The House Committee on Public Safety and Homeland Security offers the following substitute to SB 141:

A BILL TO BE ENTITLED AN ACT

1 To amend Code Section 15-11-2 of the Official Code of Georgia Annotated, relating to 2 definitions for juvenile proceedings under the Juvenile Code, so as to provide that minor 3 violations of weapons in school safety zones are not considered Class B designated felonies; to restore certain provisions to their prior form due to the conflict between the enactment of 4 2014 House Bill 60 and House Bill 826; to amend Chapter 11 of Title 16 of the Official Code 5 of Georgia Annotated, relating to offenses against public order and safety, so as to revise 6 provisions regarding carrying in unauthorized locations; to clarify exemptions from weapons 7 8 carry laws; to provide for a renewal period; to provide for and revise definitions; to revise 9 persons to whom no weapons carry license shall be issued; to revise procedures in the renewal of a license; to revise procedures regarding the revocation, loss, or damage to a 10 license; to clarify criteria for the verification of a weapons carry license; to authorize 11 12 employees to enter and access the parking lots of employers with ammunition in the employee's personal vehicle under certain circumstances; to revise provisions regarding 13 14 preemption of local regulation and lawsuits; to amend Code Section 17-5-52.1 of the Official 15 Code of Georgia Annotated, relating to disposal of forfeited or abandoned firearms, so as to correct a cross-reference; to amend Code Section 20-2-1184 of the Official Code of Georgia 16 17 Annotated, relating to reporting of students committing prohibited acts, so as to limit the 18 reporting of certain acts; to amend Part 1 of Article 11 of Chapter 2 of Title 21 of the Official 19 Code of Georgia Annotated, relating to general provisions regarding elections, so as to 20 clarify provisions regarding the carrying of firearms within 150 feet of any polling place; to 21 amend Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating 22 to inspection of public records, so as to provide for the disclosure of records relating to 23 licensing and possession of firearms between the judges of the probate court; to provide for 24 related matters; to repeal conflicting laws; and for other purposes.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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26	SECTION 1.
27	Code Section 15-11-2 of the Official Code of Georgia Annotated, relating to definitions for
28	juvenile proceedings, is amended by revising subparagraph (N) of paragraph (13) as follows:
29	"(N)(i) An act which constitutes a violation of Code Section 16-11-127.1 involving
30	<u>a:</u>
31	(I) Firearm, as defined in Code Section 16-11-131;
32	(II) Dangerous weapon or machine gun, as defined in Code Section 16-11-121; or
33	(III) Weapon, as defined in Code Section 16-11-127.1, together with an assault; or
34	(ii) An act which constitutes a second or subsequent adjudication of delinquency
35	based on a violation of Code Section 16-11-127.1; or"
36	SECTION 2.
37	Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against
38	public order and safety, is amended in Code Section 16-11-126, relating to having or carrying
39	handguns, long guns, or other weapons, license requirements, and exceptions for homes,
40	motor vehicles, private property, and other locations and conditions, by adding a new
41	subsection to read as follows:
42	"(j) Nothing in this Code section shall in any way operate or be construed to affect, repeal,
43	or limit the exemptions provided for under Code Section 16-11-130."
44	SECTION 3.
45	Said chapter is further amended in Code Section 16-11-127, relating to carrying weapons in
46	unauthorized locations, by revising paragraphs (1) and (7) of subsection (b) and by adding
47	a new subsection to read as follows:
48	"(1) In a government building as a nonlicense holder;"
49	"(7) Within 150 feet of any polling place when elections are being conducted and such
50	polling place is being used as a polling place as provided for in paragraph (27) of Code
51	Section 21-2-2, except as provided in subsection (i) of Code Section 21-2-413."
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53	"(f) Nothing in this Code section shall in any way operate or be construed to affect, repeal,
	or limit the exemptions provided for under Code Section 16-11-130."
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54 55	or limit the exemptions provided for under Code Section 16-11-130."
	or limit the exemptions provided for under Code Section 16-11-130." SECTION 4.
55	or limit the exemptions provided for under Code Section 16-11-130." SECTION 4. Said chapter is further amended in Code Section 16-11-127.1, relating to carrying weapons
55 56	or limit the exemptions provided for under Code Section 16-11-130." SECTION 4. Said chapter is further amended in Code Section 16-11-127.1, relating to carrying weapons within school safety zones, at school functions, or on a bus or other transportation furnished
55 56 57	or limit the exemptions provided for under Code Section 16-11-130." SECTION 4. Said chapter is further amended in Code Section 16-11-127.1, relating to carrying weapons within school safety zones, at school functions, or on a bus or other transportation furnished by a school, by adding a new subsection to read as follows:

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SECTION 5.

