

The House Committee on Public Safety and Homeland Security offers the following substitute to SB 101:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 11 of Title 16, Code Section 35-3-34, and Article 3 of
2 Chapter 3 of Title 37 of the Official Code of Georgia Annotated, relating to dangerous
3 instrumentalities and practices, disclosure and dissemination of criminal background checks
4 to private persons and businesses, and examination, hospitalization, and treatment of
5 involuntary patients, respectively, so as to change provisions relating to carrying weapons
6 and the issuance of weapons carry licenses; to provide for a short title; to change provisions
7 relating to carrying weapons in unauthorized locations; to provide for and change definitions;
8 to change provisions relating to carrying weapons within certain school safety zones and at
9 school functions; to change provisions relating to exemptions for carrying weapons within
10 school safety zones; to allow persons who have had their weapons carry license revoked to
11 be eligible to be license holders under certain circumstances; to prohibit the creation or
12 maintenance of data bases regarding persons issued weapons carry licenses; to provide for
13 verification of weapons carry licenses; to remove fingerprinting requirements for renewal
14 licenses; to change provisions relating to persons exempt from the provisions of Code
15 Sections 16-11-126 through 16-11-127.2; to provide for local boards of education to
16 authorize personnel to carry weapons within school safety zones under certain circumstances;
17 to provide for the offense of unlawfully carrying a weapon into a secure airport area; to
18 change legislative findings and provide for preemption for weapons other than firearms; to
19 provide for the collection and dissemination of information pertinent to issuing weapons
20 carry licenses; to amend Code Sections 16-12-1 and 43-38-10 of the Official Code of
21 Georgia Annotated, relating to contributing to the delinquency, unruliness, or deprivation of
22 a minor and private detectives and security agencies permits to carry firearms, respectively,
23 so as to correct cross-references; to provide for related matters; to repeal conflicting laws;
24 and for other purposes.

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

26

PART I

27

SECTION 1-1.

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

29

SECTION 1-2.

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

34 "(d) Any person who is not prohibited by law from possessing a handgun or long gun who
35 is eligible for a weapons carry license may transport a handgun or long gun in any private
36 passenger motor vehicle; provided, however, that private property owners or persons in
37 legal control of private property through a lease, rental agreement, licensing agreement,
38 contract, or any other agreement to control access to such private property shall have the
39 right to ~~forbid~~ exclude or eject a person who is in possession of a weapon or long gun on
40 their private property in accordance with paragraph (3) of subsection (b) of Code Section
41 16-7-21, except as provided in Code Section 16-11-135."

42

SECTION 1-3.

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

45 "16-11-127.

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

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

51 (2) 'Courthouse' means a building occupied by judicial courts and containing rooms in
52 which judicial proceedings are held.

53 (3) 'Government building' means:

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

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

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

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

64 (5) 'Parking facility' means real property owned or leased by a government entity,
65 courthouse, jail, prison, place of worship, or bar that has been designated by such
66 government entity, courthouse, jail, prison, place of worship, or bar for the parking of
67 motor vehicles at a government building or at such courthouse, jail, prison, place of
68 worship, or bar.

69 (b) Except as provided in Code Section 16-11-127.1 and subsection (d) or (e) of this Code
70 section, a A person shall be guilty of carrying a weapon or long gun in an unauthorized
71 location and punished as for a misdemeanor when he or she carries a weapon or long gun
72 while:

73 (1) In a government building;

74 (2) In a courthouse;

75 (3) In a jail or prison;

76 (4) In a place of worship, unless the administrative board of such place of worship
77 permits the carrying of weapons or long guns by license holders;

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

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

85 (7) On the premises of a nuclear power facility, except as provided in Code Section
86 16-11-127.2, and the punishment provisions of Code Section 16-11-127.2 shall supersede
87 the punishment provisions of this Code section; or

