections or a correctional facility
 164 operated by a political subdivision of this state or the United States who is authorized
 165 by the head of such correctional agency or facility to carry a firearm;

166 (E) A person employed as a campus police officer or school security officer who is
 167 authorized to carry a weapon in accordance with Chapter 8 of Title 20; and

- 168 (F) Medical examiners, coroners, and their investigators who are employed by the state
 169 or any political subdivision thereof;
- 170 (6) A person who has been authorized in writing by a duly authorized official of ~~the~~
 171 school a public or private elementary or secondary school or a public or private technical
 172 school, vocational school, college, university, or other institution of postsecondary
 173 education or a local board of education as provided in Code Section 16-11-130.1 to have
 174 in such person's possession or use ~~as part of any activity being conducted at a school~~
 175 ~~building, school property, or~~ within a school safety zone, at a school function, or on a bus
 176 or other transportation furnished by a school a weapon which would otherwise be
 177 prohibited by this Code section. Such authorization shall specify the weapon or weapons
 178 which have been authorized and the time period during which the authorization is valid;
- 179 (7) A person who is licensed in accordance with Code Section 16-11-129 or issued a
 180 permit pursuant to Code Section 43-38-10, when such person carries or picks up a student
 181 ~~at a school building, within a school safety zone, at a school function, or school property~~
 182 or on a bus or other transportation furnished by ~~the~~ a school or a person who is licensed
 183 in accordance with Code Section 16-11-129 or issued a permit pursuant to Code Section
 184 43-38-10 when he or she has any weapon legally kept within a vehicle when such vehicle
 185 is parked ~~at such school property~~ within a school safety zone or is in transit through a
 186 designated school safety zone;
- 187 (8) A weapon possessed by a license holder which is under the possessor's control in a
 188 motor vehicle or which is in a locked compartment of a motor vehicle or one which is in
 189 a locked container in or a locked firearms rack which is on a motor vehicle which is being
 190 used by an adult over 21 years of age to bring to or pick up a student ~~at a school building,~~
 191 within a school safety zone, at a school function, or school property or on a bus or other
 192 transportation furnished by ~~the~~ a school, or when such vehicle is used to transport
 193 someone to an activity being conducted ~~on school property~~ within a school safety zone
 194 which has been authorized by a duly authorized official ~~of the school~~ or local board of
 195 education as provided by paragraph (6) of this subsection; provided, however, that this
 196 exception shall not apply to a student attending ~~such~~ a public or private elementary or
 197 secondary school;
- 198 (9) Persons employed in fulfilling defense contracts with the government of the United
 199 States or agencies thereof when possession of the weapon is necessary for manufacture,
 200 transport, installation, and testing under the requirements of such contract;
- 201 (10) Those employees of the State Board of Pardons and Paroles when specifically
 202 designated and authorized in writing by the members of the State Board of Pardons and
 203 Paroles to carry a weapon;

204 (11) The Attorney General and those members of his or her staff whom he or she
205 specifically authorizes in writing to carry a weapon;

206 (12) Probation supervisors employed by and under the authority of the Department of
207 Corrections pursuant to Article 2 of Chapter 8 of Title 42, known as the 'State-wide
208 Probation Act,' when specifically designated and authorized in writing by the director of
209 the Division of Probation;

210 (13) Public safety directors of municipal corporations;

211 (14) State and federal trial and appellate judges;

212 (15) United States attorneys and assistant United States attorneys;

213 (16) Clerks of the superior courts;

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

218 (18) Constables of any county of this state; or

219 (19) Any license holder when he or she is in or on any real property or building owned
220 or leased to any public or private technical school, vocational school, college, university,
221 or other institution of postsecondary education; provided, however, that such exception
222 shall not apply to such property or buildings used for athletic sporting events or student
223 housing, including fraternity and sorority houses.