61 Said chapter is further amended in Code Section 16-11-127.2, relating to weapons on

- 62 premises of a nuclear power facility, by adding a new subsection to read as follows:
- 63 "(d) Nothing in this Code section shall in any way operate or be construed to affect, repeal,
 64 or limit the exemptions provided for under Code Section 16-11-130."
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SECTION 6.

Said chapter is further amended in Code Section 16-11-129, relating to weapons carry 66 67 licenses, by revising subsection (a), paragraph (1) of subsection (b), subparagraph (b)(2)(A), 68 paragraph (1) of subsection (d), subsection (e), and subsection (l) as follows: 69 "(a) Application for weapons carry license or renewal license; term. The judge of the 70 probate court of each county may shall, on application under oath, and on payment of a fee 71 of \$30.00, and on investigation of applicant pursuant to subsections (b) and (d) of this Code 72 section, issue a weapons carry license or renewal license valid for a period of five years to 73 any person whose domicile is in that county or who is on active duty with the United States armed forces and who is not a domiciliary of this state but who either resides in that county 74 75 or on a military reservation located in whole or in part in that county at the time of such 76 application. Such license or renewal license shall authorize that person to carry any 77 weapon in any county of this state notwithstanding any change in that person's county of 78 residence or state of domicile. Applicants shall submit the application for a weapons carry 79 license or renewal license to the judge of the probate court on forms prescribed and 80 furnished free of charge to persons wishing to apply for the license or renewal license. An 81 application shall be considered to be for a renewal license if the applicant has a weapons 82 carry license or renewal license with 90 or fewer days remaining before the expiration of 83 such weapons carry license or renewal license or 30 or fewer days since the expiration of such weapons carry license or renewal license regardless of the county of issuance of the 84 applicant's expired or expiring weapons carry license or renewal license. An applicant who 85 is not a United States citizen shall provide sufficient personal identifying data, including 86 87 without limitation his or her place of birth and United States issued alien or admission number, as the Georgia Bureau of Investigation may prescribe by rule or regulation. An 88 89 applicant who is in nonimmigrant status shall provide proof of his or her qualifications for 90 an exception to the federal firearm prohibition pursuant to 18 U.S.C. Section 922(y). 91 Forms shall be designed to elicit information from the applicant pertinent to his or her 92 eligibility under this Code section, including citizenship, but shall not require data which 93 is nonpertinent or irrelevant, such as serial numbers or other identification capable of being 94 used as a de facto registration of firearms owned by the applicant. The Department of 95 Public Safety shall furnish application forms and license forms required by this Code

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- 96 section. The forms shall be furnished to each judge of each probate court within this state 97 at no cost." 98 "(1) As used in this subsection, the term: 99 (A) 'Armed forces' means active duty or a reserve component of the United States Army, United States Navy, United States Marine Corps, United States Coast Guard, 100 101 United States Air Force, United States National Guard, Georgia Army National Guard, 102 or Georgia Air National Guard. 103 (A)(B) 'Controlled substance' means any drug, substance, or immediate precursor 104 included in the definition of controlled substances in paragraph (4) of Code Section 105 16-13-21. (B)(C) 'Convicted' means an adjudication of guilt. Such term shall not include an order 106 107 of discharge and exoneration pursuant to Article 3 of Chapter 8 of Title 42. (C)(D) 'Dangerous drug' means any drug defined as such in Code Section 16-13-71." 108 109 "(1)(A) For both weapons carry license applications and requests for license renewals, the judge of the probate court shall within five business days following the receipt of 110 the application or request direct the law enforcement agency to request a fingerprint 111 112 based criminal history records check from the Georgia Crime Information Center and 113 Federal Bureau of Investigation for purposes of determining the suitability of the 114 applicant and return an appropriate report to the judge of the probate court. 115 Fingerprints shall be in such form and of such quality as prescribed by the Georgia 116 Crime Information Center and under standards adopted by the Federal Bureau of 117 Investigation. The Georgia Bureau of Investigation may charge such fee as is necessary 118 to cover the cost of the records search. (B) For requests for license renewals, the presentation of a weapons carry license 119 120 issued by any probate judge in this state shall be evidence to the judge of the probate 121 court to whom a request for license renewal is made that the fingerprints of the weapons carry license holder are on file with the judge of the probate court who issued the 122 weapons carry license, and the judge of the probate court to whom a request for license 123 124 renewal is made shall, within five business days following the receipt of the request, direct the law enforcement agency to request a nonfingerprint based criminal history 125 records check from the Georgia Crime Information Center and Federal Bureau of 126 Investigation for purposes of determining the suitability of the applicant and return an 127 appropriate report to the judge of the probate court to whom a request for license 128 129 renewal is made. (2) For both weapons carry license applications and requests for license renewals, the 130
- judge of the probate court shall within five business days following the receipt of the
 application or request also direct the law enforcement agency, in the same manner as

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provided for in subparagraph (d)(1)(B) of this subsection, to conduct a background check using the Federal Bureau of Investigation's National Instant Criminal Background Check 134 135 System and return an appropriate report to the probate judge."