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

90 (c) A ~~Except as provided in Code Section 16-11-127.1,~~ a license holder or person
91 recognized under subsection (e) of Code Section 16-11-126 shall be authorized to carry a
92 weapon as provided in Code Section 16-11-135 and in every location in this state not listed
93 in subsection (b) or (e) of this Code section; provided, however, that private property
94 owners or persons in legal control of private property through a lease, rental agreement,
95 licensing agreement, contract, or any other agreement to control access to such private

96 property shall have the right to ~~forbid~~ exclude or eject a person who is in possession of a
 97 weapon or long gun on their private property in accordance with paragraph (3) of
 98 subsection (b) of Code Section 16-7-21, except as provided in Code Section 16-11-135.
 99 A violation of subsection (b) of this Code section shall not create or give rise to a civil
 100 action for damages.

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

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

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

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

114 (e) A license holder shall be authorized to carry a weapon in a government building where
 115 ingress into such building is not restricted or screened by security personnel during the
 116 hours the government building is open for business. A person who is not a license holder
 117 and who attempts to enter a government building carrying a weapon shall be guilty of a
 118 misdemeanor. A license holder who enters or attempts to enter a government building
 119 carrying a weapon where ingress is restricted or screened by security personnel shall be
 120 guilty of a misdemeanor; provided, however, that a license holder who exits such building
 121 or leaves such location upon his or her observation that such building has security
 122 personnel restricting or screening ingress into such building shall not be guilty of violating
 123 this subsection."

124 **SECTION 1-4.**

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

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

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

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

133 ~~(1)(3)~~ 'School safety zone' means in or on any real property or building owned by or
 134 leased to:

135 (A) Any any public or private elementary school, secondary school, or ~~school~~ local
 136 board of education and used for elementary or secondary education; and ~~in or on the~~
 137 ~~campus of any~~

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

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

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

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

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

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

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

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

- 167 (5) The following persons, when acting in the performance of their official duties or
 168 when en route to or from their official duties:
- 169 (A) A peace officer as defined by Code Section 35-8-2;
- 170 (B) A law enforcement officer of the United States government;
- 171 (C) A prosecuting attorney of this state or of the United States;
- 172 (D) An employee of the Georgia Department of Corrections or a correctional facility
 173 operated by a political subdivision of this state or the United States who is authorized
 174 by the head of such correctional agency or facility to carry a firearm;
- 175 (E) A person employed as a campus police officer or school security officer who is
 176 authorized to carry a weapon in accordance with Chapter 8 of Title 20; and
- 177 (F) Medical examiners, coroners, and their investigators who are employed by the state
 178 or any political subdivision thereof;
- 179 (6) A person who has been authorized in writing by a duly authorized official of ~~the~~
 180 ~~school~~ a public or private elementary or secondary school or a public or private technical
 181 school, vocational school, college, university, or other institution of postsecondary
 182 education or a local board of education as provided in Code Section 16-11-130.1 to have
 183 in such person's possession or use ~~as part of any activity being conducted at a school~~
 184 ~~building, school property, or~~ within a school safety zone, at a school function, or on a bus
 185 or other transportation furnished by a school a weapon which would otherwise be
 186 prohibited by this Code section. Such authorization shall specify the weapon or weapons
 187 which have been authorized and the time period during which the authorization is valid;
- 188 (7) A person who is licensed in accordance with Code Section 16-11-129 or issued a
 189 permit pursuant to Code Section 43-38-10, when such person carries or picks up a student
 190 ~~at a school building, within a school safety zone, at a school function, or school property~~
 191 or on a bus or other transportation furnished by ~~the~~ a school or a person who is licensed
 192 in accordance with Code Section 16-11-129 or issued a permit pursuant to Code Section
 193 43-38-10 when he or she has any weapon legally kept within a vehicle when such vehicle
 194 is parked ~~at such school property~~ within a school safety zone or is in transit through a
 195 designated school safety zone;
- 196 (8) A weapon possessed by a license holder which is under the possessor's control in a
 197 motor vehicle or which is in a locked compartment of a motor vehicle or one which is in
 198 a locked container in or a locked firearms rack which is on a motor vehicle which is being
 199 used by an adult over 21 years of age to bring to or pick up a student ~~at a school building,~~
 200 within a school safety zone, at a school function, or school property or on a bus or other
 201 transportation furnished by ~~the~~ a school, or when such vehicle is used to transport
 202 someone to an activity being conducted ~~on school property~~ within a school safety zone
 203 which has been authorized by a duly authorized official ~~of the school~~ or local board of

