

The Senate Judiciary Non-Civil Committee offered the following substitute to HB 875:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 8-3-202, Article 4 of Chapter 11 of Title 16, Code Section 35-3-34,
2 and Article 3 of Chapter 3 of Title 37 of the Official Code of Georgia Annotated, relating to
3 unlawful practices in selling or renting dwellings and exceptions, dangerous instrumentalities
4 and practices, disclosure and dissemination of criminal records to private persons and
5 businesses, and examination, hospitalization, and treatment of involuntary patients,
6 respectively, so as to change provisions relating to carrying weapons and the issuance of
7 weapons carry licenses; to provide for a short title; to change provisions relating to carrying
8 weapons in unauthorized locations; to provide for and change definitions; to change
9 provisions relating to carrying weapons within certain school safety zones and at school
10 functions; to change provisions relating to exemptions for carrying weapons within school
11 safety zones; to remove fingerprinting requirements for renewal licenses; to allow persons
12 who have had their weapons carry licenses revoked to be eligible to be license holders under
13 certain circumstances; to provide for verification of weapons carry licenses; to provide for
14 local boards of education to authorize personnel to carry weapons within school safety zones
15 under certain circumstances; to provide for the offense of unlawfully carrying a weapon into
16 a secure airport area; to provide for weapons carry licenses to be carried and exhibited on
17 demand; to change legislative findings; to change provisions relating to preemption of local
18 regulations; to provide for the collection and dissemination of information pertinent to
19 issuing weapons carry licenses; to amend Title 43 of the Official Code of Georgia Annotated,
20 relating to professions and businesses, so as to repeal state laws regarding firearms dealers;
21 to amend Part 1 of Article 1 of Chapter 3 of Title 27 of the Official Code of Georgia
22 Annotated, relating to general provisions regarding hunting, so as to provide for certain
23 notices on hunting license applications; to authorize hunting using a firearm silencer or
24 suppressor under certain circumstances; to prohibit hunting using subsonic ammunition; to
25 provide for penalties for improper use; to amend Chapter 3 of Title 38 of the Official Code
26 of Georgia Annotated, relating to emergency management, so as to prohibit certain
27 limitations regarding firearms during a declared state of emergency; to provide for
28 definitions; to change provisions relating to emergency powers of the Governor; to amend

29 Title 16 and Code Sections 17-5-52.1, 20-2-1180, 20-2-1185, and 43-38-10 of the Official
 30 Code of Georgia Annotated, relating to crimes and offenses, disposal of forfeited or
 31 abandoned firearms, loitering upon school premises or within a school safety zone, school
 32 safety plans, and private detectives and security agencies permits to carry firearms,
 33 respectively, so as to correct cross-references; to provide for related matters; to repeal
 34 conflicting laws; and for other purposes.

35 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

36 PART I
 37 SECTION 1-1.

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

39 SECTION 1-2.

40 Code Section 8-3-202 of the Official Code of Georgia Annotated, relating to unlawful
 41 practices in selling or renting dwellings and exceptions, is amended in subsection (a) by
 42 striking "or" at the end of subparagraph (a)(6)(C), by replacing the period with "; or" at the
 43 end of subparagraph (a)(7)(D), and by adding a new paragraph to read as follows:

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

47 SECTION 1-3.

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

52 "(d) Any person who is not prohibited by law from possessing a handgun or long gun who
 53 is eligible for a weapons carry license may transport a handgun or long gun in any private
 54 passenger motor vehicle; provided, however, that private property owners or persons in
 55 legal control of private property through a lease, rental agreement, licensing agreement,
 56 contract, or any other agreement to control access to such private property shall have the
 57 right to forbid exclude or eject a person who is in possession of a weapon or long gun on
 58 their private property in accordance with paragraph (3) of subsection (b) of Code Section
 59 16-7-21, except as provided in Code Section 16-11-135."

SECTION 1-4.

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

"16-11-127.

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

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

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

(3)(A) 'Government building' means:

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

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

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

(B) 'Government building' shall not include the state capitol building or any building housing committee offices, committee rooms, or offices of members, officials, or employees of the General Assembly or either house thereof.

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

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

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

(1) In a government building, unless the governing authority for such building authorizes the carrying of weapons or long guns by license holders;

(2) In a courthouse;

- 97 (3) In a jail or prison;
- 98 (4) In a place of worship, unless the owner of the place of worship authorizes the
 99 carrying of weapons or long guns by license holders;
- 100 (5) In a state mental health facility as defined in Code Section 37-1-1 which admits
 101 individuals on an involuntary basis for treatment of mental illness, developmental
 102 disability, or addictive disease; provided, however, that carrying a weapon or long gun
 103 in such location in a manner in compliance with paragraph (3) of subsection (d) of this
 104 Code section shall not constitute a violation of this subsection;
- 105 (6) In a bar, unless the owner of the bar ~~permits~~ authorizes the carrying of weapons or
 106 long guns by license holders;
- 107 (7) On the premises of a nuclear power facility, except as provided in Code Section
 108 16-11-127.2, and the punishment provisions of Code Section 16-11-127.2 shall supersede
 109 the punishment provisions of this Code section; or
- 110 (8) Within 150 feet of any polling place, except as provided in subsection (i) of Code
 111 Section 21-2-413.
- 112 (c) ~~A Except as provided in Code Section 16-11-127.1,~~ a license holder or person
 113 recognized under subsection (e) of Code Section 16-11-126 shall be authorized to carry a
 114 weapon as provided in Code Section 16-11-135 and in every location in this state not listed
 115 in subsection (b) or prohibited by subsection (e) of this Code section; provided, however,
 116 that private property owners or persons in legal control of private property through a lease,
 117 rental agreement, licensing agreement, contract, or any other agreement to control access
 118 to such private property shall have the right to ~~forbid~~ exclude or eject a person who is in
 119 possession of a weapon or long gun on their private property in accordance with
 120 paragraph (3) of subsection (b) of Code Section 16-7-21, except as provided in Code
 121 Section 16-11-135. A violation of subsection (b) of this Code section shall not create or
 122 give rise to a civil action for damages.
- 123 (d) Subsection (b) of this Code section shall not apply:
- 124 (1) To the use of weapons or long guns as exhibits in a legal proceeding, provided such
 125 weapons or long guns are secured and handled as directed by the personnel providing
 126 courtroom security or the judge hearing the case;
- 127 (2) To a license holder who approaches security or management personnel upon arrival
 128 at a location described in subsection (b) of this Code section and notifies such security
 129 or management personnel of the presence of the weapon or long gun and explicitly
 130 follows the security or management personnel's direction for removing, securing, storing,
 131 or temporarily surrendering such weapon or long gun; and
- 132 (3) To a weapon or long gun possessed by a license holder which is under the possessor's
 133 control in a motor vehicle or is in a locked compartment of a motor vehicle or one which