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

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

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

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

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

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

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

245 (f) In a prosecution under this Code section, a map produced or reproduced by any
 246 municipal or county agency or department for the purpose of depicting the location and
 247 boundaries of the area of the real property of a school board or a private or public
 248 elementary or secondary school that is used for school purposes or the area of any ~~campus~~
 249 ~~of any~~ public or private technical school, vocational school, college, university, or other
 250 institution of postsecondary education and used for student housing or athletic sporting
 251 events, or a true copy of the map, shall, if certified as a true copy by the custodian of the
 252 record, be admissible and shall constitute prima-facie evidence of the location and
 253 boundaries of the area, if the governing body of the municipality or county has approved
 254 the map as an official record of the location and boundaries of the area. A map approved
 255 under this Code section may be revised from time to time by the governing body of the
 256 municipality or county. The original of every map approved or revised under this
 257 subsection or a true copy of such original map shall be filed with the municipality or
 258 county and shall be maintained as an official record of the municipality or county. This
 259 subsection shall not preclude the prosecution from introducing or relying upon any other
 260 evidence or testimony to establish any element of this offense. This subsection shall not
 261 preclude the use or admissibility of a map or diagram other than the one which has been
 262 approved by the municipality or county."

263 **SECTION 1-5.**

264 Said article is further amended by revising subsections (b), (c), (d), and (f) of Code Section
 265 16-11-129, relating to license to carry weapons, as follows:

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

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

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

270 (B) 'Convicted' means ~~a plea of guilty or a finding of guilt by a court of competent~~
 271 ~~jurisdiction or the acceptance of a plea of nolo contendere, irrespective of the pendency~~
 272 ~~or availability of an appeal or an application for collateral relief~~ an adjudication of guilt.
 273 Such term shall not include an order of discharge and exoneration pursuant to Article
 274 3 of Chapter 8 of Title 42.

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

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

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

278 (B) Any person who has been convicted of a felony by a court of this state or any other

279 state; by a court of the United States including its territories, possessions, and

280 dominions; or by a court of any foreign nation and has not been pardoned for such

281 felony by the President of the United States, the State Board of Pardons and Paroles,

282 or the person or agency empowered to grant pardons under the constitution or laws of

283 such state or nation;

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

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

286 (E) Any person who is prohibited from possessing or shipping a firearm in interstate

287 commerce pursuant to subsections (g) and (n) of 18 U.S.C. Section 922;

288 (F) Any person who has been convicted of an offense arising out of the unlawful

289 manufacture or distribution of a controlled substance or other dangerous drug;

290 (G) Any person who has had his or her weapons carry license revoked pursuant to

291 subsection (e) of this Code section within three years of the date of his or her

292 application;

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

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

295 (ii) Carrying a weapon without a weapons carry license in violation of Code Section

296 16-11-126; or

297 ~~(iii)~~(ii) Carrying a weapon or long gun in an unauthorized location in violation of

298 Code Section 16-11-127

299 and has not been free of all restraint or supervision in connection therewith and free of

300 any other conviction for at least ~~five~~ three years immediately preceding the date of the

301 application;

302 (I) Any person who has been convicted of any misdemeanor involving the use or

303 possession of a controlled substance and has not been free of all restraint or supervision

304 in connection therewith or free of:

305 (i) A second conviction of any misdemeanor involving the use or possession of a

306 controlled substance; or

307 (ii) Any conviction under subparagraphs (E) through (G) of this paragraph

308 for at least ~~five~~ three years immediately preceding the date of the application; or

309 (J) Any person who has been involuntarily hospitalized as an inpatient in any mental

310 hospital or alcohol or drug treatment center or adjudicated by a court to be in need of

311 involuntary outpatient mental health treatment within the five years immediately

312 preceding the application. An applicant's statement that he or she has not been