204 education as provided by paragraph (6) of this subsection; provided, however, that this
 205 exception shall not apply to a student attending such a public or private elementary or
 206 secondary school;

207 (9) Persons employed in fulfilling defense contracts with the government of the United
 208 States or agencies thereof when possession of the weapon is necessary for manufacture,
 209 transport, installation, and testing under the requirements of such contract;

210 (10) Those employees of the State Board of Pardons and Paroles when specifically
 211 designated and authorized in writing by the members of the State Board of Pardons and
 212 Paroles to carry a weapon;

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

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

219 (13) Public safety directors of municipal corporations;

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

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

222 (16) Clerks of the superior courts;

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

227 (18) Constables of any county of this state;

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

233 (20) Any license holder when he or she is in or on any real property or building owned
 234 or leased to any private technical school, vocational school, college, university, or other
 235 institution of postsecondary education if the president of such school, college, university,
 236 or other institution of postsecondary education has established a policy authorizing
 237 license holders to carry a weapon.

238 (d)(1) This Code section shall not prohibit any person who resides or works in a business
 239 or is in the ordinary course transacting lawful business or any person who is a visitor of
 240 such resident located within a school safety zone from carrying, possessing, or having

241 under such person's control a weapon within a school safety zone; provided, however,
 242 that it shall be unlawful for any such person to carry, possess, or have under such person's
 243 control while at a ~~school building or school function or on school property, a school bus,~~
 244 a bus or other transportation furnished by ~~the~~ a school any weapon or explosive
 245 compound, other than fireworks the possession of which is regulated by Chapter 10 of
 246 Title 25.

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

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

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

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

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

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

260 (f) In a prosecution under this Code section, a map produced or reproduced by any
 261 municipal or county agency or department for the purpose of depicting the location and
 262 boundaries of the area of the real property of a school board or a private or public
 263 elementary or secondary school that is used for school purposes or the area of any ~~campus~~
 264 ~~of any~~ public or private technical school, vocational school, college, university, or ~~other~~
 265 institution of postsecondary education and used for student housing or athletic sporting
 266 events, or a true copy of the map, shall, if certified as a true copy by the custodian of the
 267 record, be admissible and shall constitute prima-facie evidence of the location and
 268 boundaries of the area, if the governing body of the municipality or county has approved
 269 the map as an official record of the location and boundaries of the area. A map approved
 270 under this Code section may be revised from time to time by the governing body of the
 271 municipality or county. The original of every map approved or revised under this
 272 subsection or a true copy of such original map shall be filed with the municipality or
 273 county and shall be maintained as an official record of the municipality or county. This
 274 subsection shall not preclude the prosecution from introducing or relying upon any other
 275 evidence or testimony to establish any element of this offense. This subsection shall not
 276 preclude the use or admissibility of a map or diagram other than the one which has been
 277 approved by the municipality or county."

278 **SECTION 1-5.**

279 Said article is further amended by revising subsections (b), (c), (d), and (f) of Code Section
 280 16-11-129, relating to license to carry weapons, and by adding two new subsections to read
 281 as follows:

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

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

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

286 (B) 'Convicted' means ~~a plea of guilty or a finding of guilt by a court of competent~~
 287 ~~jurisdiction or the acceptance of a plea of nolo contendere, irrespective of the pendency~~
 288 ~~or availability of an appeal or an application for collateral relief~~ an adjudication of guilt.
 289 Such term shall not include an order of discharge and exoneration pursuant to Article
 290 3 of Chapter 8 of Title 42.