134 is in a locked container in or a locked firearms rack which is on a motor vehicle and such
 135 vehicle is parked in a parking facility.

136 (e) A person who is not a license holder and who enters or attempts to enter a government
 137 building carrying a weapon shall be guilty of a misdemeanor. A license holder who enters
 138 or attempts to enter a government building carrying a weapon when not authorized by the
 139 applicable governing authority shall be guilty of a misdemeanor; provided, however, that
 140 a license holder who immediately exits such building or immediately leaves such location
 141 upon notification of his or her unauthorized carrying of a weapon shall not be guilty of
 142 violating this subsection or paragraph (1) of subsection (b) of this Code section."

143 **SECTION 1-5.**

144 Said article is further amended by revising subsection (a), paragraphs (1) and (2) of
 145 subsection (b), and subsections (c) through (f) of Code Section 16-11-127.1, relating to
 146 carrying weapons within school safety zones, at school functions, or on school property, as
 147 follows:

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

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

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

153 ~~(1)~~(3) 'School safety zone' means in or on any real property or building owned by or
 154 leased to:

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

158 (B) Any public or private technical school, vocational school, college, university, or
 159 other institution of postsecondary education and used for postsecondary education.

160 ~~(2)~~(4) 'Weapon' means and includes any pistol, revolver, or any weapon designed or
 161 intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife,
 162 ballistic knife, any other knife having a blade of two or more inches, straight-edge razor,
 163 razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or
 164 other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any
 165 flailing instrument consisting of two or more rigid parts connected in such a manner as
 166 to allow them to swing freely, which may be known as a nun chahka, nun chuck,
 167 nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at
 168 least two points or pointed blades which is designed to be thrown or propelled and which
 169 may be known as a throwing star or oriental dart, or any weapon of like kind, and any

170 stun gun or taser as defined in subsection (a) of Code Section 16-11-106. This paragraph
 171 excludes any of these instruments used for classroom work authorized by the teacher.

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

178 (2)(A) Any license holder who violates this subsection shall be guilty of a
 179 misdemeanor.

180 (B) Any person who is not a license holder who violates this subsection shall be guilty
 181 of a felony and, upon conviction thereof, be punished by a fine of not more than
 182 ~~\$10,000.00~~ \$5,000.00, by imprisonment for not less than ~~two~~ one nor more than ~~ten~~ five
 183 years, or both."

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

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

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

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

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

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

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

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

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

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

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

203 (F) Medical examiners, coroners, and their investigators who are employed by the state
 204 or any political subdivision thereof;

205 (6) A person who has been authorized in writing by a local board of education as
 206 provided in Code Section 16-11-130.1 or a duly authorized official of ~~the school~~ a public

207 ~~or private elementary or secondary school~~ to have in such person's possession or use ~~as~~
 208 ~~part of any activity being conducted at a school building, school property, or within a~~
 209 ~~school safety zone, at a school function, or on a bus or other transportation furnished by~~
 210 ~~a school~~ a weapon which would otherwise be prohibited by this Code section ~~or a person~~
 211 ~~who has been authorized in writing by a duly authorized official of a public or private~~
 212 ~~technical school, vocational school, college, university, or other institution of~~
 213 ~~postsecondary education to have in such person's possession or use within a school safety~~
 214 ~~zone a weapon which would otherwise be prohibited by this Code section.~~ Such
 215 authorization shall specify the weapon or weapons which have been authorized and the
 216 time period during which the authorization is valid;

217 (7) A person who is licensed in accordance with Code Section 16-11-129 or issued a
 218 permit pursuant to Code Section 43-38-10, when such person carries or picks up a student
 219 ~~at a school building, within a school safety zone, at a school function, or school property~~
 220 or on a bus or other transportation furnished by ~~the~~ a school or a person who is licensed
 221 in accordance with Code Section 16-11-129 or issued a permit pursuant to Code
 222 Section 43-38-10 when he or she has any weapon legally kept within a vehicle when such
 223 vehicle is parked ~~at such school property~~ within a school safety zone or is in transit
 224 through a designated school safety zone;

225 (8) A weapon possessed by a license holder which is under the possessor's control in a
 226 motor vehicle or which is in a locked compartment of a motor vehicle or one which is in
 227 a locked container in or a locked firearms rack which is on a motor vehicle which is being
 228 used by an adult over 21 years of age to bring to or pick up a student ~~at a school building,~~
 229 ~~within a school safety zone, at a school function, or school property~~ or on a bus or other
 230 transportation furnished by ~~the~~ a school, or when such vehicle is used to transport
 231 someone to an activity being conducted ~~on school property~~ within a school safety zone
 232 which has been authorized by a duly authorized official ~~of the school~~ or local board of
 233 education as provided by paragraph (6) of this subsection; provided, however, that this
 234 exception shall not apply to a student attending ~~such a public or private elementary or~~
 235 ~~secondary school~~;

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

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

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

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

248 (13) Public safety directors of municipal corporations;

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

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

251 (16) Clerks of the superior courts;

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

256 (18) Constables of any county of this state.

