

The House Committee on Public Safety and Homeland Security offers the following substitute to HB 1060:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia  
2 Annotated, relating to carrying and possession of firearms, so as to confirm that the right of  
3 the people to keep and bear arms shall not be infringed; to provide for legislative findings;  
4 to permit certain new residents to carry a weapon in this state for a limited time without a  
5 weapons carry license; to provide for definitions; to clarify the meaning of private property  
6 relative to the carrying of a weapon or long gun; to provide an exception for a license holder  
7 carrying in a place of worship; to revise provisions relating to carrying weapons within  
8 school safety zones, at school functions, or on a bus or other transportation furnished by a  
9 school; to allow the judge of the probate court to provide for printed information on gun  
10 safety; to provide for the maintenance of gun safety information on the website of the  
11 Department of Natural Resources; to revise and clarify the determinations to be made and  
12 the procedures to be followed by law enforcement agencies and the judge of the probate  
13 court in the issuance of a weapons carry license; to provide for replacement weapons carry  
14 licenses for persons who have a legal name change or address change; to clarify that certain  
15 active and retired law enforcement officers shall be authorized to carry a handgun on or off  
16 duty anywhere within this state; to authorize certain retired law enforcement officers to carry  
17 a handgun anywhere within this state; to clarify the meaning of commercial service airport  
18 relative to the carrying of a weapon or long gun; to amend Code Section 35-3-34 of the  
19 Official Code of Georgia Annotated, relating to disclosure and dissemination of criminal  
20 records to private persons and businesses, resulting responsibility and liability of issuing  
21 center, and provision of certain information to the FBI in conjunction with the National  
22 Instant Criminal Background Check System, so as to allow for the preservation of a person's  
23 involuntary hospitalization information received by the Georgia Crime Information Center;  
24 to provide for exceptions; to provide for a judicial procedure for purging a person's  
25 involuntary hospitalization information received by the Georgia Crime Information Center  
26 and restoration of abilities to legally carry and possess a firearm; to amend Chapter 1 of Title  
27 51 of the Official Code of Georgia Annotated, relating to general provisions regarding torts,

28 so as to provide for civil immunity of firearm instructors; to provide for related matters; to  
 29 repeal conflicting laws; and for other purposes.

30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

31 **SECTION 1.**

32 Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,  
 33 relating to carrying and possession of firearms, is amended by adding a new Code section to  
 34 read as follows:

35 "16-11-125.2.

36 (a) Pursuant to Article I, Section I, Paragraph VIII of the Constitution of this state, the  
 37 General Assembly finds that the right of the people to keep and bear arms shall not be  
 38 infringed.

39 (b) No law shall be enacted or enforced in violation of the finding provided for in  
 40 subsection (a) of this Code section."

41 **SECTION 2.**

42 Said part is further amended by revising subsections (e) and (f) of Code Section 16-11-126,  
 43 relating to having or carrying handguns, long guns, or other weapons, license requirement,  
 44 exceptions for homes, motor vehicles, private property, and other locations and conditions,  
 45 as follows:

46 "(e)(1) Any person licensed to carry a handgun or weapon in any other state whose laws  
 47 recognize and give effect to a license issued pursuant to this part shall be authorized to  
 48 carry a weapon in this state, but only while the licensee is not a resident of this state;  
 49 provided, however, that such licensee shall carry the weapon in compliance with the laws  
 50 of this state.

51 (2) Any person who is not a weapons carry license holder in this state and who is  
 52 licensed to carry a handgun or weapon in any other state whose laws recognize and give  
 53 effect to a license issued pursuant to this part shall be authorized to carry a weapon in this  
 54 state for 90 days after he or she becomes a resident of this state; provided, however, that  
 55 such person shall carry the weapon in compliance with the laws of this state, shall as soon  
 56 as practicable submit a weapons carry license application as provided for under Code  
 57 Section 16-11-129, and shall remain licensed in such other state for the duration of time  
 58 that he or she is a resident of this state but not a weapons carry license holder in this state.

59 (f)(1) Any person with a valid hunting or fishing license on his or her person, or any  
 60 person not required by law to have a hunting or fishing license, who is engaged in legal  
 61 hunting, fishing, or sport shooting when the person has the permission of the owner of

62 the land on which the activities are being conducted may have or carry on his or her  
 63 person a ~~handgun~~ weapon or long gun without a valid weapons carry license while  
 64 hunting, fishing, or engaging in sport shooting.