313 involuntarily hospitalized as an inpatient in any mental hospital or alcohol or drug
 314 treatment center or adjudicated by a court to be in need of involuntary outpatient mental
 315 health treatment within the five years immediately preceding his or her application shall
 316 create a rebuttable presumption that he or she has not been so hospitalized or treated;
 317 provided, however, that the ~~The~~ judge of the probate court ~~may~~ shall require ~~any~~ an
 318 applicant to sign a waiver authorizing any mental hospital or treatment center to inform
 319 the judge whether or not the applicant has been involuntarily hospitalized as an
 320 inpatient or involuntarily treated as an outpatient in any such facility in the last five
 321 years and authorizing the superintendent of such facility to make to the judge a
 322 recommendation regarding whether the applicant is a threat to the safety of others and
 323 whether a license to carry a weapon should be issued. ~~When such a waiver is required~~
 324 ~~by the judge, the~~ Each applicant shall pay a fee of \$3.00 for reimbursement of the cost
 325 of making such a report by the mental health hospital, alcohol or drug treatment center,
 326 or ~~the~~ Department of Behavioral Health and Developmental Disabilities, which the
 327 judge shall remit to the hospital, center, or department. Within three days of receiving
 328 an application, the judge shall forward a request to the applicable mental health
 329 hospital, alcohol or drug or other treatment center, or Department of Behavioral Health
 330 and Developmental Disabilities which shall provide a report of any findings relating to
 331 the applicant which may bear on the applicant's eligibility for a weapons carry license
 332 or license renewal to the judge by telephone and in writing within 30 days of receiving
 333 the request for such information. The judge shall keep any such hospitalization or
 334 treatment information confidential. It shall be at the discretion of the judge, considering
 335 the circumstances surrounding the hospitalization and the recommendation of the
 336 superintendent of the hospital or treatment center where the individual was a patient,
 337 to issue the weapons carry license or renewal license.

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

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

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

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

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

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

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

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

387 report from the law enforcement agency concerning the suitability of the applicant for a
 388 license, the judge of the probate court shall issue such applicant a license or renewal
 389 license to carry any weapon unless facts establishing ineligibility have been reported or
 390 unless the judge determines such applicant has not met all the qualifications, is not of
 391 good moral character, or has failed to comply with any of the requirements contained in
 392 this Code section. The judge of the probate court shall date stamp the report from the law
 393 enforcement agency to show the date on which the report was received by the judge of
 394 the probate court."

395 "(f)(1) **Weapons carry license specifications.** Weapons carry licenses issued as
 396 ~~prescribed in this Code section shall be printed on durable but lightweight card stock, and~~
 397 ~~the completed card shall be laminated in plastic to improve its wearing qualities and to~~
 398 ~~inhibit alterations. Measurements shall be 3 1/4 inches long and 2 1/4 inches wide. Each~~
 399 ~~shall be serially numbered within the county of issuance and shall bear the full name,~~
 400 ~~residential address, birth date, weight, height, color of eyes, and sex of the licensee. The~~
 401 ~~license shall show the date of issuance, the expiration date, and the probate court in which~~
 402 ~~issued and shall be signed by the licensee and bear the signature or facsimile thereof of~~
 403 ~~the judge. The seal of the court shall be placed on the face before the license is~~
 404 ~~laminated. Licenses issued on and before December 31, 2011, shall bear a clear print of~~
 405 ~~the licensee's right index finger; however, if the right index fingerprint cannot be secured~~
 406 ~~for any reason, the print of another finger may be used but such print shall be marked to~~
 407 ~~identify the finger from which the print is taken prior to January 1, 2012, shall be in the~~
 408 ~~format specified by the former provisions of this paragraph as they existed on June 30,~~
 409 2013.

410 (2)(A) On and after January 1, 2012, newly issued or renewal weapons carry licenses
 411 shall incorporate overt and covert security features which shall be blended with the
 412 personal data printed on the license to form a significant barrier to imitation, replication,
 413 and duplication. There shall be a minimum of three different ultraviolet colors used to
 414 enhance the security of the license incorporating variable data, color shifting
 415 characteristics, and front edge only perimeter visibility. The weapons carry license shall
 416 have a color photograph viewable under ambient light on both the front and back of the
 417 license. The license shall incorporate custom optical variable devices featuring the great
 418 seal of the State of Georgia as well as matching demetalized optical variable devices
 419 viewable under ambient light from the front and back of the license incorporating
 420 microtext and unique alphanumeric serialization specific to the license holder. The
 421 license shall be of similar material, size, and thickness of a credit card and have a
 422 holographic laminate to secure and protect the license for the duration of the license
 423 period.