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

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

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

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

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

274 (2) ~~The real property was being used for other purposes besides school purposes at the~~
 275 ~~time of the offense; or~~

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

277 (f) In a prosecution under this Code section, a map produced or reproduced by any
 278 municipal or county agency or department for the purpose of depicting the location and
 279 boundaries of the area of the real property of a school board or a private or public
 280 elementary or secondary school that is used for school purposes or the area of any ~~campus~~

281 ~~of any~~ public or private technical school, vocational school, college, university, or other
 282 institution of postsecondary education, or a true copy of the map, shall, if certified as a true
 283 copy by the custodian of the record, be admissible and shall constitute prima-facie evidence
 284 of the location and boundaries of the area, if the governing body of the municipality or
 285 county has approved the map as an official record of the location and boundaries of the
 286 area. A map approved under this Code section may be revised from time to time by the
 287 governing body of the municipality or county. The original of every map approved or
 288 revised under this subsection or a true copy of such original map shall be filed with the
 289 municipality or county and shall be maintained as an official record of the municipality or
 290 county. This subsection shall not preclude the prosecution from introducing or relying
 291 upon any other evidence or testimony to establish any element of this offense. This
 292 subsection shall not preclude the use or admissibility of a map or diagram other than the
 293 one which has been approved by the municipality or county."

294

SECTION 1-6.

295 Said article is further amended by revising Code Section 16-11-129, relating to license to
 296 carry weapons, as follows:

297 "16-11-129.

298 (a) **Application for weapons carry license or renewal license; term.** The judge of the
 299 probate court of each county may, on application under oath and on payment of a fee of
 300 \$30.00, issue a weapons carry license or renewal license valid for a period of five years to
 301 any person whose domicile is in that county or who is on active duty with the United States
 302 armed forces and who is not a domiciliary of this state but who either resides in that county
 303 or on a military reservation located in whole or in part in that county at the time of such
 304 application. Such license or renewal license shall authorize that person to carry any
 305 weapon in any county of this state notwithstanding any change in that person's county of
 306 residence or state of domicile. Applicants shall submit the application for a weapons carry
 307 license or renewal license to the judge of the probate court on forms prescribed and
 308 furnished free of charge to persons wishing to apply for the license or renewal license. An
 309 applicant who is not a United States citizen shall provide sufficient personal identifying
 310 data, including without limitation his or her place of birth and United States issued alien
 311 or admission number, as the Georgia Bureau of Investigation may prescribe by rule or
 312 regulation. An applicant who is in nonimmigrant status shall provide proof of his or her
 313 qualifications for an exception to the federal firearm prohibition pursuant to 18 U.S.C.
 314 Section 922(y). Forms shall be designed to elicit information from the applicant pertinent
 315 to his or her eligibility under this Code section, including citizenship, but shall not require
 316 data which is nonpertinent or irrelevant, such as serial numbers or other identification

317 capable of being used as a de facto registration of firearms owned by the applicant. The
 318 Department of Public Safety shall furnish application forms and license forms required by
 319 this Code section. The forms shall be furnished to each judge of each probate court within
 320 ~~the~~ this state at no cost.

321 **(b) Licensing exceptions.**

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

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

325 (B) 'Convicted' means a plea of guilty or a finding of guilt by a court of competent
 326 jurisdiction or the acceptance of a plea of nolo contendere, irrespective of the pendency
 327 or availability of an appeal or an application for collateral relief.

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

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

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

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

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

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

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

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

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

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

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

348 (G) Any person who has had his or her weapons carry license revoked pursuant to
 349 subsection (e) of this Code section within five years of the date of his or her
 350 application;

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

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

- 353 (ii) Carrying a weapon without a weapons carry license in violation of Code Section
 354 16-11-126; or
- 355 (iii) Carrying a weapon or long gun in an unauthorized location in violation of Code
 356 Section 16-11-127;
- 357 (iv) Simple assault in violation of subsection (d) of Code Section 16-5-20;
- 358 (v) Simple battery in violation of subsection (f) of Code Section 16-5-23;
- 359 (vi) Family violence battery in violation of subsection (f) of Code Section 16-5-23.1;
 360 or
- 361 (vii) Violating a civil family violence order or criminal family violence order in
 362 violation of Code Section 16-5-95
- 363 and has not been free of all restraint or supervision in connection therewith and free of
 364 any other conviction for at least five years immediately preceding the date of the
 365 application;
- 366 (I) Any person who has been convicted of any misdemeanor involving the use or
 367 possession of a controlled substance and has not been free of all restraint or supervision
 368 in connection therewith or free of:
- 369 (i) A second conviction of any misdemeanor involving the use or possession of a
 370 controlled substance; or
- 371 (ii) Any conviction under subparagraphs (E) through (G) of this paragraph
 372 for at least five years immediately preceding the date of the application; or
- 373 (J) Any person who has been hospitalized as an inpatient in any mental hospital or
 374 alcohol or drug treatment center within the five years immediately preceding the
 375 application. The judge of the probate court may require any applicant to sign a waiver
 376 authorizing any mental hospital or treatment center to inform the judge whether or not
 377 the applicant has been an inpatient in any such facility in the last five years and
 378 authorizing the superintendent of such facility to make to the judge a recommendation
 379 regarding whether the applicant is a threat to the safety of himself, herself, or others and
 380 whether a license to carry a weapon should be issued. When such a waiver is required
 381 by the judge, the applicant shall pay a fee of \$3.00 for reimbursement of the cost of
 382 making such a report by the mental health hospital, alcohol or drug treatment center,
 383 or the Department of Behavioral Health and Developmental Disabilities, which the
 384 judge shall remit to the hospital, center, or department. The judge shall keep any such
 385 hospitalization or treatment information confidential. It shall be at the discretion of the
 386 judge, considering the circumstances surrounding the hospitalization and the
 387 recommendation of the superintendent of the hospital or treatment center where the
 388 individual was a patient, to issue the weapons carry license or renewal license;
- 389 (K) Any person who has been adjudicated mentally incompetent to stand trial; or

390 (L) Any person who has been adjudicated not guilty by reason of insanity at the time
 391 of the crime pursuant to Part 2 of Article 6 of Chapter 7 of Title 17.