65 (2) Any person with a valid hunting or fishing license on his or her person, or any person  
 66 not required by law to have a hunting or fishing license, who is otherwise engaged in  
 67 legal hunting, fishing, or sport shooting on recreational or wildlife management areas  
 68 owned by this state may have or carry on his or her person a knife without a valid  
 69 weapons carry license while engaging in such hunting, fishing, or sport shooting."

### 70 SECTION 3.

71 Said part is further amended by adding two new paragraphs to subsection (a), by revising  
 72 subsection (c), and by revising paragraph (2) of subsection (e) of Code Section 16-11-127,  
 73 relating to carrying weapons in unauthorized locations, as follows:

74 "(3.1) 'Leased government property' means real property that is owned by a government  
 75 entity but of which an individual or entity which is not a government entity is the lessee,  
 76 licensee, or renter."

77 "(5) 'Private property' means real property that is not owned or controlled by any  
 78 government entity; provided, however, that such term shall not mean leased government  
 79 property."

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

91 "(2) Any license holder who violates subsection (b) of this Code section in a place of  
 92 worship shall not be arrested but shall be fined not more than \$100.00; provided,  
 93 however, that a license holder shall not be in violation of subsection (b) or (c) of this  
 94 Code section if such license holder immediately leaves such place of worship while  
 95 carrying a weapon or long gun upon personal notification by such place of worship that  
 96 he or she is carrying a weapon or long gun in a place of worship which does not permit  
 97 the carrying of a weapon or long gun. Any person who is not a license holder who

98 violates subsection (b) of this Code section in a place of worship shall be punished as for  
99 a misdemeanor."

100 **SECTION 4.**

101 Said part is further amended by revising paragraph (5) of subsection (c) of Code Section  
102 16-11-127.1, relating to carrying weapons within school safety zones, at school functions,  
103 or on a bus or other transportation furnished by a school, as follows:

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

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

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

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

109 (D) An employee of the Department of Corrections or a correctional facility operated  
110 by a political subdivision of this state or the United States who is authorized by the  
111 head of such department or correctional agency or facility to carry a firearm;

112 (E) An employee of the Department of Community Supervision who is authorized by  
113 the commissioner of community supervision to carry a firearm;

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

116 (G) Medical examiners, coroners, and their investigators who are employed by the state  
117 or any political subdivision thereof;

118 provided, however, that this Code section shall not apply to any extent to persons who  
119 are provided for under Code Section 16-11-130;"

120 **SECTION 5.**

121 Said part is further amended by adding a new subsection to, by revising paragraph (4) of  
122 subsection (d) and paragraph (2) of subsection (e) of, and by adding a new paragraph to  
123 subsection (e) of Code Section 16-11-129, relating to weapons carry permit, temporary  
124 renewal permit, and terms, to read as follows:

125 "(a.1)(1) Upon receipt of an application for a weapons carry license or renewal license,  
126 the judge of the probate court may provide applicants printed information on gun safety  
127 that is produced by any person or organization that, in the discretion of the judge of the  
128 probate court, offers practical advice for gun safety. The source of such printed  
129 information shall be prominently displayed on such printed information.

130 (2) The Department of Natural Resources shall maintain on its principal, public website  
131 information, or a hyperlink to information, which provides resources for information on  
132 hunter education and classes and courses in this state that render instruction in gun safety.

133 No person shall be required to take such classes or courses for purposes of this Code  
134 section where such information shall be provided solely for the convenience of the  
135 citizens of this state.

136 (3) Neither the judge of the probate court nor the Department of Natural Resources shall  
137 be liable to any person for personal injuries or damage to property arising from  
138 conformance to this Code section."

