

House Bill 1126

By: Representatives Tanner of the 9<sup>th</sup>, Powell of the 32<sup>nd</sup>, Tarvin of the 2<sup>nd</sup>, Collins of the 68<sup>th</sup>, Clark of the 147<sup>th</sup>, and others

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 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 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 amend Chapter 80 of Title 36 of the Official Code  
14 of Georgia Annotated, relating to provisions applicable to counties, municipal corporations,  
15 and other governmental entities, so as to prohibit enactment of an anti-firearms policy; to  
16 provide for equitable relief; to provide for a penalty; to provide for a short title; to provide  
17 for related matters; to provide for an effective date; to repeal conflicting laws; and for other  
18 purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 **SECTION 1.**

21 This Act shall be known and may be cited as the "Second Amendment Protection Act."

22 **SECTION 2.**

23 Article 1 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to  
24 general provisions regarding parks, historic areas, memorials, and recreation, is amended by  
25 revising subsection (o) of Code Section 12-3-10, relating to directing persons to leave parks,

26 historic sites, or recreational areas upon their refusal to observe rules and regulations and  
 27 prohibited acts generally, as follows:

28 "(o)(1) It shall be unlawful for any person to use or possess in any park, historic site, or  
 29 recreational area any fireworks, explosives, or firecrackers, unless stored so as not to be  
 30 readily accessible or unless such use has been approved by prior written permission of  
 31 the commissioner of natural resources or his or her authorized representative.

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

35 ~~(3)(2)~~ (2) It shall be unlawful for any person to use or possess in any park, historic site, or  
 36 recreational area any handgun without a valid weapons carry license issued pursuant to  
 37 Code Section 16-11-129 weapon or long gun unless such person holds a lawful carrier  
 38 license. As used in this paragraph, the terms 'weapon,' 'long gun,' and 'lawful carrier  
 39 license' shall have the same meanings as provided for in Code Section 16-11-125.1.

40 ~~(4)(3)~~ (3) It shall be unlawful for any person to use or possess in any park, historic site, or  
 41 recreational area any bows and arrows, spring guns, air rifles, slingshots, or any other  
 42 device which discharges projectiles by any means, unless the device is unloaded and  
 43 stored so as not to be readily accessible or unless such use has been approved within  
 44 restricted areas by prior written permission of the commissioner of natural resources or  
 45 his or her authorized representative."

### 46 SECTION 3.

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

50 "16-11-125.1.

51 As used in this part, the term:

52 (1) 'Handgun' means a firearm of any description, loaded or unloaded, from which any  
 53 shot, bullet, or other missile can be discharged by an action of an explosive where the  
 54 length of the barrel, not including any revolving, detachable, or magazine breech, does  
 55 not exceed 12 inches; provided, however, that the term 'handgun' shall not include a gun  
 56 which discharges a single shot of 0.46 centimeter or less in diameter.

57 (2) 'Knife' means a cutting instrument designed for the purpose of offense and defense  
 58 consisting of a blade that is greater than 12 inches in length which is fastened to a handle.

59 (2.1) 'Lawful carrier license' means a license issued pursuant to subparagraph (a)(1)(B)  
 60 of Code Section 16-11-129.

61 (3) 'License holder' means a person who holds a valid weapons carry license or lawful  
 62 carrier license.

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

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

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

71 provided, however, that the term 'long gun' shall not include a gun which discharges a  
 72 single shot of 0.46 centimeter or less in diameter.

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

74 (6) 'Weapons carry license' or 'license' means a license issued pursuant to subparagraph  
 75 (a)(1)(A) of Code Section 16-11-129."

76 **SECTION 4.**

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

80 "16-11-126.

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

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

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

90 ~~(d)~~(b) Any person who is not prohibited by law from possessing a handgun or long gun  
 91 ~~who is eligible for a weapons carry license~~ may transport a handgun or long gun in any  
 92 private passenger motor vehicle; provided, however, that private property owners or  
 93 persons in legal control of private property through a lease, rental agreement, licensing  
 94 agreement, contract, or any other agreement to control access to such private property shall  
 95 have the right to exclude or eject a person who is in possession of a weapon or long gun

96 on their private property in accordance with paragraph (3) of subsection (b) of Code  
97 Section 16-7-21, except as provided in Code Section 16-11-135.