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

398 (c) **Fingerprinting.** Following completion of the application for a weapons carry license
 399 ~~or the renewal of a license~~, the judge of the probate court shall require the applicant to
 400 proceed to an appropriate law enforcement agency in the county or to any vendor approved
 401 by the Georgia Bureau of Investigation for fingerprint submission services with the
 402 completed application. ~~The appropriate local law enforcement agency in each county shall~~
 403 ~~then~~ so that such agency or vendor can capture the fingerprints of the applicant for a
 404 ~~weapons carry license or renewal license and place the name of the applicant on the blank~~
 405 ~~license form. The appropriate local law enforcement agency shall place the fingerprint on~~
 406 ~~a blank license form which has been furnished to the law enforcement agency by the judge~~
 407 ~~of the probate court if a fingerprint is required to be furnished by subsection (f) of this~~
 408 ~~Code section.~~ The law enforcement agency shall be entitled to a fee of \$5.00 from the
 409 applicant for its services in connection with the fingerprinting and processing of an
 410 application. Fingerprinting shall not be required for applicants seeking temporary renewal
 411 licenses or renewal licenses.

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

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

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

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

434 (4) The law enforcement agency shall report to the judge of the probate court within 30
435 days, by telephone and in writing, of any findings relating to the applicant which may
436 bear on his or her eligibility for a weapons carry license or renewal license under the
437 terms of this Code section. When no derogatory information is found on the applicant
438 bearing on his or her eligibility to obtain a license or renewal license, a report shall not
439 be required. The law enforcement agency shall return the application ~~and the blank~~
440 ~~license form with the fingerprint thereon~~ directly to the judge of the probate court within
441 such time period. Not later than ten days after the judge of the probate court receives the
442 report from the law enforcement agency concerning the suitability of the applicant for a
443 license, the judge of the probate court shall issue such applicant a license or renewal
444 license to carry any weapon unless facts establishing ineligibility have been reported or
445 unless the judge determines such applicant has not met all the qualifications, is not of
446 good moral character, or has failed to comply with any of the requirements contained in
447 this Code section. The judge of the probate court shall date stamp the report from the law
448 enforcement agency to show the date on which the report was received by the judge of
449 the probate court.

450 (e) **Revocation, loss, or damage to license.** If, at any time during the period for which
451 the weapons carry license was issued, the judge of the probate court of the county in which
452 the license was issued shall learn or have brought to his or her attention in any manner any
453 reasonable ground to believe the licensee is not eligible to retain the license, the judge may,
454 after notice and hearing, revoke the license of the person upon a finding that such person
455 is not eligible for a weapons carry license pursuant to subsection (b) of this Code section
456 or an adjudication of falsification of application, mental incompetency, or chronic alcohol
457 or narcotic usage. It shall be unlawful for any person to possess a license which has been
458 revoked, and any person found in possession of any such revoked license, except in the
459 performance of his or her official duties, shall be guilty of a misdemeanor. ~~It shall be~~
460 ~~required that any license holder under this Code section have in his or her possession his~~
461 ~~or her valid license whenever he or she is carrying a weapon under the authority granted~~
462 ~~by this Code section, and his or her failure to do so shall be prima-facie evidence of a~~
463 ~~violation of Code Section 16-11-126.~~ Loss of any license issued in accordance with this

464 Code section or damage to the license in any manner which shall render it illegible shall
465 be reported to the judge of the probate court of the county in which it was issued within 48
466 hours of the time the loss or damage becomes known to the license holder. The judge of
467 the probate court shall thereupon issue a replacement for and shall take custody of and
468 destroy a damaged license; and in any case in which a license has been lost, he or she shall
469 issue a cancellation order and notify by telephone and in writing each of the law
470 enforcement agencies whose records were checked before issuance of the original license.
471 The judge shall charge the fee specified in subsection (k) of Code Section 15-9-60 for such
472 services.

473 (f)(1) **Weapons carry license specifications.** Weapons carry licenses issued as
474 ~~prescribed in this Code section shall be printed on durable but lightweight card stock, and~~
475 ~~the completed card shall be laminated in plastic to improve its wearing qualities and to~~
476 ~~inhibit alterations. Measurements shall be 3 1/4 inches long and 2 1/4 inches wide. Each~~
477 ~~shall be serially numbered within the county of issuance and shall bear the full name,~~
478 ~~residential address, birth date, weight, height, color of eyes, and sex of the licensee. The~~
479 ~~license shall show the date of issuance, the expiration date, and the probate court in which~~
480 ~~issued and shall be signed by the licensee and bear the signature or facsimile thereof of~~
481 ~~the judge. The seal of the court shall be placed on the face before the license is~~
482 ~~laminated. Licenses issued on and before December 31, 2011, shall bear a clear print of~~
483 ~~the licensee's right index finger; however, if the right index fingerprint cannot be secured~~
484 ~~for any reason, the print of another finger may be used but such print shall be marked to~~
485 ~~identify the finger from which the print is taken prior to January 1, 2012, shall be in the~~
486 format specified by the former provisions of this paragraph as they existed on June 30,
487 2013.

488 (2)(A) On and after January 1, 2012, newly issued or renewal weapons carry licenses
489 shall incorporate overt and covert security features which shall be blended with the
490 personal data printed on the license to form a significant barrier to imitation, replication,
491 and duplication. There shall be a minimum of three different ultraviolet colors used to
492 enhance the security of the license incorporating variable data, color shifting
493 characteristics, and front edge only perimeter visibility. The weapons carry license shall
494 have a color photograph viewable under ambient light on both the front and back of the
495 license. The license shall incorporate custom optical variable devices featuring the great
496 seal of the State of Georgia as well as matching demetalized optical variable devices
497 viewable under ambient light from the front and back of the license incorporating
498 microtext and unique alphanumeric serialization specific to the license holder. The
499 license shall be of similar material, size, and thickness of a credit card and have a

500 holographic laminate to secure and protect the license for the duration of the license
501 period.