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

292 (D) 'Involuntary treatment' shall have the same meaning as set forth in Code Section
 293 37-3-1.

294 (E) 'Mental illness' shall have the same meaning as set forth in Code Section 37-3-1.

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

296 (A) Any person ~~under~~ younger than 21 years of age unless he or she:

297 (i) Is at least 18 years of age;

298 (ii) Provides proof that he or she has completed basic training in the armed forces of
 299 the United States; and

300 (iii) Provides proof that he or she is actively serving in the armed forces of the United
 301 States or has been honorably discharged from such service;

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

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

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

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

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

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

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

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

319 (ii) Carrying a weapon without a weapons carry license in violation of Code Section
 320 16-11-126; or

321 ~~(iii)~~(ii) Carrying a weapon or long gun in an unauthorized location in violation of
 322 Code Section 16-11-127

323 and has not been free of all restraint or supervision in connection therewith and free of
 324 any other conviction for at least ~~five~~ three years immediately preceding the date of the
 325 application;

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

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

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

333 (J) Any person who:

334 (i) Has been adjudicated mentally incompetent to stand trial;

335 (ii) Has been adjudicated not guilty by reason of insanity at the time of the crime
 336 pursuant to Part 2 of Article 6 of Chapter 7 of Title 17; or

337 (iii) Is registered on the state sexual offender registry;

338 (K) Any person who, within the five years immediately preceding the application, has
 339 had a guardian or conservator appointed to represent such person as a result of a mental
 340 illness or alcohol or drug dependency; or

341 (L) ~~Any person who, has been hospitalized as an inpatient in any mental hospital or~~
 342 ~~alcohol or drug treatment center within the five years immediately preceding the~~
 343 ~~application, has had involuntary treatment. An applicant's statement that he or she has~~
 344 ~~not had involuntary treatment within the five years immediately preceding his or her~~
 345 ~~application shall create a rebuttable presumption that he or she has not been so treated.~~

346 ~~The judge of the probate court may require any applicant to sign a waiver authorizing~~
 347 ~~any mental hospital or treatment center to inform the judge whether or not the applicant~~
 348 ~~has been an inpatient in any such facility in the last five years and authorizing the~~
 349 ~~superintendent of such facility to make to the judge a recommendation regarding~~
 350 ~~whether the applicant is a threat to the safety of others and whether a license to carry~~

351 ~~a weapon should be issued. When such a waiver is required by the judge, the applicant~~
 352 ~~shall pay a fee of \$3.00 for reimbursement of the cost of making such a report by the~~
 353 ~~mental health hospital, alcohol or drug treatment center, or the Department of~~
 354 ~~Behavioral Health and Developmental Disabilities, which the judge shall remit to the~~
 355 ~~hospital, center, or department shall request involuntary treatment information from the~~
 356 Georgia Crime Information Center as provided in paragraph (3) of subsection (e) of
 357 Code Section 35-3-34. The judge shall keep ~~any such hospitalization or~~ all mental
 358 health treatment information confidential. It shall be at the discretion of the judge;
 359 ~~considering the circumstances surrounding the hospitalization and the recommendation~~
 360 ~~of the superintendent of the hospital or treatment center where the individual was a~~
 361 ~~patient, to issue the~~ a weapons carry license or renewal license to an applicant who has
 362 had involuntary treatment; provided, however, that the judge shall issue or deny such
 363 license within 30 days of the date that such application was filed. In the event the judge
 364 denies such license application, the judge shall inform the applicant of his or her right
 365 to have a hearing before the court relative to the applicant's fitness to be issued such
 366 license.