98 ~~(e)(1)(A)(c)(1)~~ Any person licensed to carry a weapon in any other state whose laws  
99 recognize and give effect to a license issued pursuant to this part shall be authorized to  
100 carry a weapon in this state, but only while the licensee is not a resident of this state;  
101 provided, however, that:

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

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

106 ~~(B)(2)~~ The Attorney General shall create and maintain on the Department of Law's  
107 website a list of states whose laws recognize and give effect to a license issued pursuant  
108 to this part.

109 ~~(2) Any person who is not a weapons carry license holder in this state and who is~~  
110 ~~licensed to carry a weapon in any other state whose laws recognize and give effect to a~~  
111 ~~license issued pursuant to this part shall be authorized to carry a weapon in this state for~~  
112 ~~90 days after he or she becomes a resident of this state; provided, however, that such~~  
113 ~~person shall carry the weapon in compliance with the laws of this state, shall as soon as~~  
114 ~~practicable submit a weapons carry license application as provided for under Code~~  
115 ~~Section 16-11-129, and shall remain licensed in such other state for the duration of time~~  
116 ~~that he or she is a resident of this state but not a weapons carry license holder in this state.~~

117 ~~(f)(d)(1)~~ Any person with a valid hunting or fishing license on his or her person, or any  
118 person not required by law to have a hunting or fishing license, who is engaged in legal  
119 hunting, fishing, or sport shooting when the person has the permission of the owner of  
120 the land on which the activities are being conducted may have or carry on his or her  
121 person a weapon or long gun ~~without a valid weapons carry license while hunting,~~  
122 ~~fishing, or engaging in sport shooting.~~

123 (2) Any person with a valid hunting or fishing license on his or her person, or any person  
124 not required by law to have a hunting or fishing license, who is otherwise engaged in  
125 legal hunting, fishing, or sport shooting on recreational or wildlife management areas  
126 owned by this state may have or carry on his or her person a ~~knife without a valid~~  
127 ~~weapons carry license~~ weapon or long gun while engaging in such hunting, fishing, or  
128 sport shooting.

129 ~~(g)(e)~~ Notwithstanding Code Sections 12-3-10, 27-3-1.1, 27-3-6, and 16-12-122 through  
130 16-12-127, any person ~~with a valid weapons carry license~~ may carry a weapon in all parks,  
131 historic sites, or recreational areas, as such term is defined in Code Section 12-3-10,  
132 including all publicly owned buildings located in such parks, historic sites, and recreational

133 areas, in wildlife management areas, and on public transportation; provided, however, that  
 134 a person shall not carry a handgun into a place where it is prohibited by federal law.

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

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

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

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

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

148 ~~(j) Nothing in this Code section shall in any way operate or be construed to affect, repeal,  
 149 or limit the exemptions provided for under Code Section 16-11-130."~~

150 **SECTION 5.**

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

153 "16-11-127.

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

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

157 (1.1) 'Courtrooms' means rooms in a courthouse in which judicial proceedings are held.

158 (2) 'Government building' means:

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

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

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

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

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

173 (b) Except as provided in Code Section 16-11-127.1 and subsection (d) ~~or (e)~~ of this Code  
 174 section, a person shall be guilty of carrying a weapon or long gun in an unauthorized  
 175 location and punished as for a misdemeanor when he or she carries a weapon or long gun  
 176 without being a lawful weapons carrier while:

177 (1) In a government building ~~as a nonlicense holder~~;

178 (2) In a courthouse;

179 (3) In a jail or prison;

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

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

187 (6) ~~On the premises of a nuclear power facility, except as provided in Code Section~~  
 188 ~~16-11-127.2, and the punishment provisions of Code Section 16-11-127.2 shall supersede~~  
 189 ~~the punishment provisions of this Code section; or~~

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

193 (b.1)(1) Except as provided in Code Section 16-11-127.1 and paragraph (2) of this  
 194 subsection, a lawful carrier license holder shall be guilty of a misdemeanor offense of  
 195 carrying a weapon or long gun in an unauthorized location and punished by a fine no  
 196 greater than \$100.00 when he or she carries a weapon or long gun while:

197 (A) In a courtroom if the presiding judge in that courtroom prohibits the carrying of  
 198 weapons or long guns by lawful carrier license holders; or

199 (B) In a place of worship if the governing body or authority of the place of worship  
 200 prohibits the carrying of weapons or long guns by lawful carrier license holders.

