

Senate Bill 177

By: Senators McKoon of the 29th and Williams of the 27th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated,  
2 relating to general provisions regarding parks, historic areas, memorials, and recreation, so  
3 as to revise provisions of law regarding the use or possession of any handgun in a park,  
4 historic site, or recreational area; to amend Part 3 of Article 4 of Chapter 11 of Title 16 of the  
5 Official Code of Georgia Annotated, relating to carrying and possession of firearms, so as  
6 to provide a definition; to revise the provisions of law regarding the carrying of firearms; to  
7 amend Part 2 of Article 4 of Chapter 12 of Title 16 of the Official Code of Georgia  
8 Annotated, relating to transportation passenger safety, so as to revise the provisions of law  
9 regarding the carrying of firearms; to amend Title 27 of the Official Code of Georgia  
10 Annotated, relating to game and fish, so as to revise certain laws regarding the carrying of  
11 firearms; to amend Part 2 of Article 10 of Chapter 6 of Title 40 of the Official Code of  
12 Georgia Annotated, relating to parking for persons with disabilities, so as to revise certain  
13 laws regarding the carrying of firearms; to provide for a short title; to provide for related  
14 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 **SECTION 1.**

17 This Act shall be known and may be cited as the "Georgia Constitutional Carry Act of 2017."

18 **SECTION 2.**

19 Article 1 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to  
20 general provisions regarding parks, historic areas, memorials, and recreation, is amended by  
21 revising subsection (o) of Code Section 12-3-10, relating to directing persons to leave parks,  
22 historic sites, or recreational areas upon their refusal to observe rules and regulations and  
23 prohibited acts generally, as follows:

24 "(o)(1) It shall be unlawful for any person to use or possess in any park, historic site, or  
25 recreational area any fireworks, explosives, or firecrackers, unless stored so as not to be

readily accessible or unless such use has been approved by prior written permission of the commissioner of natural resources or his or her authorized representative.

~~(2) It shall be unlawful for any person to use or possess in any park, historic site, or recreational area any firearms other than a handgun, as such term is defined in Code Section 16-11-125.1.~~

~~(3)~~(2) It shall be unlawful for any person to use or possess in any park, historic site, or recreational area any handgun without a valid weapons carry license issued pursuant to Code Section 16-11-129 weapon or long gun unless such person is a lawful weapons carrier. As used in this paragraph, the terms 'weapon,' 'long gun,' and 'lawful weapons carrier' shall have the same meanings as provided for in Code Section 16-11-125.1.

~~(4)~~(3) It shall be unlawful for any person to use or possess in any park, historic site, or recreational area any bows and arrows, spring guns, air rifles, slingshots, or any other device which discharges projectiles by any means, unless the device is unloaded and stored so as not to be readily accessible or unless such use has been approved within restricted areas by prior written permission of the commissioner of natural resources or his or her authorized representative."

### SECTION 3.

Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, is amended by revising Code Section 16-11-125.1, relating to definitions, as follows:

"16-11-125.1.

As used in this part, the term:

(1) 'Handgun' means a firearm of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged by an action of an explosive where the length of the barrel, not including any revolving, detachable, or magazine breech, does not exceed 12 inches; provided, however, that the term 'handgun' shall not include a gun which discharges a single shot of .46 ~~centimeters~~ centimeter or less in diameter.

(2) 'Knife' means a cutting instrument designed for the purpose of offense and defense consisting of a blade that is greater than five inches in length which is fastened to a handle.

(2.1) 'Lawful weapons carrier' means any person who is not prohibited by law from possessing a weapon or long gun, any person who is licensed pursuant to Code Section 16-11-129, or any person licensed to carry a handgun or weapon in any other state whose laws recognize and give effect to a license issued pursuant to this part.

(3) 'License holder' means a person who holds a valid weapons carry license.