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

373 (c) **Fingerprinting.** Following completion of the application for a weapons carry license
 374 ~~or the renewal of a license,~~ the judge of the probate court shall require the applicant to
 375 proceed to an appropriate law enforcement agency in the county with the completed
 376 application. ~~The appropriate local law enforcement agency in each county shall then so~~
 377 that such agency can capture the fingerprints of the applicant for ~~a weapons carry license~~
 378 ~~or renewal license and place the name of the applicant on the blank license form. The~~
 379 ~~appropriate local law enforcement agency shall place the fingerprint on a blank license~~
 380 ~~form which has been furnished to the law enforcement agency by the judge of the probate~~
 381 ~~court if a fingerprint is required to be furnished by subsection (f) of this Code section. The~~
 382 ~~law enforcement agency shall be entitled to a fee of \$5.00 from the applicant for its~~
 383 ~~services in connection with~~ the fingerprinting and processing of an application.
 384 Fingerprinting shall not be required for applicants seeking temporary renewal licenses or
 385 renewal licenses.

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

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

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

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

408 (4) The law enforcement agency shall report to the judge of the probate court within 30
409 days, by telephone and in writing, of any findings relating to the applicant which may
410 bear on his or her eligibility for a weapons carry license or renewal license under the
411 terms of this Code section. When no derogatory information is found on the applicant
412 bearing on his or her eligibility to obtain a license or renewal license, a report shall not
413 be required. The law enforcement agency shall return the application ~~and the blank~~
414 ~~license form with the fingerprint thereon~~ directly to the judge of the probate court within
415 such time period. Not later than ten days after the judge of the probate court receives the
416 report from the law enforcement agency concerning the suitability of the applicant for a
417 license, the judge of the probate court shall issue such applicant a license or renewal
418 license to carry any weapon unless facts establishing ineligibility have been reported or
419 unless the judge determines such applicant has not met all the qualifications, is not of
420 good moral character, or has failed to comply with any of the requirements contained in
421 this Code section. The judge of the probate court shall date stamp the report from the law

422 enforcement agency to show the date on which the report was received by the judge of
423 the probate court."

424 "(f)(1) **Weapons carry license specifications.** Weapons carry licenses issued as
425 ~~prescribed in this Code section shall be printed on durable but lightweight card stock, and~~
426 ~~the completed card shall be laminated in plastic to improve its wearing qualities and to~~
427 ~~inhibit alterations. Measurements shall be 3 1/4 inches long and 2 1/4 inches wide. Each~~
428 ~~shall be serially numbered within the county of issuance and shall bear the full name,~~
429 ~~residential address, birth date, weight, height, color of eyes, and sex of the licensee. The~~
430 ~~license shall show the date of issuance, the expiration date, and the probate court in which~~
431 ~~issued and shall be signed by the licensee and bear the signature or facsimile thereof of~~
432 ~~the judge. The seal of the court shall be placed on the face before the license is~~
433 ~~laminated. Licenses issued on and before December 31, 2011, shall bear a clear print of~~
434 ~~the licensee's right index finger; however, if the right index fingerprint cannot be secured~~
435 ~~for any reason, the print of another finger may be used but such print shall be marked to~~
436 ~~identify the finger from which the print is taken prior to January 1, 2012, shall be in the~~
437 ~~format specified by the former provisions of this paragraph as they existed on June 30,~~
438 ~~2013.~~

439 (2)(A) On and after January 1, 2012, newly issued or renewal weapons carry licenses
440 shall incorporate overt and covert security features which shall be blended with the
441 personal data printed on the license to form a significant barrier to imitation, replication,
442 and duplication. There shall be a minimum of three different ultraviolet colors used to
443 enhance the security of the license incorporating variable data, color shifting
444 characteristics, and front edge only perimeter visibility. The weapons carry license shall
445 have a color photograph viewable under ambient light on both the front and back of the
446 license. The license shall incorporate custom optical variable devices featuring the great
447 seal of the State of Georgia as well as matching demetalized optical variable devices
448 viewable under ambient light from the front and back of the license incorporating
449 microtext and unique alphanumeric serialization specific to the license holder. The
450 license shall be of similar material, size, and thickness of a credit card and have a
451 holographic laminate to secure and protect the license for the duration of the license
452 period.