201 (2) No violation of this subsection shall occur unless signage of the prohibition on  
 202 carrying a weapon or long gun is conspicuously posted at the entrance of the courtroom  
 203 or place of worship.

204 (c) ~~A license holder or person recognized under subsection (e) of Code Section 16-11-126~~  
 205 Any lawful carrier license holder shall be authorized to carry a weapon as provided in Code

206 Section 16-11-135 and in every location in this state ~~not listed in subsection (b) or~~  
 207 ~~prohibited by subsection (e) of this Code section~~; provided, however, that private property  
 208 owners or persons in legal control of private property through a lease, rental agreement,  
 209 licensing agreement, contract, or any other agreement to control access to such private  
 210 property shall have the right to exclude or eject a person who is in possession of a weapon  
 211 or long gun on ~~their~~ his or her private property in accordance with paragraph (3) of  
 212 subsection (b) of Code Section 16-7-21, except as provided in Code Section 16-11-135.  
 213 A violation of subsection (b) of this Code section shall not create or give rise to a civil  
 214 action for damages.

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

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

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

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

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

240 ~~(2) Any license holder who violates subsection (b) of this Code section in a place of~~  
 241 ~~worship shall not be arrested but shall be fined not more than \$100.00. Any person who~~

242 ~~is not a license holder who violates subsection (b) of this Code section in a place of~~  
 243 ~~worship shall be punished as for a misdemeanor.~~

244 ~~(f)(e)~~ Nothing in this Code section shall in any way operate or be construed to affect,  
 245 repeal, or limit the exemptions provided for under Code Section 16-11-130."

246 **SECTION 6.**

247 Said part is further amended by revising paragraph (2) of subsection (b) and paragraphs (7),  
 248 (8), and (20) of and adding a new paragraph to subsection (c) of Code Section 16-11-127.1,  
 249 relating to carrying weapons within school safety zones, at school functions, or on a bus or  
 250 other transportation furnished by a school, as follows:

251 "(2) Except as provided for in paragraph (20) of subsection (c) of this Code section, any  
 252 lawful carrier license holder who violates this subsection shall be guilty of a  
 253 misdemeanor. Any person who is not a lawful carrier license holder who violates this  
 254 subsection shall be guilty of a felony and, upon conviction thereof, be punished by a fine  
 255 of not more than \$10,000.00, by imprisonment for not less than two nor more than ten  
 256 years, or both."

257 "(6.1) A lawful carrier license holder when a local board of education has approved a  
 258 policy permitting the possession of weapons or long guns by lawful carrier license  
 259 holders within a school safety zone, at a school function, or on a bus or other  
 260 transportation furnished by a school;

261 ~~(7) A person who is licensed in accordance with Code Section 16-11-129 or issued a~~  
 262 ~~permit pursuant to Code Section 43-38-10, when such person carries or picks up a student~~  
 263 ~~within a school safety zone, at a school function, or on a bus or other transportation~~  
 264 ~~furnished by a school or a person who is licensed in accordance with Code Section~~  
 265 ~~16-11-129 or issued a permit pursuant to Code Section 43-38-10 when he or she has any~~  
 266 ~~weapon legally kept within a vehicle when such vehicle is parked within a school safety~~  
 267 ~~zone or is in transit through a designated school safety zone;~~

268 (8) A weapon possessed by a license holder person which is under the possessor's control  
 269 in a motor vehicle or which is in a locked compartment of a motor vehicle or one which  
 270 is in a locked container in or a locked firearms rack which is on a motor vehicle which  
 271 is being used by an adult over 21 years of age to bring to or pick up a student within a  
 272 school safety zone, at a school function, or on a bus or other transportation furnished by  
 273 a school, or when such vehicle is used to transport someone to an activity being  
 274 conducted within a school safety zone which has been authorized by a duly authorized  
 275 official or local board of education as provided by paragraph (6) of this subsection;  
 276 ~~provided, however, that this exception shall not apply to a student attending a public or~~  
 277 ~~private elementary or secondary school;"~~