(4) 'Long gun' means a firearm with a barrel length of at least 18 inches and overall length of at least 26 inches designed or made and intended to be fired from the shoulder and designed or made to use the energy of the explosive in a fixed:

(A) Shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger or from which any shot, bullet, or other missile can be discharged; or

(B) Metallic cartridge to fire only a single projectile through a rifle bore for each single pull of the trigger;

provided, however, that the term 'long gun' shall not include a gun which discharges a single shot of .46 ~~centimeters~~ centimeter or less in diameter.

(5) 'Weapon' means a knife or handgun.

(6) 'Weapons carry license' or 'license' means a license issued pursuant to Code Section 16-11-129."

#### SECTION 4.

Said part is further amended by revising Code Section 16-11-126, relating to having or carrying handguns, long guns, or other weapons, license requirement, and exceptions for homes, motor vehicles, private property, and other locations and conditions, as follows:

"16-11-126.

~~(a) Any person who is not prohibited by law from possessing a handgun or long gun may have or carry on his or her person a weapon or long gun on his or her property or inside his or her home, motor vehicle, or place of business without a valid weapons carry license.~~

~~(b) Any person who is not prohibited by law from possessing a handgun or long gun may have or carry on his or her person a long gun without a valid weapons carry license, provided that if the long gun is loaded, it shall only be carried in an open and fully exposed manner.~~

~~(c) Any person who is not prohibited by law from possessing a handgun or long gun may have or carry any handgun provided that it is enclosed in a case and unloaded.~~

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

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

~~(f) Any person with a valid hunting or fishing license on his or her person, or any person not required by law to have a hunting or fishing license, who is engaged in legal hunting, fishing, or sport shooting when the person has the permission of the owner of the land on which the activities are being conducted may have or carry on his or her person a handgun or long gun without a valid weapons carry license while hunting, fishing, or engaging in sport shooting.~~

~~(g) Notwithstanding Code Sections 12-3-10, 27-3-1.1, 27-3-6, and 16-12-122 through 16-12-127, any person with a valid weapons carry license may carry a weapon in all parks, historic sites, or recreational areas, as such term is defined in Code Section 12-3-10, including all publicly owned buildings located in such parks, historic sites, and recreational areas, in wildlife management areas, and on public transportation; provided, however, that a person shall not carry a handgun into a place where it is prohibited by federal law.~~

~~(h)(1) No person shall carry a weapon without a valid weapons carry license unless he or she meets one of the exceptions to having such license as provided in subsections (a) through (g) of this Code section.~~

~~(2) A person commits the offense of carrying a weapon without a license when he or she violates the provisions of paragraph (1) of this subsection.~~

~~(i) Upon conviction of the offense of carrying a weapon without a valid weapons carry license, a person shall be punished as follows:~~

~~(1) For the first offense, he or she shall be guilty of a misdemeanor; and~~

~~(2) For the second offense within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, and for any subsequent offense, he or she shall be guilty of a felony and, upon conviction thereof, shall be imprisoned for not less than two years and not more than five years.~~

~~(j) 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 Reserved."~~

## **SECTION 5.**

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

131 "16-11-127.

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

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

135 (2) 'Government building' means:

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

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

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

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

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

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

154 (1) In a government building as a nonlicense holder;

155 (2) In a courthouse;

156 (3) In a jail or prison;

157 (4) In a place of worship, unless the governing body or authority of the place of worship  
158 permits the carrying of weapons or long guns by license holders;

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

164 (6) On the premises of a nuclear power facility, except as provided in Code Section  
165 16-11-127.2, and the punishment provisions of Code Section 16-11-127.2 shall supersede  
166 the punishment provisions of this Code section; or

(7) Within 150 feet of any polling place when elections are being conducted and such polling place is being used as a polling place as provided for in paragraph (27) of Code Section 21-2-2, except as provided in subsection (i) of Code Section 21-2-413.