424 ~~(B)~~(3) Using the physical characteristics of the license set forth in ~~subparagraph (A) of~~
 425 ~~this paragraph (2) of this subsection~~, The Council of Probate Court Judges of Georgia
 426 shall create specifications for the probate courts so that all weapons carry licenses in this
 427 state shall be uniform and so that probate courts can petition the Department of
 428 Administrative Services to purchase the equipment and supplies necessary for producing
 429 such licenses. The department shall follow the competitive bidding procedure set forth
 430 in Code Section 50-5-102."

431 SECTION 1-6.

432 Said article is further amended by revising paragraph (3) of subsection (a) of Code Section
 433 16-11-130, relating to exemptions from Code Sections 16-11-126 through 16-11-127.2, as
 434 follows:

435 "(3) Persons in the military service of the state or of the United States or a person 21
 436 years of age or younger who has received an honorable discharge from the military
 437 service of the United States;"

438 SECTION 1-7.

439 Said article is further amended by adding two new Code sections to read as follows:

440 "16-11-130.1.

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

442 (1) 'Bus or other transportation furnished by a school' means a bus or other transportation
 443 furnished by a public or private elementary or secondary school.

444 (2) 'School function' means a school function or related activity that occurs outside of a
 445 school safety zone for a public or private elementary or secondary school.

446 (3) 'School safety zone' means in or on any real property or building owned by or leased
 447 to any public or private elementary or secondary school or local board of education and
 448 used for elementary or secondary education.

449 (4) 'Weapon' shall have the same meaning as set forth in Code Section 16-11-127.1.

450 (b) A local board of education shall approve personnel to possess or carry weapons as
 451 provided in paragraph (6) of subsection (c) of Code Section 16-11-127.1 if such board has
 452 adopted and implemented a policy which provides for:

453 (1) Sufficient training of approved personnel prior to authorizing such personnel to carry
 454 weapons. The training shall at a minimum include training on judgment pistol shooting,
 455 marksmanship, and a review of current laws relating to the use of force for the defense
 456 of self and others; provided, however, that the local board of education training policy
 457 may substitute for certain training requirements the personnel's prior military or law

458 enforcement service if the approved personnel has previously served as a certified law
459 enforcement officer or has had military service which involved similar weapons training;
460 (2) An approved list of the types of weapons and ammunition and the quantity of
461 weapons and ammunition authorized to be possessed or carried;
462 (3) The exclusion from approval of any personnel who has had an employment or other
463 history indicating any type of mental or emotional instability as determined by the local
464 board of education; and
465 (4) A mandatory method of securing weapons which shall include at a minimum a
466 requirement that the weapon, if permitted to be carried concealed by personnel, shall be
467 carried in a holster on the person and not in a purse, briefcase, bag, or similar other
468 accessory which is not secured on the body of the person and, if maintained separate from
469 the person, shall be maintained in a secured lock safe or similar lock box that cannot be
470 easily accessed by students.

471 (c) Any personnel selected to possess or carry weapons within a school safety zone, at a
472 school function, or on a bus or other transportation furnished by a school shall be a license
473 holder, and the local board of education shall be responsible for conducting a criminal
474 history background check of such personnel annually to determine whether such personnel
475 remains qualified to be a license holder.

476 (d) The selection of approved personnel to possess or carry a weapon within a school
477 safety zone, at a school function, or on a bus or other transportation furnished by a school
478 shall be done strictly on a voluntary basis. No personnel shall be required to possess or
479 carry a weapon within a school safety zone, at a school function, or on a bus or other
480 transportation furnished by a school and shall not be terminated or otherwise retaliated
481 against for refusing to possess or carry a weapon.