278 "(20)(A) Any ~~weapons-carry~~ lawful carrier license holder when he or she is in any  
 279 building or on real property owned by or leased to any public technical school,  
 280 vocational school, college, or university, or other public institution of postsecondary  
 281 education; provided, however, that such exception shall:

282 (i) Not apply to buildings or property used for athletic sporting events or student  
 283 housing, including, but not limited to, fraternity and sorority houses;

284 (ii) Not apply to any preschool or childcare space located within such buildings or  
 285 real property;

286 (iii) Not apply to any room or space being used for classes related to a college and  
 287 career academy or other specialized school as provided for under Code  
 288 Section 20-4-37;

289 (iv) Not apply to any room or space being used for classes in which high school  
 290 students are enrolled through a dual enrollment program, including, but not limited  
 291 to, classes related to the 'Move on When Ready Act' as provided for under Code  
 292 Section 20-2-161.3;

293 (v) Not apply to faculty, staff, or administrative offices or rooms where disciplinary  
 294 proceedings are conducted; and

295 (vi) ~~Only apply to the carrying of handguns which a licensee is licensed to carry~~  
 296 ~~pursuant to subsection (e) of Code Section 16-11-126 and pursuant to Code~~  
 297 ~~Section 16-11-129; and~~

298 (vii) Only apply to the carrying of handguns which are concealed.

299 (B) Any ~~weapons-carry~~ lawful carrier license holder who carries a handgun in a  
 300 manner or in a building, property, room, or space in violation of this paragraph shall be  
 301 guilty of a misdemeanor; provided, however, that for a conviction of a first offense,  
 302 such ~~weapons-carry~~ lawful carrier license holder shall be punished by a fine of \$25.00  
 303 and not be sentenced to serve any term of confinement.

304 (C) As used in this paragraph, the term:

305 (i) 'Concealed' means carried in such a fashion that does not actively solicit the  
 306 attention of others and is not prominently, openly, and intentionally displayed except  
 307 for purposes of defense of self or others. Such term shall include, but not be limited  
 308 to, carrying on one's person while such handgun is substantially, but not necessarily  
 309 completely, covered by an article of clothing which is worn by such person, carrying  
 310 within a bag of a nondescript nature which is being carried about by such person, or  
 311 carrying in any other fashion as to not be clearly discernible by the passive  
 312 observation of others.

313 (ii) 'Preschool or childcare space' means any room or continuous collection of rooms  
 314 or any enclosed outdoor facilities which are separated from other spaces by an

315 electronic mechanism or human-staffed point of controlled access and designated for  
 316 the provision of preschool or childcare services, including, but not limited to,  
 317 preschool or childcare services licensed or regulated under Article 1 of Chapter 1A  
 318 of Title 20."

### 319 SECTION 7.

320 Said part is further amended by revising Code Section 16-11-129, relating to weapons carry  
 321 license, gun safety information, temporary renewal permit, mandamus, and verification of  
 322 license, as follows:

323 "16-11-129.

324 (a) **Application for weapons carry license, lawful carrier license, or renewal license;**  
 325 **term.**

326 (1)(A) The judge of the probate court of each county shall, on application under oath,  
 327 on payment of a fee of \$30.00, and on investigation of the applicant pursuant to  
 328 subsections (b) and (d) of this Code section, issue a weapons carry license or renewal  
 329 license valid for a period of five years to any person whose domicile is in that county  
 330 or who is on active duty with the United States armed forces and who is not a  
 331 domiciliary of this state but who either resides in that county or on a military  
 332 reservation located in whole or in part in that county at the time of such application.  
 333 Such license or renewal license shall authorize that person to carry any weapon in any  
 334 county of this state notwithstanding any change in that person's county of residence or  
 335 state of domicile.

336 (B) The judge of the probate court of each county shall, upon application and payment  
 337 of a \$30.00 fee, issue a lawful carrier license valid for a period of five years to any  
 338 person who holds a weapons carry license or is licensed to carry a weapon in any other  
 339 state whose laws recognize and give effect to a license issued pursuant to subparagraph  
 340 (A) of this paragraph and who has completed a weapons training course as provided in  
 341 subsection (a.1) of this Code section.

342 (2)(A) As used in this paragraph, the term 'service member' means an active duty  
 343 member of the regular or reserve component of the United States Army, United States  
 344 Navy, United States Marine Corps, United States Coast Guard, United States Air Force,  
 345 United States National Guard, Georgia Army National Guard, or Georgia Air National  
 346 Guard.