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

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

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

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

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

(e)(1) A ~~license holder~~ lawful weapons carrier shall be authorized to carry a weapon in a government building when the government building is open for business and where ingress into such building is not restricted or screened by security personnel. A ~~license holder~~ lawful weapons carrier who enters or attempts to enter a government building carrying a weapon where ingress is restricted or screened by security personnel shall be guilty of a misdemeanor if at least one member of such security personnel is certified as a peace officer pursuant to Chapter 8 of Title 35; provided, however, that a ~~license holder~~ lawful weapons carrier who immediately exits such building or immediately leaves such location upon notification of his or her failure to clear security due to the carrying of a weapon shall not be guilty of violating this subsection or paragraph (1) of subsection (b)

of this Code section. A person who is not a ~~license holder~~ lawful weapons carrier and who attempts to enter a government building carrying a weapon shall be guilty of a misdemeanor.

(2) Any ~~license holder~~ lawful weapons carrier who violates subsection (b) of this Code section in a place of worship shall not be arrested but shall be fined not more than \$100.00. Any person who is not a ~~license holder~~ lawful weapons carrier who violates subsection (b) of this Code section in a place of worship shall be punished as for a misdemeanor.

(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."

## SECTION 6.

Said part is further amended by revising paragraph (2) of subsection (b) and paragraphs (7) and (8) of subsection (c) of 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, as follows:

"(2) Any ~~license holder~~ lawful weapons carrier who violates this subsection shall be guilty of a misdemeanor. Any person who is not a ~~license holder~~ lawful weapons carrier who violates this subsection shall be guilty of a felony and, upon conviction thereof, be punished by a fine of not more than \$10,000.00, by imprisonment for not less than two nor more than ten years, or both."

"(7) A ~~person who is licensed in accordance with Code Section 16-11-129 or issued a permit pursuant to Code Section 43-38-10,~~ lawful weapons carrier when such person carries or picks up a student within a school safety zone, at a school function, or on a bus or other transportation furnished by a school or a ~~person who is licensed in accordance with Code Section 16-11-129 or issued a permit pursuant to Code Section 43-38-10~~ lawful weapons carrier when he or she has any weapon legally kept within a vehicle when such vehicle is parked within a school safety zone or is in transit through a designated school safety zone;

(8) A weapon possessed by a ~~license holder~~ lawful weapons carrier which is under the possessor's control in a motor vehicle or which is in a locked compartment of a motor vehicle or one which is in a locked container in or a locked firearms rack which is on a motor vehicle which is being used by an adult over 21 years of age to bring to or pick up a student within a school safety zone, at a school function, or on a bus or other transportation furnished by a school, or when such vehicle is used to transport someone to an activity being conducted within a school safety zone which has been authorized by a duly authorized official or local board of education as provided by paragraph (6) of this

subsection; provided, however, that this exception shall not apply to a student attending a public or private elementary or secondary school;".

#### SECTION 7.

Said part is further amended by revising subparagraph (b)(2)(H) of Code Section 16-11-129, relating to weapons carry license, temporary renewal permit, mandamus, and verification of license, as follows:

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

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

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

and has not been free of all restraint or supervision in connection therewith and free of any other conviction for at least five years immediately preceding the date of the application;".

#### SECTION 8.

Said part is further amended by revising Code Section 16-11-130, relating to exemptions from Code Sections 16-11-126 through 16-11-127.2, as follows:

"16-11-130.

(a) Code Sections ~~16-11-126~~ 16-11-127 through 16-11-127.2 shall not apply to or affect any of the following persons if such persons are employed in the offices listed below or when authorized by federal or state law, regulations, or order:

(1) Peace officers, as such term is defined in paragraph (11) of Code Section 16-1-3, and retired peace officers so long as they remain certified whether employed by the state or a political subdivision of the state or another state or a political subdivision of another state but only if such other state provides a similar privilege for the peace officers of this state;

(2) Wardens, superintendents, and keepers of correctional institutions, jails, or other institutions for the detention of persons accused or convicted of an offense;

(3) Persons in the military service of the state or of the United States;

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

(5) District attorneys, investigators employed by and assigned to a district attorney's office, assistant district attorneys, attorneys or investigators employed by the Prosecuting Attorneys' Council of the State of Georgia, and any retired district attorney, assistant



district attorney, district attorney's investigator, or attorney or investigator retired from the Prosecuting Attorneys' Council of the State of Georgia, if such employee is retired in good standing and is receiving benefits under Title 47 or is retired in good standing and receiving benefits from a county or municipal retirement system;