139 "(4) The law enforcement agency shall report to the judge of the probate court within 30  
140 ten days, by telephone and in writing, of any findings relating to the applicant which may  
141 bear on his or her eligibility for a weapons carry license or renewal license under the  
142 terms of this Code section. When no derogatory information is found on the applicant  
143 bearing on his or her eligibility to obtain a license or renewal license, a report shall not  
144 be required. The law enforcement agency shall return the application directly to the  
145 judge of the probate court within such time period. Not later than ten days after the judge  
146 of the probate court receives the report from the law enforcement agency concerning the  
147 suitability of the applicant for a license, the judge of the probate court shall issue such  
148 applicant a license or renewal license to carry any weapon unless facts establishing  
149 ineligibility have been reported or unless the judge determines such applicant has not met  
150 all the qualifications, is not of good moral character, or has failed to comply with any of  
151 the requirements contained in this Code section. The judge of the probate court shall date  
152 stamp the report from the law enforcement agency to show the date on which the report  
153 was received by the judge of the probate court. The judge of the probate court shall not  
154 suspend the processing of the application or extend, delay, or avoid any time  
155 requirements provided for under this paragraph."

156 "(2) If a person is convicted of any crime or ~~involved in any matter~~ otherwise adjudicated  
157 in a matter which would make the maintenance of a weapons carry license by such person  
158 unlawful pursuant to subsection (b) of this Code section, the judge of the superior court  
159 or state court hearing such case or presiding over such matter shall inquire whether such  
160 person is the holder of a weapons carry license. If such person is the holder of a weapons  
161 carry license, then the judge of the superior court or state court shall inquire of such  
162 person the county of the probate court which issued such weapons carry license, or if  
163 such person has ever had his or her weapons carry license renewed, then of the county  
164 of the probate court which most recently issued such person a renewal license. The judge  
165 of the superior court or state court shall notify the judge of the probate court of such  
166 county of the matter which makes the maintenance of a weapons carry license by such  
167 person to be unlawful pursuant to subsection (b) of this Code section. The Council of  
168 Superior Court Judges of Georgia and The Council of State Court Judges of Georgia shall

169 provide by rule for the procedures which judges of the superior court and the judges of  
 170 the state courts, respectively, are to follow for the purposes of this paragraph."

171 "(4) Any person, upon petition to the judge of the probate court, who has a weapons carry  
 172 license or renewal license with more than 90 days remaining before the expiration of such  
 173 weapons carry license or renewal license and who has had a legal name change,  
 174 including, but not limited to, on account of marriage or divorce, or an address change  
 175 shall be issued a replacement weapons carry license for the same time period of the  
 176 weapons carry license or renewal license being replaced. Upon issuance and receipt of  
 177 such replacement weapons carry license, the license holder shall surrender the weapons  
 178 carry license being replaced to the judge of the probate court and such judge shall take  
 179 custody of and destroy the weapons carry license being replaced. The judge of the  
 180 probate court shall provide for the updating of any records as necessary to account for the  
 181 license holder's change of name or address. The judge of the probate court shall charge  
 182 the fee specified in paragraph (13) of subsection (k) of Code Section 15-9-60 for services  
 183 provided under this paragraph."

184 **SECTION 6.**

185 Said part is further amended in Code Section 16-11-130, relating to exemptions from Code  
 186 Sections 16-11-126 through 16-11-127.2, by revising the introductory language of subsection  
 187 (a), subsections (b) and (c), and by adding a new subsection to read as follows:

188 "(a) Except to the extent provided for in subsection (c.1) of this Code section, Code  
 189 Sections 16-11-126 through 16-11-127.2 shall not apply to or affect any of the following  
 190 persons if such persons are employed in the offices listed below or when authorized by  
 191 federal or state law, regulations, or order:"

192 "(b) Except to the extent provided for in subsection (c.1) of this Code section, Code  
 193 Sections 16-11-126 through 16-11-127.2 shall not apply to or affect persons who at the  
 194 time of their retirement from service with the Department of Community Supervision were  
 195 community supervision officers, when specifically designated and authorized in writing by  
 196 the commissioner of community supervision.

197 (c) Except to the extent provided for in subsection (c.1) of this Code section, Code  
 198 Sections 16-11-126 through 16-11-127.2 shall not apply to or affect any:

199 (1) Sheriff, retired sheriff, deputy sheriff, or retired deputy sheriff if such retired sheriff  
 200 or deputy sheriff is eligible to receive or is receiving benefits under the Peace Officers'  
 201 Annuity and Benefit Fund provided under Chapter 17 of Title 47, the Sheriffs' Retirement  
 202 Fund of Georgia provided under Chapter 16 of Title 47, or any other public retirement  
 203 system established under the laws of this state for service as a law enforcement officer;