347 ~~(B) Any service member whose weapons carry license or renewal license expired while~~  
 348 ~~such service member was serving on active duty outside this state shall be authorized~~  
 349 ~~to carry any weapon in accordance with such expired license for a period of six months~~  
 350 ~~from the date of his or her discharge from active duty or reassignment to a location~~

351 ~~within this state. When carrying a weapon pursuant to Code Section 16-11-137, the~~  
 352 ~~service member shall also have in his or her immediate possession a copy of the official~~  
 353 ~~military orders or a written verification signed by such service member's commanding~~  
 354 ~~officer which shall evidence that such service member is authorized to carry any~~  
 355 ~~weapon in accordance with such expired license for a period of six months from the~~  
 356 ~~date of his or her discharge from active duty or reassignment to a location within this~~  
 357 ~~state.~~

358 ~~(3)(A)(B)~~ Applicants shall submit the application for a weapons carry license, lawful  
 359 carrier license, or renewal license to the judge of the probate court on forms prescribed  
 360 and furnished free of charge to persons wishing to apply for the license or renewal  
 361 license.

362 ~~(B)(C)~~(i) An application shall be considered to be for a renewal license if the  
 363 applicant has a weapons carry license, lawful carrier license, or renewal license with  
 364 90 or fewer days remaining before the expiration of such ~~weapons carry~~ license or  
 365 renewal license or 30 or fewer days since the expiration of such ~~weapons carry~~ license  
 366 or renewal license regardless of the county of issuance of the applicant's expired or  
 367 expiring ~~weapons carry~~ license or renewal license.

368 (ii) An application of any service member whose weapons carry license, lawful  
 369 carrier license, or renewal license expired while such service member was serving on  
 370 active duty outside this state shall be considered to be for a renewal license if such  
 371 service member applies within six months from the date of his or her discharge from  
 372 active duty or reassignment to a location within this state as provided for in a copy of  
 373 such service member's official military orders or a written verification signed by such  
 374 service member's commanding officer as provided by the service member.

375 (iii) An applicant who is not a United States citizen shall provide sufficient personal  
 376 identifying data, including without limitation his or her place of birth and United  
 377 States issued alien or admission number, as the Georgia Bureau of Investigation may  
 378 prescribe by rule or regulation. An applicant who is in nonimmigrant status shall  
 379 provide proof of his or her qualifications for an exception to the federal firearm  
 380 prohibition pursuant to 18 U.S.C. Section 922(y). Forms shall be designed to elicit  
 381 information from the applicant pertinent to his or her eligibility under this Code  
 382 section, including citizenship, but shall not require data which is nonpertinent or  
 383 irrelevant, such as serial numbers or other identification capable of being used as a de  
 384 facto registration of firearms owned by the applicant. The Department of Public  
 385 Safety shall furnish application forms and license forms required by this Code section.  
 386 The forms shall be furnished to each judge of each probate court within this state at  
 387 no cost.

388 (a.1) **Gun safety information.**

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

395 (2) A weapons training course shall be required for issuance of a lawful carrier license.  
 396 Such course shall be at least eight hours in duration and taught by a state or nationally  
 397 recognized nonprofit organization that has developed a firearms training program which  
 398 teaches firearms safety and fundamentals of firearms operation and includes live firing  
 399 of firearms of a minimum of 50 rounds.

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

406 ~~(3)~~(4) Neither the judge of the probate court nor the Department of Natural Resources  
 407 shall be liable to any person for personal injuries or damage to property arising from  
 408 conformance to this subsection.

409 (b) **Licensing exceptions.**

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

411 (A) 'Armed forces' means active duty or a reserve component of the United States  
 412 Army, United States Navy, United States Marine Corps, United States Coast Guard,  
 413 United States Air Force, United States National Guard, Georgia Army National Guard,  
 414 or Georgia Air National Guard.

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

417 (C) 'Convicted' means an adjudication of guilt. Such term shall not include an order  
 418 of discharge and exoneration pursuant to Article 3 of Chapter 8 of Title 42.