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

509 (g) **Alteration or counterfeiting of license; penalty.** A person who deliberately alters
510 or counterfeits a weapons carry license or who possesses an altered or counterfeit weapons
511 carry license with the intent to misrepresent any information contained in such license shall
512 be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for
513 a period of not less than one nor more than five years.

514 (h) **Licenses for former law enforcement officers.** Except as otherwise provided in Code
515 Section 16-11-130, any person who has served as a law enforcement officer for at least ten
516 of the 12 years immediately preceding the retirement of such person as a law enforcement
517 officer shall be entitled to be issued a weapons carry license as provided for in this Code
518 section without the payment of any of the fees provided for in this Code section. Such
519 person shall comply with all the other provisions of this Code section relative to the
520 issuance of such licenses. As used in this subsection, the term 'law enforcement officer'
521 means any peace officer who is employed by the United States government or by the State
522 of Georgia or any political subdivision thereof and who is required by the terms of his or
523 her employment, whether by election or appointment, to give his or her full time to the
524 preservation of public order or the protection of life and property or the prevention of
525 crime. Such term shall include conservation rangers.

526 (i) **Temporary renewal licenses.**

527 (1) Any person who holds a weapons carry license under this Code section may, at the
528 time he or she applies for a renewal of the license, also apply for a temporary renewal
529 license if less than 90 days remain before expiration of the license he or she then holds
530 or if the previous license has expired within the last 30 days.

531 (2) Unless the judge of the probate court knows or is made aware of any fact which
532 would make the applicant ineligible for a five-year renewal license, the judge shall at the
533 time of application issue a temporary renewal license to the applicant.

534 (3) Such a temporary renewal license shall be in the form of a paper receipt indicating
535 the date on which the court received the renewal application and shall show the name,

536 address, sex, age, and race of the applicant and that the temporary renewal license expires
537 90 days from the date of issue.

538 (4) During its period of validity the temporary renewal permit license, if carried on or
539 about the holder's person together with the holder's previous license, shall be valid in the
540 same manner and for the same purposes as a five-year license.

541 (5) A \$1.00 fee shall be charged by the probate court for issuance of a temporary renewal
542 license.

543 (6) A temporary renewal license may be revoked in the same manner as a five-year
544 license.

545 (j) **Applicant may seek relief.** When an eligible applicant fails to receive a license,
546 temporary permit renewal license, or renewal license within the time period required by
547 this Code section and the application or request has been properly filed, the applicant may
548 bring an action in mandamus or other legal proceeding in order to obtain a license,
549 temporary renewal license, or renewal license. When an applicant is otherwise denied a
550 license, temporary renewal license, or renewal license and contends that he or she is
551 qualified to be issued a license, temporary renewal license, or renewal license, the applicant
552 may bring an action in mandamus or other legal proceeding in order to obtain such license.
553 Additionally, the applicant may request a hearing before the judge of the probate court
554 relative to the applicant's fitness to be issued such license. Upon the issuance of a denial,
555 the judge of the probate court shall inform the applicant of his or her rights pursuant to this
556 subsection. If such applicant is the prevailing party, he or she shall be entitled to recover
557 his or her costs in such action, including reasonable attorney's fees.

558 (k) **Verification of license.** The judge of a probate court or his or her designee shall be
559 authorized to verify the legitimacy and validity of a weapons carry license to a license
560 holder, pursuant to a subpoena or court order, or for public safety purposes, but shall not
561 be authorized to provide any further information regarding license holders."

562 SECTION 1-7.

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

564 "16-11-130.1.

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

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

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

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

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

574 (b) This Code section shall not be construed to require or otherwise mandate that any local
575 board of education or school administrator adopt or implement a practice or program for
576 the approval of personnel to possess or carry weapons within a school safety zone, at a
577 school function, or on a bus or other transportation furnished by a school nor shall this
578 Code section create any liability for adopting or declining to adopt such practice or
579 program. Such decision shall rest with each individual local board of education. If a local
580 board of education adopts a policy to allow certain personnel to possess or carry weapons
581 as provided in paragraph (6) of subsection (c) of Code Section 16-11-127.1, such policy
582 shall include approval of personnel to possess or carry weapons and provide for:

583 (1) Training of approved personnel prior to authorizing such personnel to carry weapons.
584 The training shall at a minimum include training on judgment pistol shooting, safe
585 handling and storage of weapons, marksmanship, and a review of current laws relating
586 to the use of force for the defense of self and others; provided, however, that the local
587 board of education training policy may substitute for certain training requirements the
588 personnel's prior military or law enforcement service if the approved personnel has
589 previously served as a certified law enforcement officer or has had military service which
590 involved similar weapons training;

591 (2) An approved list of the types of weapons and ammunition and the quantity of
592 weapons and ammunition authorized to be possessed or carried;

593 (3) The exclusion from approval of any personnel who has had an employment or other
594 history indicating any type of mental or emotional instability as determined by the local
595 board of education; and

596 (4) A mandatory method of securing weapons which shall include at a minimum a
597 requirement that the weapon, if permitted to be carried concealed by personnel, shall be
598 carried on the person and not in a purse, briefcase, bag, or similar other accessory which
599 is not secured on the body of the person and, if maintained separate from the person, shall
600 be maintained in a secured lock safe or similar lock box that cannot be easily accessed
601 by students.

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

607 (d) The selection of approved personnel to possess or carry a weapon within a school
608 safety zone, at a school function, or on a bus or other transportation furnished by a school
609 shall be done strictly on a voluntary basis. No personnel shall be required to possess or
610 carry a weapon within a school safety zone, at a school function, or on a bus or other
611 transportation furnished by a school and shall not be terminated or otherwise retaliated
612 against for refusing to possess or carry a weapon.