(6) State court solicitors-general; investigators employed by and assigned to a state court solicitor-general's office; assistant state court solicitors-general; the corresponding personnel of any city court expressly continued in existence as a city court pursuant to Article VI, Section X, Paragraph I, subparagraph (5) of the Constitution; and the corresponding personnel of any civil court expressly continued as a civil court pursuant to said provision of the Constitution;

(7) Those employees of the State Board of Pardons and Paroles when specifically designated and authorized in writing by the members of the State Board of Pardons and Paroles to carry a weapon or long gun;

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

(9) Community supervision officers employed by and under the authority of the Department of Community Supervision when specifically designated and authorized in writing by the commissioner of community supervision;

(10) Public safety directors of municipal corporations;

(11) Explosive ordnance disposal technicians, as such term is defined by Code Section 16-7-80, and persons certified as provided in Code Section 35-8-13 to handle animals trained to detect explosives, while in the performance of their duties;

(12) Federal judges, Justices of the Supreme Court, Judges of the Court of Appeals, judges of superior, state, probate, juvenile, and magistrate courts, full-time judges of municipal and city courts, permanent part-time judges of municipal and city courts, and administrative law judges;

(12.1) Former federal judges, Justices of the Supreme Court, Judges of the Court of Appeals, judges of superior, state, probate, juvenile, and magistrate courts, full-time judges of municipal and city courts, permanent part-time judges of municipal courts, and administrative law judges who are retired from their respective offices, provided that such judge or Justice would otherwise be qualified to be issued a weapons carry license;

(12.2) Former federal judges, Justices of the Supreme Court, Judges of the Court of Appeals, judges of superior, state, probate, juvenile, and magistrate courts, full-time judges of municipal and city courts, permanent part-time judges of municipal courts, and administrative law judges who are no longer serving in their respective office, provided that he or she served as such judge or Justice for more than 24 months; and provided,

further, that such judge or Justice would otherwise be qualified to be issued a weapons carry license;

(13) United States Attorneys and Assistant United States Attorneys;

(14) County medical examiners and coroners and their sworn officers employed by county government;

(15) Clerks of the superior courts; and

(16) Constables employed by a magistrate court of this state.

(b) Code Sections ~~16-11-126~~ 16-11-127 through 16-11-127.2 shall not apply to or affect persons who at the time of their retirement from service with the Department of Community Supervision were community supervision officers, when specifically designated and authorized in writing by the commissioner of community supervision.

(c) Code Sections ~~16-11-126~~ 16-11-127 through 16-11-127.2 shall not apply to or affect any:

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

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

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

(4) Police officer of any county, municipal, state, state authority, or federal law enforcement agency in the State of Georgia, including any college or university police officer ~~that~~ who is registered or certified by the Georgia Peace Officer Standards and

Training Council, or retired police officer of any county, municipal, state, state authority, or federal law enforcement agency in the State of Georgia, including any college or university police officer ~~that~~ who was registered or certified at the time of his or her retirement by the Georgia Peace Officer Standards and Training Council, if such retired employee is receiving benefits under the Peace Officers' Annuity and Benefit Fund provided under Chapter 17 of Title 47 or is retired in good standing and receiving benefits from a county, municipal, State of Georgia, state authority, or federal retirement system.

In addition, any such sheriff, retired sheriff, deputy sheriff, retired deputy sheriff, active or retired law enforcement chief executive, or other law enforcement officer referred to in this subsection shall be authorized to carry a handgun on or off duty anywhere within the state and the provisions of Code Sections ~~16-11-126~~ 16-11-127 through 16-11-127.2 shall not apply to the carrying of such firearms.

(d) A prosecution based upon a violation of ~~Code Section 16-11-126~~ or 16-11-127 need not negative any exemptions."