"(e) **Revocation**, loss, or damage to license. 136

(1) If, at any time during the period for which the weapons carry license was issued, the 137 judge of the probate court of the county in which the license was issued shall learn or 138 have brought to his or her attention in any manner any reasonable ground to believe the 139 licensee is not eligible to retain the license, the judge may, after notice and hearing, 140 141 revoke the license of the person upon a finding that such person is not eligible for a weapons carry license pursuant to subsection (b) of this Code section or an adjudication 142 of falsification of application, mental incompetency, or chronic alcohol or narcotic usage. 143 144 The judge of the probate court shall report such revocation to the Georgia Crime Information Center immediately but in no case later than ten days after such revocation. 145 It shall be unlawful for any person to possess a license which has been revoked pursuant 146 147 to this paragraph, and any person found in possession of any such revoked license, except in the performance of his or her official duties, shall be guilty of a misdemeanor. 148

149 (2) If a person is convicted of any crime or involved in any matter which would make 150 the maintenance of a weapons carry license by such person unlawful pursuant to 151 subsection (b) of this Code section, the judge of the superior court or state court hearing such case or presiding over such matter shall inquire whether such person is the holder 152 153 of a weapons carry license. If such person is the holder of a weapons carry license, then 154 the judge of the superior court or state court shall inquire of such person the county of the probate court which issued such weapons carry license, or if such person has ever had his 155 or her weapons carry license renewed, then of the county of the probate court which most 156 157 recently issued such person a renewal license. The judge of the superior court or state court shall notify the judge of the probate court of such county of the matter which makes 158 the maintenance of a weapons carry license by such person to be unlawful pursuant to 159 subsection (b) of this Code section. The Council of Superior Court Judges of Georgia 160 and The Council of State Court Judges of Georgia shall provide by rule for the 161 procedures which judges of the superior court and the judges of the state courts, 162 respectively, are to follow for the purposes of this paragraph. 163

(3) Loss of any license issued in accordance with this Code section or damage to the 164 license in any manner which shall render it illegible shall be reported to the judge of the 165 probate court of the county in which it was issued within 48 hours of the time the loss or 166 damage becomes known to the license holder. The judge of the probate court shall 167 thereupon issue a replacement for and shall take custody of and destroy a damaged 168 license; and in any case in which a license has been lost, he or she shall issue a 169

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- cancellation order and notify by telephone and in writing each of the law enforcement
 agencies whose records were checked before issuance of the original license. The judge
 shall charge the fee specified in subsection (k) of Code Section 15-9-60 for such
 services."
- "(1) **Verification of license.** The judge of a probate court or his or her designee shall be 174 175 authorized to verify the legitimacy and validity of a weapons carry license to of a license holder, pursuant to a subpoena or court order, or for public safety purposes, but to law 176 enforcement agencies pursuant to paragraph (40) of subsection (a) of Code Section 177 178 50-18-72, and for licensing to a judge of a probate court or his or her designee pursuant to paragraph (40) of subsection (a) of Code Section 50-18-72; provided, however, that the 179 judge of a probate court or his or her designee shall not be authorized to provide any further 180 181 information regarding license holders."

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SECTION 7.

Said chapter is further amended in Code Section 16-11-135, relating to public or private
employer's parking lots, right of privacy in vehicles in employer's parking lot or invited
guests on lot, severability, and rights of action, by revising subsection (b) as follows:

186 "(b) Except as provided in this Code section, no private or public employer, including the 187 state and its political subdivisions, shall condition employment upon any agreement by a 188 prospective employee that prohibits an employee from entering the parking lot and access 189 thereto when the employee's privately owned motor vehicle contains a firearm or 190 <u>ammunition, or both</u>, that is locked out of sight within the trunk, glove box, or other 191 enclosed compartment or area within such privately owned motor vehicle, provided that 192 any applicable employees possess a Georgia weapons carry license."

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SECTION 8.

194 Said chapter is further amended in Code Section 16-11-171, relating to definitions for Brady

195 Law Regulations, by revising paragraph (2) as follows:

- "(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 9.