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

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

623 16-11-130.2.

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

631 (b) A person who is not a license holder and who violates this Code section shall be guilty
632 of a misdemeanor. A license holder who violates this Code section shall be guilty of a
633 misdemeanor; provided, however, that a license holder who is notified at the screening
634 checkpoint for the restricted access area that he or she is in possession of a weapon or long
635 gun and who immediately leaves the restricted access area following such notification shall
636 not be guilty of violating this Code section.

637 (c) Any person who violates this Code section with the intent to commit a separate felony
638 offense shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine
639 of not less than \$1,000.00 nor more than \$15,000.00, imprisonment for not less than one
640 nor more than ten years, or both.

641 (d) This Code section shall not preempt any ordinance, resolution, regulation, or policy of
 642 any county, municipality, or other political subdivision of this state which is in conflict
 643 with this Code section."

644 **SECTION 1-8.**

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

646 "16-11-137.

647 (a) Every license holder shall have his or her valid weapons carry license in his or her
 648 immediate possession at all times when carrying a weapon, or if such person is exempt
 649 from having a weapons carry license pursuant to Code Section 16-11-130 or subsection (c)
 650 of Code Section 16-11-127.1, he or she shall have proof of his or her exemption in his or
 651 her immediate possession at all times when carrying a weapon, and his or her failure to do
 652 so shall be prima-facie evidence of a violation of the applicable provision of Code Sections
 653 16-11-126 through 16-11-127.2.

654 (b) A person convicted of a violation of this Code section shall be fined not more than
 655 \$10.00 if he or she produces in court his or her weapons carry license, provided that it was
 656 valid at the time of his or her arrest, or produces proof of his or her exemption.

657 (c) The defenses of justification and excuse as set forth in Article 2 of Chapter 3 of this
 658 title shall be absolute defenses to this Code section."

659 **SECTION 1-9.**

660 Said article is further amended by revising Code Section 16-11-173, relating to legislative
 661 findings and preemption of local regulation and lawsuits, as follows:

662 "16-11-173.

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

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

668 (b)(1) Except as provided in subsection (c) of this Code section, no No county or
 669 municipal corporation, by zoning or by ordinance; or resolution, or other enactment; nor
 670 any agency, board, department, commission, or authority of this state, other than the
 671 General Assembly, by rule or regulation shall regulate in any manner;

672 (A) Gun gun shows;

673 (B) The the possession, ownership, transport, carrying, transfer, sale, purchase,
 674 licensing, or registration of firearms or other weapons or components of firearms or
 675 other weapons;

676 (C) Firearms dealers or dealers of other weapons ~~firearms dealers~~; or

677 (D) Dealers in ~~dealers in firearms~~ components of firearms or other weapons.

678 (2) The authority to bring suit and right to recover against any weapons, firearms, or
 679 ammunition manufacturer, trade association, or dealer by or on behalf of any
 680 governmental unit created by or pursuant to an Act of the General Assembly or the
 681 Constitution, or any department, agency, or authority thereof, for damages, abatement,
 682 or injunctive relief resulting from or relating to the lawful design, manufacture,
 683 marketing, or sale of weapons, firearms, or ammunition to the public shall be reserved
 684 exclusively to the state. This paragraph shall not prohibit a political subdivision or local
 685 government authority from bringing an action against a weapons, firearms, or
 686 ammunition manufacturer or dealer for breach of contract or express warranty as to
 687 weapons, firearms, or ammunition purchased by the political subdivision or local
 688 government authority.

689 (c)(1) A county or municipal corporation may regulate the transport, carrying, or
 690 possession of firearms by employees of the local unit of government in the course of their
 691 employment with such local unit of government; provided, however, that the sheriff or
 692 chief of police shall be solely responsible for regulating and determining the possession,
 693 carrying, and transportation of firearms and other weapons by employees under his or her
 694 respective supervision so long as such regulations comport with state and federal law.

695 (2) The commanding officer of any law enforcement agency shall regulate and determine
 696 the possession, carrying, and transportation of firearms and other weapons by employees
 697 under his or her supervision so long as such regulations comport with state and federal
 698 law.

699 (3) The district attorney, and the solicitor-general in counties where there is a state court,
 700 shall regulate and determine the possession, carrying, and transportation of firearms and
 701 other weapons by county employees under his or her supervision so long as such
 702 regulations comport with state and federal law.

703 (d) Nothing contained in this Code section shall prohibit municipalities or counties, by
 704 ordinance; or resolution, ~~or other enactment~~, from requiring the ownership of guns by
 705 heads of households within the political subdivision.

706 (e) Nothing contained in this Code section shall prohibit municipalities or counties, by
 707 ordinance; or resolution, ~~or other enactment~~, from reasonably limiting or prohibiting the
 708 discharge of firearms within the boundaries of the municipal corporation or county or
 709 reasonably limiting or prohibiting the carrying or possession of weapons in government
 710 buildings.

711 (f) As used in this Code section, the term:

743

"Part 5

744

37-3-98.

745

Notwithstanding the provisions of Article 6 of this chapter, a probate court that issues an

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order for involuntary treatment or a superior court that upholds such order shall submit,

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within 30 days of issuance, such order to the Georgia Bureau of Investigation in accordance

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with Code Section 35-3-34."

749

SECTION 1-12.

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Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,

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is amended by repealing Chapter 16, relating to firearms dealers, and designating said

752

chapter as reserved.

753

PART II

754

SECTION 2-1.