204 (2) Member of the Georgia State Patrol, ~~or~~ agent of the Georgia Bureau of Investigation,  
 205 ~~or~~ retired member of the Georgia State Patrol, or retired agent of the Georgia Bureau of  
 206 Investigation if such retired member or agent is receiving benefits under the Employees'  
 207 Retirement System;

208 (3) Full-time law enforcement chief executive engaging in the management of a county,  
 209 municipal, state, state authority, or federal law enforcement agency in the State of  
 210 Georgia, including any college or university law enforcement chief executive ~~that~~ who  
 211 is registered or certified by the Georgia Peace Officer Standards and Training Council;  
 212 or retired law enforcement chief executive ~~that~~ who formerly managed a county,  
 213 municipal, state, state authority, or federal law enforcement agency in the State of  
 214 Georgia, including any college or university law enforcement chief executive ~~that~~ who  
 215 was registered or certified at the time of his or her retirement by the Georgia Peace  
 216 Officer Standards and Training Council, if such retired law enforcement chief executive  
 217 is receiving benefits under the Peace Officers' Annuity and Benefit Fund provided under  
 218 Chapter 17 of Title 47 or is retired in good standing and receiving benefits from a county,  
 219 municipal, State of Georgia, state authority, or federal retirement system; ~~or~~

220 (4) Police officer of any county, municipal, state, state authority, or federal law  
 221 enforcement agency in the State of Georgia, including any college or university police  
 222 officer ~~that~~ who is registered or certified by the Georgia Peace Officer Standards and  
 223 Training Council, or retired police officer of any county, municipal, state, state authority,  
 224 or federal law enforcement agency in the State of Georgia, including any college or  
 225 university police officer ~~that~~ who was registered or certified at the time of his or her  
 226 retirement by the Georgia Peace Officer Standards and Training Council, if such retired  
 227 ~~employee~~ police officer is receiving benefits under the Peace Officers' Annuity and  
 228 Benefit Fund provided under Chapter 17 of Title 47 or is retired in good standing and  
 229 receiving benefits from a county, municipal, State of Georgia, state authority, or federal  
 230 retirement system; or

231 (5) Person who is a citizen of this state and:

232 (A) Has retired with at least ten years of aggregate service as a law enforcement officer  
 233 with powers of arrest under the laws of any state of the United States or of the United  
 234 States;

235 (B) Separated from service in good standing, as determined by criteria established by  
 236 the Georgia Peace Officer Standards and Training Council, from employment with his  
 237 or her most recent law enforcement agency; and

238 (C) Possesses on his or her person an identification card for retired law enforcement  
 239 officers as issued by the Georgia Peace Officer Standards and Training Council;  
 240 provided, however, that such person meets the standards for the issuance of such card

241 as provided for by the council, including, but not limited to, maintenance of  
 242 qualification in firearms training.

243 In addition, any such sheriff, retired sheriff, deputy sheriff, retired deputy sheriff, member  
 244 of the Georgia State Patrol, retired member of the Georgia State Patrol, agent of the  
 245 Georgia Bureau of Investigation, retired agent of the Georgia Bureau of Investigation,  
 246 active or retired law enforcement chief executive, person who is a retired law enforcement  
 247 officer as provided for in paragraph (5) of this subsection, or other law enforcement officer  
 248 referred to in this subsection shall be authorized to carry a handgun on or off duty  
 249 anywhere within the this state, including, but not limited to, in a courthouse except to the  
 250 extent provided for in subsection (c.1) of this Code section, and the provisions of Code  
 251 Sections 16-11-126 through 16-11-127.2 shall not apply to the carrying of such firearms.

252 (c.1)(1) Pursuant to a comprehensive plan for the security of the county courthouse and  
 253 any courthouse annex as provided for in subsection (a) of Code Section 15-16-10, the  
 254 sheriff with jurisdiction over such county courthouse or courthouse annex may provide  
 255 for facilities or the means for the holding of weapons carried by persons enumerated  
 256 under this Code section; provided, however, that ingress to such courthouse or courthouse  
 257 annex is actively restricted or screened by the sheriff or his or her deputy sheriffs, and  
 258 such facilities or means are beyond and inside of the area which is restricted or screened  
 259 by the sheriff or his or her deputy sheriffs.