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

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

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

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

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

- 425 (iii) Provides proof that he or she is actively serving in the armed forces of the United  
426 States or has been honorably discharged from such service;
- 427 (B) Any person who has been convicted of a felony by a court of this state or any other  
428 state; by a court of the United States, including its territories, possessions, and  
429 dominions; or by a court of any foreign nation and has not been pardoned for such  
430 felony by the President of the United States, the State Board of Pardons and Paroles,  
431 or the person or agency empowered to grant pardons under the constitution or laws of  
432 such state or nation;
- 433 (C) Any person against whom proceedings are pending for any felony;
- 434 (D) Any person who is a fugitive from justice;
- 435 (E) Any person who is prohibited from possessing or shipping a firearm in interstate  
436 commerce pursuant to subsections (g) and (n) of 18 U.S.C. Section 922;
- 437 (F) Any person who has been convicted of an offense arising out of the unlawful  
438 manufacture or distribution of a controlled substance or other dangerous drug;
- 439 (G) Any person who has had his or her weapons carry license revoked pursuant to  
440 subsection (e) of this Code section within three years of the date of his or her  
441 application;
- 442 (H) Any person who has been convicted of any of the following:
- 443 (i) Carrying a weapon without a weapons carry license in violation of Code  
444 Section 16-11-126; or
- 445 (ii) Carrying a weapon or long gun in an unauthorized location in violation of Code  
446 Section 16-11-127
- 447 and has not been free of all restraint or supervision in connection therewith and free of  
448 any other conviction for at least five years immediately preceding the date of the  
449 application;
- 450 (I) Any person who has been convicted of any misdemeanor involving the use or  
451 possession of a controlled substance and has not been free of all restraint or supervision  
452 in connection therewith or free of:
- 453 (i) A second conviction of any misdemeanor involving the use or possession of a  
454 controlled substance; or
- 455 (ii) Any conviction under subparagraphs (E) through (G) of this paragraph  
456 for at least five years immediately preceding the date of the application;
- 457 (J) Except as provided for in subsection (b.1) of this Code section, any person who has  
458 been hospitalized as an inpatient in any mental hospital or alcohol or drug treatment  
459 center within the five years immediately preceding the application. The judge of the  
460 probate court may require any applicant to sign a waiver authorizing any mental  
461 hospital or treatment center to inform the judge whether or not the applicant has been

462 an inpatient in any such facility in the last five years and authorizing the superintendent  
 463 of such facility to make to the judge a recommendation regarding whether the applicant  
 464 is a threat to the safety of others and whether a weapons carry license ~~to carry a weapon~~  
 465 should be issued. When such a waiver is required by the judge, the applicant shall pay  
 466 a fee of \$3.00 for reimbursement of the cost of making such a report by the mental  
 467 health hospital, alcohol or drug treatment center, or the Department of Behavioral  
 468 Health and Developmental Disabilities, which the judge shall remit to the hospital,  
 469 center, or department. The judge shall keep any such hospitalization or treatment  
 470 information confidential. It shall be at the discretion of the judge, considering the  
 471 circumstances surrounding the hospitalization and the recommendation of the  
 472 superintendent of the hospital or treatment center where the individual was a patient,  
 473 to issue the weapons carry license or renewal license;

474 (K) Except as provided for in subsection (b.1) of this Code section, any person who has  
 475 been adjudicated mentally incompetent to stand trial; or

476 (L) Except as provided for in subsection (b.1) of this Code section, any person who has  
 477 been adjudicated not guilty by reason of insanity at the time of the crime pursuant to  
 478 Part 2 of Article 6 of Chapter 7 of Title 17.

479 **(b.1) Petitions for relief from certain licensing exceptions.**

480 (1) Persons provided for under subparagraphs (b)(2)(J), (b)(2)(K), and (b)(2)(L) of this  
 481 Code section may petition the court in which such adjudication, hospitalization, or  
 482 treatment proceedings, if any, under Chapter 3 or 7 of Title 37 occurred for relief. A  
 483 copy of such petition for relief shall be served as notice upon the opposing civil party or  
 484 the prosecuting attorney for the state, as the case may be, or their successors, who  
 485 appeared in the underlying case. Within 30 days of the receipt of such petition, such  
 486 court shall hold a hearing on such petition for relief. Such prosecuting attorney for the  
 487 state may represent the interests of the state at such hearing.