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Part 1 of Article 1 of Chapter 3 of Title 27 of the Official Code of Georgia Annotated,

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relating to general provisions regarding hunting, is amended by revising subsection (a) of

757

Code Section 27-2-3.1, relating to hunting licenses, sportsman's license, license card carrier

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requirement, and creation of lifetime sportsman's licenses, as follows:

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"(a) ~~Reserved~~ Any application for a license for hunting under this chapter shall contain a

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prominent notice advising the applicant that taking game illegally in this state through

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improper means or the use of unauthorized weapons, unauthorized ammunition, at

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unapproved times, or at unapproved locations shall subject a person to criminal penalties

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and that hunting using a silencer or suppressor in violation of this title shall subject the

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person to enhanced punishment upon conviction, including, but not limited to, felony

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criminal sanctions, confiscation of the silenced or suppressed weapon, and loss of hunting

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privileges."

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SECTION 2-2.

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Said part is further amended by revising Code Section 27-3-4, relating to legal weapons for

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hunting wildlife generally, as follows:

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"27-3-4.

771

(a) It shall be unlawful to hunt wildlife with any weapon, except that:

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(1) Longbows, recurve bows, crossbows, and compound bows may be used for taking

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small game, feral hogs, or big game. Arrows for hunting deer, bear, and feral hogs must

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be broadhead type;

- 775 (2) During primitive weapon hunts or primitive weapons seasons:
776 (A) Longbows, recurve bows, crossbows, compound bows, muzzleloading firearms of
777 .44 caliber or larger, and muzzleloading shotguns of 20 gauge or larger loaded with
778 single shot may be used; and
779 (B) Youth under 16 years of age may hunt deer with any firearm legal for hunting deer;
- 780 (3) Firearms for hunting deer, bear, and feral hogs are limited to 20 gauge shotguns or
781 larger shotguns loaded with slugs or buckshot (except that no buckshot is permitted on
782 state wildlife management areas unless otherwise specified), muzzleloading firearms of
783 .44 caliber or larger, and center-fire firearms .22 caliber or larger; provided, however, that
784 firearms for hunting feral hogs, other than those weapons specified in this paragraph, may
785 be authorized by rule or regulation of the board. Bullets used in all center-fire rifles and
786 handguns must be of the expanding type;
- 787 (4) Weapons for hunting small game shall be limited to shotguns with shot shell size of
788 no greater than 3 1/2 inches in length with No. 2 lead shot or smaller or federally
789 approved nontoxic shot size of F or smaller shot, .22 caliber or smaller rimfire firearms,
790 air rifles, muzzleloading firearms, longbows, recurve bows, crossbows, and compound
791 bows; provided, however, that in addition to the weapons listed in this paragraph, any
792 center-fire firearm of .17 caliber or larger may be used for hunting fox and bobcat.
793 Nothing contained in this paragraph shall permit the taking of protected species;
- 794 (5)(A) For hunting deer, feral hogs, and bear, shotguns shall be limited to a capacity
795 of not more than five shells in the magazine and chamber combined. If a plug is
796 necessary to so limit the capacity, the plug shall be of one piece, incapable of being
797 removed through the loading end of the magazine.
- 798 (B) For hunting all other game animals, shotguns shall be limited to a capacity of not
799 more than three shells in the magazine and chamber combined. If a plug is necessary
800 to so limit the capacity, the plug shall be of one piece, incapable of being removed
801 through the loading end of the magazine;
- 802 (6) It shall be unlawful to hunt turkey with any weapons except shotguns using No. 2
803 shot or smaller, muzzleloading firearms, longbows, crossbows, recurve bows, or
804 compound bows. Any person taking turkey in violation of this paragraph shall be guilty
805 of a misdemeanor and, upon conviction thereof, shall be punished as for a misdemeanor,
806 except that a fine imposed for such violation shall not be less than \$250.00;
- 807 (7) Weapons for hunting alligators shall be limited to hand-held ropes or snares, snatch
808 hooks, harpoons, gigs, or arrows with restraining lines attached. Lawfully restrained
809 alligators may be killed with any caliber handgun or bangstick and shall be killed
810 immediately before transporting;
- 811 (8) There are no firearms restrictions for taking nongame animals or nongame birds; and

812 (9) The use of silencers or suppressors for hunting within this state is prohibited;
 813 provided, however, that a silencer or suppressor may be used for hunting on the private
 814 property of the person using such silencer or suppressor, on private property for which
 815 the owner of such property has provided verifiable permission to the person using such
 816 silencer or suppressor, and on public lands in areas designated by the department; and
 817 provided, further, that subsonic ammunition shall not be used for hunting.

818 (b)(1) It shall be illegal to use a silencer or suppressor for hunting in violation of
 819 paragraph (9) of subsection (a) of this Code section. A person who violates the
 820 provisions of this paragraph shall be guilty of a felony and, upon conviction, shall be
 821 punished by imprisonment for not less than one nor more than three years, a fine of not
 822 more than \$25,000.00, or both such imprisonment and fine. Additionally, the silencer or
 823 suppressor and weapon used by a person in violation of paragraph (9) of subsection (a)
 824 of this Code section shall be deemed to be contraband and shall be subject to forfeiture.
 825 Upon conviction of a violation of this paragraph, such person's hunting license shall be
 826 suspended for three years from the date of conviction.

827 (2) It shall be illegal to use subsonic ammunition for hunting in violation of paragraph
 828 (9) of subsection (a) of this Code section. A person who violates the provisions of this
 829 paragraph shall be guilty of a misdemeanor of a high and aggravated nature."

830 PART III

831 SECTION 3-1.

832 This part shall be known to be in honor of Representative Bobby Franklin.

833 SECTION 3-2.

834 Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency
 835 management, is amended by adding a new Code section to read as follows:

836 "38-3-37.

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

838 (1) 'Firearm' means any handgun, rifle, shotgun, or similar device or weapon which will
 839 or can be converted to expel a projectile by the action of an explosive or electrical charge.

840 (2) 'License holder' shall have the same meaning as set forth in Code Section
 841 16-11-125.1.

842 (3) 'Weapon' shall have the same meaning as set forth in Code Section 16-11-125.1.