453 (B)(3) Using the physical characteristics of the license set forth in ~~subparagraph (A) of~~
454 ~~this paragraph (2) of this subsection,~~ The Council of Probate Court Judges of Georgia
455 shall create specifications for the probate courts so that all weapons carry licenses in this
456 state shall be uniform and so that probate courts can petition the Department of
457 Administrative Services to purchase the equipment and supplies necessary for producing

458 such licenses. The department shall follow the competitive bidding procedure set forth
459 in Code Section 50-5-102."

460 "(k) A person or entity shall not create or maintain a multijurisdictional data base of
461 information regarding persons issued weapons carry licenses.

462 (l) The judge of a probate court or his or her designee shall be authorized to verify the
463 legitimacy and validity of a weapons carry license to a license holder, pursuant to a
464 subpoena or court order, or for public safety purposes, but shall not be authorized to
465 provide any further information regarding license holders."

466 **SECTION 1-6.**

467 Said article is further amended by revising paragraph (3) of subsection (a) of Code Section
468 16-11-130, relating to exemptions from Code Sections 16-11-126 through 16-11-127.2, as
469 follows:

470 "(3) Persons in the ~~military service of the state or~~ National Guard or the armed forces of
471 the United States ~~or a person 21 years of age or younger who has received an honorable~~
472 discharge from the armed forces of the United States;"

473 **SECTION 1-7.**

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

475 "16-11-130.1.

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

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

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

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

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

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

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

493 enforcement service if the approved personnel has previously served as a certified law
494 enforcement officer or has had military service which involved similar weapons training;
495 (2) An approved list of the types of weapons and ammunition and the quantity of
496 weapons and ammunition authorized to be possessed or carried;
497 (3) The exclusion from approval of any personnel who has had an employment or other
498 history indicating any type of mental or emotional instability as determined by the local
499 board of education; and
500 (4) A mandatory method of securing weapons which shall include at a minimum a
501 requirement that the weapon, if permitted to be carried concealed by personnel, shall be
502 carried in a holster on the person and not in a purse, briefcase, bag, or similar other
503 accessory which is not secured on the body of the person and, if maintained separate from
504 the person, shall be maintained in a secured lock safe or similar lock box that cannot be
505 easily accessed by students.

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

511 (d) The selection of approved personnel to possess or carry a weapon within a school
512 safety zone, at a school function, or on a bus or other transportation furnished by a school
513 shall be done strictly on a voluntary basis. No personnel shall be required to possess or
514 carry a weapon within a school safety zone, at a school function, or on a bus or other
515 transportation furnished by a school and shall not be terminated or otherwise retaliated
516 against for refusing to possess or carry a weapon.

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

523 (f) Documents and meetings pertaining to personnel approved to carry or possess weapons
524 within a school safety zone, at a school function, or on a bus or other transportation
525 furnished by a school shall be considered employment and public safety security records
526 and shall be exempt from disclosure under Article 4 of Chapter 18 of Title 50.

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

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

533 16-11-130.2.

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

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

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

550 **SECTION 1-8.**

551 Said article is further amended by revising subsections (a) and (b) of Code Section
 552 16-11-173, relating to legislative findings and preemption of local regulation and lawsuits,
 553 and by adding a new subsection to read as follows:

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

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

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

564 components of firearms or other weapons; firearms dealers or dealers of other weapons;
 565 or dealers in ~~firearms~~ components of firearms or other weapons.