Said chapter is further amended in Code Section 16-11-173, relating to legislative findings
and preemption of local regulation and lawsuits, by revising the introductory language of
paragraph (1) of subsection (b), paragraph (1) of subsection (c), and subsection (f) as follows:
"(b)(1) Except as provided in subsection (c) of this Code section, no county or municipal
corporation, by zoning, or by ordinance or resolution, or by any other means, nor any

agency, board, department, commission, <u>political subdivision, school district</u>, or authority
 of this state, other than the General Assembly, by rule or regulation <u>or by any other</u>
 <u>means</u> shall regulate in any manner:"

207 ''(c)(1) A county or municipal corporation may regulate the transport, carrying, or possession of firearms by employees of the local unit of government, or by unpaid 208 209 volunteers of such local unit of government, in the course of their employment or 210 volunteer functions with such local unit of government; provided, however, that the 211 sheriff or chief of police shall be solely responsible for regulating and determining the 212 possession, carrying, and transportation of firearms and other weapons by employees 213 under his or her respective supervision so long as such regulations comport with state and federal law." 214

215 "(f) As used in this Code section, the term 'weapon' shall have the same meaning as set

216 forth in Code Section 16-11-127.1 means any device designed or intended to be used, or

217 capable of being used, for offense or defense, including but not limited to firearms, bladed

- 218 devices, clubs, electric stun devices, and defense sprays."
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SECTION 10.

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

222 "(d) If an innocent owner of a firearm cannot be located or after proper notification he or223 she fails to pay for the return of his or her firearm, if the political subdivision is:

224 (1) A municipal corporation, it shall dispose of its firearms as provided for in Code 225 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 226 227 shall be to persons who are licensed as firearms collectors, dealers, importers, or 228 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. 229 230 Any political subdivision which disposes of firearms shall use proceeds from the sale of 231 a firearm as are necessary to cover the costs of administering this Code section, with any surplus to be transferred to the general fund of the political subdivision; or 232

(2) Not a municipal corporation, the state custodial agency or the political subdivision
shall dispose of its firearms by sale at public auction 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. A state custodial agency shall retain only
such proceeds as are necessary to cover the costs of administering this Code section, with
any surplus to be transferred to the general fund of the this state, provided that a state

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- custodial agency may be reimbursed for any firearms formerly in use by the state custodial agency that are sold under this Code section."
- SECTION 11.
 Code Section 20-2-1184 of the Official Code of Georgia Annotated, relating to reporting of
 students committing prohibited acts, is amended by revising subsection (a) as follows:
 - "(a) Any teacher or other person employed at any public or private elementary or 245 secondary school or any dean or public safety officer employed by a college or university 246 247 who has reasonable cause to believe that a student at that school has committed any act 248 upon school property or at any school function, which act is prohibited by Code Section 16-5-21 or 16-5-24, Chapter 6 of Title 16, and Code Section 16-11-127, 16-11-127.1, 249 250 16-11-132, or 16-13-30, shall immediately report the act and the name of the student to the principal or president of that school or the principal's or president's designee; provided, 251 however, that an act which is prohibited by Code Section 16-11-127.1 shall be reported 252 253 only when it involves a:
 - 254 (1) Firearm, as defined in Code Section 16-11-131;
 - 255 (2) Dangerous weapon or machine gun, as defined in Code Section 16-11-121; or
 - 256 (3) Weapon, as defined in Code Section 16-11-127.1, together with an assault."
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SECTION 12.

Part 1 of Article 11 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated,
relating to general provisions regarding elections, is amended in Code Section 21-2-413,

relating to the conduct of voters, campaigners, and others at polling places generally, byrevising subsection (i) as follows:

262 "(i) No person except peace officers regularly employed by the federal, state, county, or
263 municipal government or certified security guards shall be permitted to carry firearms
264 within 150 feet of any polling place <u>as provided for in subsection (b) of Code Section</u>
265 <u>16-11-127</u>."

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SECTION 13.

Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to
inspection of public records, is amended in Code Section 50-18-72, relating to when public
disclosure not required, by revising paragraph (40) of subsection (a) as follows:

270 "(40) Any permanent records maintained by a judge of the probate court pursuant to
271 Code Section 16-11-129, relating to weapons carry licenses, or pursuant to any other
272 requirement for maintaining records relative to the possession of firearms, except to the

- extent that such records relating to licensing and possession of firearms are sought by law
- 274 enforcement agencies <u>or a judge of the probate court</u> as provided by law;"
- **SECTION 14.**
- All laws and parts of laws in conflict with this Act are repealed.