House Bill 292 (AS PASSED HOUSE AND SENATE)
By: Representatives Jasperse of the 11th, Meadows of the 5th, Powell of the 32nd, Ballinger of the 23rd, Jones of the 91st, and others

A BILL TO BE ENTITLED
AN ACT

To amend Article 15 of Chapter 1 of Title 10, Part 3 of Article 4 of Chapter 11 of Title 16, and Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to deceptive or unfair practices, carrying and possession of firearms, and general provisions regarding torts, respectively, so as to prohibit the discriminatory refusal to provide credit or financial services to those persons engaged in the lawful commerce of firearms or ammunition products; to provide for a short title; to provide definitions; to provide for civil causes of action; to provide for action by the Attorney General; to revise the definition of knife; to revise the requirements for the reciprocity of recognizing and giving effect to licenses to carry from other states; to require the Attorney General to maintain a certain public list; to provide for, revise, and clarify laws relating to the carrying of weapons and safety; to permit certain new residents to carry a weapon in this state for a limited time without a weapons carry license; to revise provisions relating to carrying weapons within school safety zones, at school functions, or on a bus or other transportation furnished by a school; to allow the judge of the probate court to provide for printed information on gun safety; to provide for the maintenance of gun safety information on the website of the Department of Natural Resources; to revise and clarify the determinations to be made and the procedures to be followed by law enforcement agencies and the judge of the probate court in the issuance of a weapons carry license; to provide for replacement weapons carry licenses for persons who have a legal name change or address change; to clarify that certain active and retired law enforcement officers shall be authorized to carry a handgun on or off duty anywhere within this state; to clarify the meaning of commercial service airport relative to the carrying of a weapon or long gun; to provide for civil immunity of firearm instructors; to provide for definitions; to provide for findings; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:
SECTION 1.

The General Assembly finds that:

(1) The ownership of firearms is a clear and explicit right protected by the United States Constitution and the Constitution of this state;

(2) Access to financial services provides for the functioning of a firearms industry and, thus, the constitutionally protected right of firearm ownership; and

(3) The provisions of this Act are intended to implement the constitutional protections provided for under the law.

SECTION 2.

Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to deceptive or unfair practices, is amended by adding a new part to read as follows:

"Part 7

10-1-439.

This part shall be known and may be cited as the 'Georgia Firearms Industry Nondiscrimination Act.'

10-1-439.1.

As used in this part, the term:

(1) 'Financial services' means any service or product offered to the consumer or business market by a bank, trust company, building and loan association, credit union as defined by Code Section 7-1-4, any merchant acquirer limited purpose bank as defined in paragraph (7) of Code Section 7-9-2, or a federally chartered banking institution that accepts state deposits.

(2) 'Person' means one or more individuals, partnerships, associations, limited liability companies, corporations, unincorporated organizations, mutual companies, joint stock companies, trusts, agents, legal representatives, trustees, trustees in bankruptcy, receivers, labor organizations, public bodies, and public corporations and the State of Georgia and all political subdivisions and agencies thereof. Such term shall include federally chartered banking institutions that accept state deposits.

(3) 'Trade association' means any corporation, unincorporated association, federation, business league, or professional or business organization not organized or operated for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual; that is an organization described in Section 501(c)(6) of Title 26 of the United States Code and exempt from tax under Section 501(a) of such
title; and two or more members of which are manufacturers or sellers of a qualified product as defined by Section 7903(4) of Title 15 of the United States Code.

10-1-439.2. Unless otherwise precluded by law, regulation, or membership eligibility, it shall be an unlawful discriminatory practice for any person to refuse to provide financial services of any kind to, to refrain from continuing to provide existing financial services to, to terminate existing financial services with, or to otherwise discriminate in the provision of financial services against a person or trade association solely because such person or trade association is engaged in the lawful commerce of firearms or ammunition products and is licensed pursuant to Chapter 44 of Title 18 of the United States Code or is a trade association.