482 (e) The local board of education shall be responsible for any costs associated with
483 approving personnel to carry or possess weapons within a school safety zone, at a school
484 function, or on a bus or other transportation furnished by a school; provided, however, that
485 nothing contained in this Code section shall prohibit any approved personnel from paying
486 for part or all of such costs or using any other funding mechanism available, including
487 donations or grants from private persons or entities.

488 (f) Documents and meetings pertaining to personnel approved to carry or possess weapons
489 within a school safety zone, at a school function, or on a bus or other transportation
490 furnished by a school shall be considered employment and public safety security records
491 and shall not be exempt from disclosure under Article 4 of Chapter 18 of Title 50.

492 (g) This Code section shall not be construed to require or otherwise mandate that any local
493 board of education or school administrator adopt or implement a practice or program for
494 the approval of personnel to possess or carry weapons within a school safety zone, at a

495 school function, or on a bus or other transportation furnished by a school nor shall this
 496 Code section create any liability for adopting or declining to adopt such practice or
 497 program. Such decision shall rest with each individual local board of education.

498 16-11-130.2.

499 (a) No person shall enter the restricted access area of a commercial service airport, in or
 500 beyond the airport security screening checkpoint, knowingly possessing or knowingly
 501 having under his or her control a weapon or long gun. Such area shall not include an
 502 airport drive, general parking area, walkway, or shops and areas of the terminal that are
 503 outside the screening checkpoint and that are normally open to unscreened passengers or
 504 visitors to the airport. Any restricted access area shall be clearly indicated by prominent
 505 signs indicating that weapons are prohibited in such area.

506 (b) A person who violates this Code section shall be guilty of a misdemeanor; provided,
 507 however, that a person who violates this Code section with the intent to commit a separate
 508 felony offense shall be guilty of a felony and, upon conviction thereof, shall be punished
 509 by a fine of not less than \$1,000.00 nor more than \$15,000.00, imprisonment for not less
 510 than one nor more than ten years, or both.

511 (c) Any ordinance, resolution, regulation, or policy of any county, municipality, or other
 512 political subdivision of this state which is in conflict with this Code section shall be null,
 513 void, and of no force and effect and this Code section shall preempt any such ordinance,
 514 resolution, regulation, or policy."

515 **SECTION 1-8.**

516 Said article is further amended by revising subsections (a) and (b) of Code Section
 517 16-11-173, relating to legislative findings and preemption of local regulation and lawsuits,
 518 and by adding a new subsection to read as follows:

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

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

524 (b)(1) No county or municipal corporation, by zoning or by ordinance, resolution, or
 525 other enactment, nor any agency, board, department, commission, or authority of this
 526 state, other than the General Assembly, by rule, regulation, or other enactment shall
 527 regulate in any manner gun shows; the possession, ownership, transport, carrying,
 528 transfer, sale, purchase, licensing, or registration of firearms or other weapons or

529 components of firearms or other weapons; firearms dealers or dealers of other weapons;
 530 or dealers in ~~firearms~~ components of firearms or other weapons.

531 (2) The authority to bring suit and right to recover against any weapons, firearms, or
 532 ammunition manufacturer, trade association, or dealer by or on behalf of any
 533 governmental unit created by or pursuant to an Act of the General Assembly or the
 534 Constitution, or any department, agency, or authority thereof, for damages, abatement,
 535 or injunctive relief resulting from or relating to the lawful design, manufacture,
 536 marketing, or sale of weapons, firearms, or ammunition to the public shall be reserved
 537 exclusively to the state. This paragraph shall not prohibit a political subdivision or local
 538 government authority from bringing an action against a weapons, firearms, or
 539 ammunition manufacturer or dealer for breach of contract or express warranty as to
 540 weapons, firearms, or ammunition purchased by the political subdivision or local
 541 government authority."

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

544 **PART II**
 545 **SECTION 2-1.**

546 Code Section 16-12-1 of the Official Code of Georgia Annotated, relating to contributing to
 547 the delinquency, unruliness, or deprivation of a minor, is amended by revising paragraph (5)
 548 of subsection (b) as follows:

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

554 **PART III**
 555 **SECTION 3-1.**

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