#### SECTION 9.

Said part is further amended by revising subsection (b) of 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, as follows:

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

#### SECTION 10.

Said part is further amended by revising Code Section 16-11-137, relating to required possession of weapons carry license or proof of exemption when carrying a weapon and detention for investigation of carrying permit, as follows:

~~"(a) Every license holder shall have his or her valid weapons carry license in his or her immediate possession at all times when carrying a weapon, or if such person is exempt from having a weapons carry license pursuant to Code Section 16-11-130 or subsection (c) of Code Section 16-11-127.1, he or she shall have proof of his or her exemption in his or~~

~~her immediate possession at all times when carrying a weapon, and his or her failure to do so shall be prima-facie evidence of a violation of the applicable provision of Code Sections 16-11-126 through 16-11-127.2.~~

(b) A person carrying a weapon shall not be subject to detention for the sole purpose of investigating whether such person has a weapons carry license, whether such person is exempt from having a weapons carry license pursuant to Code Section 16-11-130 or subsection (c) of Code Section 16-11-127.1, or whether such person is a lawful weapons carrier.

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

### SECTION 11.

Part 2 of Article 4 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to transportation passenger safety, is amended by revising subsection (b) of Code Section 16-12-123, relating to bus or rail vehicle hijacking, boarding with concealed weapon, and company use of reasonable security measures, as follows:

"(b) Any person who boards or attempts to board an aircraft, bus, or rail vehicle with any explosive, destructive device, or hoax device as such ~~term is~~ terms are defined in Code Section 16-7-80; ~~firearm for which weapon or long gun as such terms are defined in Code Section 16-11-125.1 if such person does not have on his or her person a valid weapons carry license issued pursuant to Code Section 16-11-129 unless possessing such firearm is prohibited by federal law~~ is not a lawful weapons carrier as defined in Code Section 16-11-125.1; hazardous substance as defined by Code Section 12-8-92; ~~or knife~~ or other device designed or modified for the purpose of offense and defense concealed on or about his or her person or property which is or would be accessible to such person while on the aircraft, bus, or rail vehicle shall be guilty of a felony and, upon conviction thereof, shall be sentenced to imprisonment for not less than one nor more than ten years. The prohibition of this subsection shall not apply to any law enforcement officer, peace officer retired from a state or federal law enforcement agency, person in the military service of the state or of the United States, or commercial security personnel employed by the transportation company who is in possession of weapons used within the course and scope of employment; nor shall the prohibition apply to persons transporting weapons contained in baggage which is not accessible to passengers if the presence of such weapons has been declared to the transportation company and such weapons have been secured in a manner prescribed by state or federal law or regulation for the purpose of transportation or shipment. The provisions of this subsection shall not apply to any privately owned aircraft,

419 bus, or rail vehicle if the owner of such aircraft or vehicle has given his or her express  
420 permission to board the aircraft or vehicle with the item."

421 **SECTION 12.**

422 Said part is further amended by revising subsection (a) of Code Section 16-12-127, relating  
423 to prohibition on firearms, hazardous substances, knives, or other devices, penalty, and  
424 affirmative defenses, as follows:

425 "(a) It shall be unlawful for any person, with the intention of avoiding or interfering with  
426 a security measure or of introducing into a terminal any explosive, destructive device, or  
427 hoax device as such terms are defined in Code Section 16-7-80; firearm for which such  
428 ~~person does not have on his or her person a valid weapons carry license issued pursuant to~~  
429 ~~Code Section 16-11-129 unless possessing such firearm is prohibited by federal law~~  
430 weapon or long gun as such terms are defined in Code Section 16-11-125.1 if such person  
431 is not a lawful weapons carrier as defined in Code Section 16-11-125.1; hazardous  
432 substance as defined by Code Section 12-8-92; or knife or other device designed or  
433 modified for the purpose of offense and defense, to:

- 434 (1) Have any such item on or about his or her person, or  
435 (2) Place or cause to be placed or attempt to place or cause to be placed any such item:  
436 (A) In a container or freight of a transportation company;  
437 (B) In the baggage or possessions of any person or any transportation company without  
438 the knowledge of the passenger or transportation company; or  
439 (C) Aboard such aircraft, bus, or rail vehicle."