10-1-439.3. Whenever the Attorney General has reason to believe that any person is engaging, has engaged, or is about to engage in any act or practice declared unlawful by this part, the Attorney General shall, upon written request or by his or her own initiative, investigate and, upon finding a probable violation of this part, bring an action in the name of the state against such person to:

(1) Obtain a declaratory judgment that the act or practice violates the provisions of this part;

(2) Enjoin any act or practice that violates the provisions of this part by issuance of a temporary restraining order or preliminary or permanent injunction, without bond, upon the giving of appropriate notice; and

(3) Recover civil penalties of up to $10,000.00 per violation of this part or any injunction, judgment, or consent order issued or entered into under the provisions of this chapter and reasonable expenses, investigative costs, and attorney's fees.

10-1-439.4. The provisions of this part shall not apply to any bank, trust company, credit union, or merchant acquirer limited purpose bank that is chartered under the laws of this state or any other state to the extent that federal law precludes or preempts or has been determined to preclude or preempt the application of the provisions of this part to any federally chartered bank, trust company, credit union, or merchant acquirer limited purpose bank."

H. B. 292 - 3 -
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 paragraph (2) of Code Section 16-11-125.1, relating to definitions, as follows:

“(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.”

SECTION 4.

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

“(e)(1)(A) 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:

(i) Such licensee licensed to carry a weapon in any other state shall carry the weapon in compliance with the laws of this state; and

(ii) No other state shall be required to recognize and give effect to a license issued pursuant to this part that is held by a person who is younger than 21 years of age.

(B) The Attorney General shall create and maintain on the Department of Law's website a list of states whose laws recognize and give effect to a license issued pursuant to this part.

(2) Any person who is not a weapons carry license holder in this state and who is licensed to carry a 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 for 90 days after he or she becomes a resident of this state; provided, however, that such person shall carry the weapon in compliance with the laws of this state, shall as soon as practicable submit a weapons carry license application as provided for under Code Section 16-11-129, and shall remain licensed in such other state for the duration of time that he or she is a resident of this state but not a weapons carry license holder in this state.

(f)(1) 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:
person a **handgun** **weapon** or long gun without a valid weapons carry license while hunting, fishing, or engaging in sport shooting.

(2) 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 otherwise engaged in legal hunting, fishing, or sport shooting on recreational or wildlife management areas owned by this state may have or carry on his or her person a knife without a valid weapons carry license while engaging in such hunting, fishing, or sport shooting."

**SECTION 5.**

Said part is further amended by revising paragraph (5) 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:

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

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

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

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

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

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

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

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

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

**SECTION 6.**

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

"(a.1) Gun safety information.

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

(2) The Department of Natural Resources shall maintain on its principal, public website information, or a hyperlink to information, which provides resources for information on hunter education and classes and courses in this state that render instruction in gun safety. No person shall be required to take such classes or courses for purposes of this Code section where such information shall be provided solely for the convenience of the citizens of this state.

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

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

"(2) If a person is convicted of any crime or involved in any matter otherwise adjudicated in a matter which would make the maintenance of a weapons carry license by such person unlawful pursuant to 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 of a weapons carry license. If such person is the holder of a weapons carry license, then 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 or her weapons carry license renewed, then of the county..."
of the probate court which most 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 the maintenance of a weapons carry license by such
person to be unlawful pursuant to subsection (b) of this Code section. The Council of
Superior Court Judges of Georgia and The Council of State Court Judges of Georgia shall
provide by rule for the procedures which judges of the superior court and the judges of
the state courts, respectively, are to follow for the purposes of this paragraph."

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

SECTION 7.