260 (2) If the requirements of paragraph (1) of this subsection are met, the persons  
 261 enumerated under this Code section shall, upon request of the sheriff, place their weapons  
 262 in such holding with the sheriff pursuant to the comprehensive plan while such persons  
 263 are within the restricted or screened area. Upon request of any person enumerated under  
 264 this Code section, in preparation for his or her exit from the restricted or screened area,  
 265 the sheriff shall immediately return the person's weapons which are in holding.

266 (3) As used in this subsection, the term 'weapon' shall have the same meaning as  
 267 provided for in Code Section 16-11-125.1; provided, however, that such term shall  
 268 additionally mean any firearm."

269 **SECTION 7.**

270 Said part is further amended by adding a new subsection to Code Section 16-11-130.2,  
 271 relating to carrying a weapon or long gun at a commercial service airport, to read as follows:

272 "(a.1) As used in this Code section, the term:

273 (1) 'Commercial service airport' means an airport that receives scheduled passenger  
 274 aircraft service from any major airline carrier.

275 (2) 'Major airline carrier' means an airline that has more than \$1 billion in annual  
 276 operating revenue during a fiscal year."

277

**SECTION 8.**

278 Code Section 35-3-34 of the Official Code of Georgia Annotated, relating to disclosure and  
 279 dissemination of criminal records to private persons and businesses, resulting responsibility  
 280 and liability of issuing center, and provision of certain information to the FBI in conjunction  
 281 with the National Instant Criminal Background Check System, is amended by revising  
 282 paragraph (2) of subsection (e) as follows:

283 "(2)(A) The records of the Georgia Crime Information Center shall include information  
 284 as to whether a person has been involuntarily hospitalized. Notwithstanding any other  
 285 provisions of law and in order to carry out the provisions of this Code section and Code  
 286 Section 16-11-172, the Georgia Crime Information Center shall be provided such  
 287 information and no other mental health information from the involuntary hospitalization  
 288 records of the probate courts concerning persons involuntarily hospitalized after  
 289 March 22, 1995, in a manner agreed upon by the Probate Judges Training Council and  
 290 the Georgia Bureau of Investigation to preserve the confidentiality of patients' rights  
 291 in all other respects. Further, notwithstanding any other provisions of law and in order  
 292 to carry out the provisions of this Code section and Code Section 16-11-172, the center  
 293 shall be provided information as to whether a person has been adjudicated mentally  
 294 incompetent to stand trial or not guilty by reason of insanity at the time of the crime,  
 295 has been involuntarily hospitalized, or both from the records of the clerks of the  
 296 superior courts concerning persons involuntarily hospitalized after March 22, 1995, in  
 297 a manner agreed upon by The Council of Superior Court Clerks of Georgia and the  
 298 Georgia Bureau of Investigation to preserve the confidentiality of patients' rights in all  
 299 other respects.

300 (B)(i) After five years have elapsed from the date ~~that a person's~~ of a person's  
 301 discharge from involuntary hospitalization ~~information has been received by the~~  
 302 ~~Georgia Crime Information Center, the center shall purge its records of such~~  
 303 ~~information as soon as practicable and in any event purge such records within 30 days~~  
 304 ~~after the expiration of such five-year period, such person may petition the superior~~  
 305 ~~court in the county of his or her residence for relief from all legal disabilities~~  
 306 ~~preventing the possession or carrying of a firearm acquired as a result of such~~  
 307 ~~involuntary hospitalization; provided, however, that if such person is a nonresident,~~  
 308 ~~he or she shall petition the superior court in the county in which any proceedings for~~  
 309 ~~the involuntary hospitalization occurred.~~

310 (ii) The petitioner shall serve a copy of the petition for relief as notice upon any  
 311 facility that received or detained the petitioner, any physician that certified the  
 312 petitioner's need for involuntary hospitalization, the probate court that issued the  
 313 involuntary commitment order, and any person that filed an application for a court