843 (b) No official or employee of the state or any political subdivision thereof, member of the
 844 National Guard in the service of the state, or any person operating pursuant to or under
 845 color of state law, while acting during or pursuant to a declared state of emergency, shall:

846 (1) Temporarily or permanently seize, or authorize the seizure of, any firearm or
 847 ammunition or any component thereof the possession of which was not prohibited by law
 848 at the time immediately prior to the declaration of a state of emergency, other than as
 849 provided by the criminal or forfeiture laws of this state;

850 (2) Prohibit possession of any firearm or ammunition or any component thereof or
 851 promulgate any rule, regulation, or order prohibiting possession of any firearm or
 852 ammunition or any component thereof if such possession was not otherwise prohibited
 853 by law at the time immediately prior to the declaration of a state of emergency;

854 (3) Prohibit any license holder from carrying any weapon or promulgate any rule,
 855 regulation, or order prohibiting such carrying if such carrying was not otherwise
 856 prohibited by law at the time immediately prior to the declaration of a state of emergency;
 857 or

858 (4) Require the registration of any firearm."

859 **SECTION 3-3.**

860 Said chapter is further amended by revising paragraph (8) of subsection (d) of Code Section
 861 38-3-51, relating to emergency powers of the Governor, as follows:

862 "(8) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages,
 863 firearms, explosives, and or combustibles; provided, however, that any limitation on
 864 firearms under this Code section shall not include an individual firearm owned by a
 865 private citizen which was legal and owned by that citizen prior to the declaration of state
 866 of emergency or disaster or thereafter acquired in compliance with all applicable laws of
 867 this state and the United States for purposes of this paragraph, the terms 'explosives' and
 868 'combustibles' shall not include firearms or ammunition or any component thereof; and"

869 **PART IV**

870 **SECTION 4-1.**

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

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

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SECTION 4-2.

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

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882

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

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SECTION 4-3.

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Said title is further amended by revising paragraph (2) of Code Section 16-11-171, relating to definitions for Brady Law regulations, as follows:

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"(2) 'Dealer' means any person licensed as a dealer pursuant to 18 U.S.C. Section 921, et seq., ~~or Chapter 16 of Title 43.~~"

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SECTION 4-4.

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

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

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SECTION 4-5.

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Code Section 17-5-52.1 of the Official Code of Georgia Annotated, relating to disposal of forfeited or abandoned firearms, is amended by revising subsection (d) as follows:

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"(d) If an innocent owner of a firearm cannot be located or after proper notification he or she fails to pay for the return of his or her firearm, if the political subdivision is:

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(1) A municipal corporation, it shall dispose of its firearms as provided for in Code Section 36-37-6; provided, however, that municipal corporations shall not have the right to reject any and all bids or to cancel any proposed sale of such firearms, and all sales shall be to persons who are licensed as firearms collectors, dealers, importers, or manufacturers under the provisions of 18 U.S.C. Section 921, et seq., ~~and Chapter 16 of Title 43~~ and who are authorized to receive such firearms under the terms of such license. Any political subdivision which disposes of firearms shall use proceeds from the sale of

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912 a firearm as are necessary to cover the costs of administering this Code section, with any
 913 surplus to be transferred to the general fund of the political subdivision; or
 914 (2) Not a municipal corporation, the state custodial agency or the political subdivision
 915 shall dispose of its firearms by sale at public auction to persons who are licensed as
 916 firearms collectors, dealers, importers, or manufacturers under the provisions of 18
 917 U.S.C. Section 921, et seq., ~~and Chapter 16 of Title 43~~ and who are authorized to receive
 918 such firearms under the terms of such license. A state custodial agency shall retain only
 919 such proceeds as are necessary to cover the costs of administering this Code section, with
 920 any surplus to be transferred to the general fund of the state, provided that a state
 921 custodial agency may be reimbursed for any firearms formerly in use by the state
 922 custodial agency that are sold under this Code section."

923 **SECTION 4-6.**

924 Code Section 20-2-1180 of the Official Code of Georgia Annotated, relating to loitering upon
 925 school premises or within a school safety zone, is amended by revising subsection (a) as
 926 follows:

927 "(a) It shall be unlawful for any person to remain upon the premises or within the school
 928 safety zone as defined in ~~paragraph (1) of subsection (a) of~~ Code Section 16-11-127.1 of
 929 any public or private school in this state or to remain upon such premises or within such
 930 school safety zone when that person does not have a legitimate cause or need to be present
 931 thereon. Each principal or designee of each public or private school in this state shall have
 932 the authority to exercise such control over the buildings and grounds upon which a school
 933 is located so as to prohibit any person who does not have a legitimate need or cause to be
 934 present thereon from loitering upon such premises. Each principal or designee of each
 935 public or private school in this state shall notify the appropriate law enforcement agency
 936 to prohibit any person who does not have a legitimate need or cause to be present therein
 937 from loitering within the school safety zone."

938 **SECTION 4-7.**

939 Code Section 20-2-1185 of the Official Code of Georgia Annotated, relating to school safety
 940 plans, is amended by revising subsection (c) as follows:

941 "(c) School safety plans prepared by public schools shall address security issues in school
 942 safety zones as defined in ~~paragraph (1) of subsection (a) of~~ Code Section 16-11-127.1.
 943 School safety plans should also address security issues involving the transportation of
 944 pupils to and from school and school functions when such transportation is furnished by
 945 the school or school system and school functions held during noninstructional hours."

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SECTION 4-8.

947

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

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"(a) The board may grant a permit to carry a pistol, revolver, or other firearm to any person
951 who ~~is at least 21 years of age and~~ is a license holder as defined in Code Section
952 16-11-125.1, who is licensed or registered in accordance with this chapter, and who meets
953 the qualifications and training requirements set forth in this Code section and such other
954 qualifications and training requirements as the board by rule may establish. The board
955 shall have the authority to establish limits on type and caliber of such weapons by rule.
956 Application for such permit and for renewal thereof shall be made on forms provided by
957 the division director. No weapons permit issued under this Code section shall be
958 transferable to another individual."

959

PART V

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SECTION 5-1.

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