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

"(a) Except to the extent provided for in subsection (c.1) of this Code section, Code
Sections 16-11-126 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:"

"(b) Except to the extent provided for in subsection (c.1) of this Code section, Code
Sections 16-11-126 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)(1) As used in this subsection, the term 'courthouse' means a building or annex
occupied by judicial courts and containing rooms in which judicial proceedings are held.
(2) Except to the extent provided for in subsection (c.1) of this Code section, Code
Sections 16-11-126 through 16-11-127.2 shall not apply to or affect any:

(A) 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;

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

(C) 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;

(D) 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 police officer 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;

(E) Person who is a citizen of this state and:
(i) Has retired with at least ten years of aggregate service as a law enforcement officer with powers of arrest under the laws of any state of the United States or of the United States;

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

(iii) Possesses on his or her person an identification card for retired law enforcement officers as issued by the Georgia Peace Officer Standards and Training Council; provided, however, that such person meets the standards for the issuance of such card as provided for by the council, including, but not limited to, maintenance of qualification in firearms training.

In addition, any such sheriff, retired sheriff, deputy sheriff, retired deputy sheriff, member or retired member of the Georgia State Patrol, agent or retired agent of the Georgia Bureau of Investigation, officer or retired officer of the Department of Natural Resources, active or retired law enforcement chief executive, person who is a retired law enforcement officer as provided for in paragraph (2) of this subsection, 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, including, but not limited to, in a courthouse except to the extent provided for in subsection (c.1) of this Code section, and the provisions of Code Sections 16-11-126 through 16-11-127.2 shall not apply to the carrying of such firearms.

(c.1)(1) As used in the subsection, the term:

(A) 'Active' means nonretired.

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

(C) 'Law enforcement agency' means sheriffs or any unit, organ, or department of this state, or a subdivision or municipality thereof, whose functions by law include the enforcement of criminal or traffic laws; the preservation of public order; the protection of life and property; the prevention, detection, or investigation of crime; or court security that is providing security for a courthouse.

(D) 'Law enforcement personnel' means sheriffs or deputy sheriffs or peace officers employed by a law enforcement agency.

(2)(A) Pursuant to a security plan implemented by law enforcement personnel, including as provided for under a comprehensive plan as provided for in subsection (a) of Code Section 15-16-10, the law enforcement agency with jurisdiction over a courthouse may provide for facilities or the means for the holding of weapons carried by persons enumerated under this Code section, except as provided for in paragraph (3)
of this subsection, provided that ingress to such courthouse is actively restricted or
screened by law enforcement personnel and such facilities or means are located in the
immediate proximity of the area which is restricted or screened by such law
enforcement personnel.

(B) If the requirements of this paragraph are met, the persons enumerated under this
Code section shall, except as provided for in paragraph (3) of this subsection, upon
request of law enforcement personnel place his or her weapons in such holding with
law enforcement personnel while such persons are within the restricted or screened
area. Upon request of any person enumerated under this Code section, in preparation
for his or her exit from the restricted or screened area, law enforcement personnel shall
immediately provide for the return of the person's weapons which are in holding.

(3) Notwithstanding a security plan implemented by law enforcement personnel,
including as provided for under a comprehensive plan as provided for in subsection (a)
of Code Section 15-16-10, active law enforcement officers referred to in subsection (c)
of this Code section shall be authorized to carry their service handguns and weapons in
any courthouse if they are wearing the assigned uniform of their law enforcement office
or have the official badge and identification credentials issued to them by their law
enforcement office displayed and plainly visible on their person while in the performance
of their official duties.

SECTION 8.

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

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

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

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

SECTION 9.

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

“51-1-55.

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

(1) 'Dangerous weapon' shall have the same meaning as provided for under Code Section
16-11-121.”
(2) 'Firearm' means any handgun, rifle, shotgun, or other weapon which will or can be
converted to expel a projectile by the action of an explosive or electrical charge and
which is not a dangerous weapon.
(b) Any instructor who lawfully instructs, educates, or trains a person in the safe, proper,
or technical use of a firearm shall be immune from civil liability for any injuries caused by
the failure of such person to use such firearm properly or lawfully."

SECTION 10.
This Act shall become effective upon its approval by the Governor or upon its becoming law
without such approval.

SECTION 11.
All laws and parts of laws in conflict with this Act are repealed.