440 **SECTION 13.**

441 Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by  
442 revising paragraphs (1) and (2) of Code Section 27-3-1.1, relating to acts prohibited on  
443 wildlife management areas, as follows:

444 "(1) To possess a firearm other than a handgun, as such term is defined in Code  
445 Section 16-11-125.1, during a closed hunting season for that area unless such firearm is  
446 unloaded and stored in a motor vehicle so as not to be readily accessible or to possess a  
447 handgun during a closed hunting season for that area unless such person ~~possesses a valid~~  
448 ~~weapons carry license issued pursuant to Code Section 16-11-129~~ is a lawful weapons  
449 carrier as defined in Code Section 16-11-125.1;

450 (2) To possess a loaded firearm other than a handgun, as such term is defined in Code  
451 Section 16-11-125.1, in a motor vehicle during a legal open hunting season for that area  
452 or to possess a loaded handgun in a motor vehicle during a legal open hunting season for  
453 that area unless such person ~~possesses a valid weapons carry license issued pursuant to~~

454 ~~Code Section 16-11-129~~ is a lawful weapons carrier as defined in Code Section  
455 16-11-125.1;".

456 **SECTION 14.**

457 Said title is further amended by revising Code Section 27-3-6, relating to possession of  
458 firearm while hunting with bow and arrow, as follows:

459 "27-3-6.

460 It shall be unlawful for any person to possess any center-fire or rimfire firearm other than  
461 a handgun, as such term is defined in Code Section 16-11-125.1, while hunting with a bow  
462 and arrow during archery or primitive weapons season for deer or while hunting with a  
463 muzzleloading firearm during a primitive weapons season for deer or to possess a loaded  
464 handgun while hunting with a bow and arrow during archery or primitive weapons season  
465 for deer or while hunting with a muzzleloading firearm during primitive weapons season  
466 for deer unless such person ~~possesses a valid weapons carry license issued pursuant to~~  
467 ~~Code Section 16-11-129~~ is a lawful weapons carrier as defined in Code Section  
468 16-11-125.1."

469 **SECTION 15.**

470 Said title is further amended by revising paragraphs (1) and (2) of subsection (a) of Code  
471 Section 27-4-11.1, relating to possession of firearms and intoxication on public fishing areas,  
472 fishing in closed fishing areas, and other restrictions in public fishing areas, as follows:

473 "(1) To possess a firearm other than a handgun, as such term is defined in Code Section  
474 16-11-125.1, during a closed hunting season for that area unless such firearm is unloaded  
475 and stored in a motor vehicle so as not to be readily accessible or to possess a handgun  
476 during a closed hunting season for that area unless such person ~~possesses a valid weapons~~  
477 ~~carry license issued pursuant to Code Section 16-11-129~~ is a lawful weapons carrier as  
478 defined in Code Section 16-11-125.1;

479 (2) To possess a loaded firearm other than a handgun, as such term is defined in Code  
480 Section 16-11-125.1, in a motor vehicle during a legal open hunting season for that area  
481 or to possess a loaded handgun in a motor vehicle during a legal open hunting season for  
482 that area unless such person ~~possesses a valid weapons carry license issued pursuant to~~  
483 ~~Code Section 16-11-129~~ is a lawful weapons carrier as defined in Code Section  
484 16-11-125.1; or".

485 **SECTION 16.**

486 Part 2 of Article 10 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,  
487 relating to parking for persons with disabilities, is amended by revising paragraph (4) of

488 subsection (b) of Code Section 40-6-228, relating to enforcement of parking for persons with  
489 disabilities, as follows:

490 "(4) Have the power to possess and carry firearms and other weapons for the purpose of  
491 enforcing the parking laws for persons with disabilities; provided, however, that a person  
492 who ~~possesses a valid weapons carry license issued under Code Section 16-11-129 and~~  
493 ~~who carries such weapon in a manner permitted under Code Section 16-11-126~~ is a  
494 lawful weapons carrier as defined in Code Section 16-11-125.1 shall not be in violation  
495 of this paragraph; or".

496 **SECTION 17.**

497 This Act shall become effective upon its approval by the Governor or upon its becoming law  
498 without such approval.

499 **SECTION 18.**

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