566 (2) The authority to bring suit and right to recover against any weapons, firearms, or
 567 ammunition manufacturer, trade association, or dealer by or on behalf of any
 568 governmental unit created by or pursuant to an Act of the General Assembly or the
 569 Constitution, or any department, agency, or authority thereof, for damages, abatement,
 570 or injunctive relief resulting from or relating to the lawful design, manufacture,
 571 marketing, or sale of weapons, firearms, or ammunition to the public shall be reserved
 572 exclusively to the state. This paragraph shall not prohibit a political subdivision or local
 573 government authority from bringing an action against a weapons, firearms, or
 574 ammunition manufacturer or dealer for breach of contract or express warranty as to
 575 weapons, firearms, or ammunition purchased by the political subdivision or local
 576 government authority."

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

579 **SECTION 1-9.**

580 Code Section 35-3-34 of the Official Code of Georgia Annotated, relating to disclosure and
 581 dissemination of criminal background checks to private persons and businesses and provision
 582 of certain information to the FBI in conjunction with the National Instant Criminal
 583 Background Check System, is amended in subsection (e) by adding a new paragraph to read
 584 as follows:

585 "(3)(A) As used in this paragraph, the term 'involuntary treatment' shall have the same
 586 meaning as set forth in Code Section 37-3-1.

587 (B) The records of the center shall include information as to whether a person has had
 588 involuntary treatment. In order to carry out the provisions of Code Section 16-11-129,
 589 the center shall be provided such information and no other mental health information
 590 from the records of the probate and superior courts ordering persons to have involuntary
 591 treatment. With respect to probate court records, such information shall be provided
 592 in a manner agreed upon by the Probate Judges Training Council and the bureau. With
 593 respect to superior court records, such information shall be provided in a manner agreed
 594 upon by The Council of Superior Court Clerks of Georgia and the bureau. Such records
 595 shall be provided in a manner so as to preserve the confidentiality of patients' rights in
 596 all other respects. After five years have elapsed from the date that a person's
 597 involuntary treatment information has been received by the center, the center shall
 598 purge its records of such information as soon as practicable and in any event purge such
 599 records within 30 days after the expiration of such five-year period.

600 (C) In order to carry out the provisions of Code Section 16-11-129, the center shall be
 601 provided information as to whether a person has been adjudicated mentally incompetent
 602 to stand trial or been found not guilty by reason of insanity at the time of the crime.
 603 The clerk of court shall report such information to the center."

604 **SECTION 1-10.**

605 Article 3 of Chapter 3 of Title 37 of the Official Code of Georgia Annotated, relating to
 606 examination, hospitalization, and treatment of involuntary patients, is amended by adding a
 607 new part to read as follows:

608 "Part 5

609 37-3-98.

610 Notwithstanding the provisions of Article 6 of this chapter, a probate court that issues an
 611 order for involuntary treatment or a superior court that upholds such order shall submit,
 612 within 30 days of issuance, such order to the Georgia Bureau of Investigation in accordance
 613 with Code Section 35-3-34."

614 **PART II**

615 **SECTION 2-1.**

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

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

624 **SECTION 2-2.**

625 Code Section 43-38-10 of the Official Code of Georgia Annotated, relating to private
 626 detectives and security agencies permits to carry firearms, is amended by revising subsection
 627 (a) as follows:

628 "(a) The board may grant a permit to carry a pistol, revolver, or other firearm to any person
 629 who is at least 21 years of age and is a license holder as defined in Code Section
 630 16-11-125.1, who is licensed or registered in accordance with this chapter, and who meets

631 the qualifications and training requirements set forth in this Code section and such other
632 qualifications and training requirements as the board by rule may establish. The board
633 shall have the authority to establish limits on type and caliber of such weapons by rule.
634 Application for such permit and for renewal thereof shall be made on forms provided by
635 the division director. No weapons permit issued under this Code section shall be
636 transferable to another individual."

637 **PART III**
638 **SECTION 3-1.**

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