314 ordered evaluation of the petitioner as provided for under Article 3 of Chapter 7 of  
 315 Title 37. The petitioner shall serve a copy of such petition for relief upon the district  
 316 attorney of the circuit of the petitioner's residence. Proof of service shall be by  
 317 affidavit filed with such petition for relief reciting that a copy of such petition for  
 318 relief has been served as required by this division and reciting service by registered  
 319 or certified mail or statutory overnight delivery. In preparing his or her response to  
 320 the petition, the district attorney may give notice of the received petition to any other  
 321 party in the underlying case that resulted in the petitioner's involuntary hospitalization  
 322 who the district attorney believes, based on evidence obtained by the district attorney,  
 323 would have an interest in such petition; provided, however, that the district attorney  
 324 shall serve upon the petitioner, by first class mail, notice of the names and addresses  
 325 of such persons noticed by the district attorney. If any physician or person upon  
 326 whom the petitioner is otherwise required to serve notice is deceased or not able to  
 327 be located, or if such facility upon which the petitioner is otherwise required to serve  
 328 notice has ceased operations, the petitioner shall instead recite such circumstances in  
 329 his or her petition for relief and include any last known address or other contact  
 330 information of such physician, person, or facility or former owner or operator of such  
 331 facility.

332 (iii) Within 60 days of the receipt of the petition for relief, the court shall hold a  
 333 hearing on such petition for relief. The district attorney shall represent the interests  
 334 of the state at such hearing.

335 (iv) The petition for relief shall be accompanied by a waiver executed by the  
 336 petitioner authorizing any mental hospital or treatment center, and their employees  
 337 and agents, to respond to inquiries of the district attorney regarding the petitioner's  
 338 treatment and any recommendations regarding whether the petitioner is a threat to the  
 339 safety of himself or herself or public safety. Information received by the district  
 340 attorney pursuant to this subparagraph shall not be used against the petitioner in any  
 341 other case or context unless such information is useable in such other case or context  
 342 by other rules of evidence or discovery.

343 (C) At the hearing provided for under subparagraph (B) of this paragraph, the court  
 344 shall receive and consider evidence in a proceeding concerning:

345 (i) The circumstances which caused the person to be subject to hospitalization or  
 346 adjudication;

347 (ii) The person's mental health and any criminal history records;

348 (iii) The person's reputation, which shall be established through character witness  
 349 statements, testimony, or other character evidence; and

350 (iv) Changes in the person's condition or circumstances since such hospitalization.

351 (D) Except as provided for under this paragraph, the hearing of the petition for relief  
 352 shall follow the rules and regulations relating to pleading, practice, and procedure  
 353 regarding civil petitions made to the superior court.

354 (E) The judge shall issue an order of his or her decision on the petition for relief  
 355 provided for under subparagraph (B) of this paragraph no later than 30 days after the  
 356 hearing.

357 (F) The court shall grant the petition for relief if such court finds by a preponderance  
 358 of the evidence that the person will not likely act in a manner dangerous to himself or  
 359 herself or public safety and that granting the relief will not be contrary to the public  
 360 interest. A record shall be kept of the hearing; provided, however, that such record  
 361 shall remain confidential and be disclosed only to a court, the petitioning party, and the  
 362 district attorney for the state, or their successors, who appeared in the underlying case  
 363 in the event of an appeal. Any appeal of the court's ruling on the petition for relief shall  
 364 be de novo review.

365 (G) If the court grants the person's petition for relief, the clerk of the superior court  
 366 shall report such order to the Georgia Crime Information Center immediately, but in no  
 367 case later than ten business days after the date of such order, and the center shall purge  
 368 such record that is the subject of the order as soon as practicable but not later than 30  
 369 days after receipt of such order, and all legal disabilities preventing the petitioner from  
 370 possessing or carrying a firearm acquired as a result of such involuntary hospitalization  
 371 shall be extinguished.

372 (H) A person may petition for relief under this paragraph not more than once every two  
 373 years."

374 **SECTION 9.**

375 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general  
 376 provisions regarding torts, is amended by adding a new Code section to read as follows:

377 "51-1-55.

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

379 (1) 'Dangerous weapon' shall have the same meaning as provided for under Code Section  
 380 16-11-121.

381 (2) 'Firearm' means any handgun, rifle, shotgun, or other weapon which will or can be  
 382 converted to expel a projectile by the action of an explosive or electrical charge and  
 383 which is not a dangerous weapon.

384 (b) Any instructor who lawfully instructs, educates, or trains a person in the safe, proper,  
 385 or technical use of a firearm shall be immune from civil liability for any injuries caused by  
 386 the failure of such person to use such firearm properly or lawfully."

387

**SECTION 10.**

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