488 (2) At the hearing provided for under paragraph (1) of this subsection, the court shall  
 489 receive and consider evidence in a closed proceeding concerning:

490 (A) The circumstances which caused the person to be subject to subparagraph (b)(2)(J),  
 491 (b)(2)(K), or (b)(2)(L) of this Code section;

492 (B) The person's mental health and criminal history records, if any. The judge of such  
 493 court may require any such person to sign a waiver authorizing the superintendent of  
 494 any mental hospital or treatment center to make to the judge a recommendation  
 495 regarding whether such person is a threat to the safety of others. When such a waiver  
 496 is required by the judge, the applicant shall pay a fee of \$3.00 for reimbursement of the  
 497 cost of making such a report by the mental health hospital, alcohol or drug treatment

498 center, or the Department of Behavioral Health and Developmental Disabilities, which  
 499 the judge shall remit to the hospital, center, or department;

500 (C) The person's reputation which shall be established through character witness  
 501 statements, testimony, or other character evidence; and

502 (D) Changes in the person's condition or circumstances since such adjudication,  
 503 hospitalization, or treatment proceedings under Chapter 3 or 7 of Title 37.

504 The judge shall issue an order of his or her decision no later than 30 days after the  
 505 hearing.

506 (3) The court shall grant the petition for relief if such court finds by a preponderance of  
 507 the evidence that the person will not likely act in a manner dangerous to public safety in  
 508 carrying a weapon and that granting the relief will not be contrary to the public interest.  
 509 A record shall be kept of the hearing; provided, however, that such records shall remain  
 510 confidential and be disclosed only to a court or to the parties in the event of an appeal.  
 511 Any appeal of the court's ruling on the petition for relief shall be de novo review.

512 (4) If the court grants such person's petition for relief, the applicable subparagraph  
 513 (b)(2)(J), (b)(2)(K), or (b)(2)(L) of this Code section shall not apply to such person in his  
 514 or her application for a weapons carry license or renewal; provided, however, that such  
 515 person shall comply with all other requirements for the issuance of a weapons carry  
 516 license or renewal license. The clerk of such court shall report such order to the Georgia  
 517 Crime Information Center immediately, but in no case later than ten business days after  
 518 the date of such order.

519 (5) A person may petition for relief under this subsection not more than once every two  
 520 years. In the case of a person who has been hospitalized as an inpatient, such person shall  
 521 not petition for relief prior to being discharged from such treatment.

522 (c) **Fingerprinting.** Following completion of the application for a weapons carry license,  
 523 the judge of the probate court shall require the applicant to proceed to an appropriate law  
 524 enforcement agency in the county or to any vendor approved by the Georgia Bureau of  
 525 Investigation for fingerprint submission services with the completed application so that  
 526 such agency or vendor can capture the fingerprints of the applicant. The law enforcement  
 527 agency shall be entitled to a fee of \$5.00 from the applicant for its services in connection  
 528 with fingerprinting and processing of an application. Fingerprinting shall not be required  
 529 for applicants seeking temporary renewal licenses or renewal licenses.

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

531 (1)(A) For weapons carry license applications, the judge of the probate court shall  
 532 within five business days following the receipt of the application or request direct the  
 533 law enforcement agency to request a fingerprint based criminal history records check  
 534 from the Georgia Crime Information Center and Federal Bureau of Investigation for

535 purposes of determining the suitability of the applicant and return an appropriate report  
536 to the judge of the probate court. Fingerprints shall be in such form and of such quality  
537 as prescribed by the Georgia Crime Information Center and under standards adopted  
538 by the Federal Bureau of Investigation. The Georgia Bureau of Investigation may  
539 charge such fee as is necessary to cover the cost of the records search.

540 (B) For requests for license renewals, the presentation of a weapons carry license  
541 issued by any probate judge in this state shall be evidence to the judge of the probate  
542 court to whom a request for license renewal is made that the fingerprints of the weapons  
543 carry license holder are on file with the judge of the probate court who issued the  
544 weapons carry license, and the judge of the probate court to whom a request for license  
545 renewal is made shall, within five business days following the receipt of the request,  
546 direct the law enforcement agency to request a nonfingerprint based criminal history  
547 records check from the Georgia Crime Information Center and Federal Bureau of  
548 Investigation for purposes of determining the suitability of the applicant and return an  
549 appropriate report to the judge of the probate court to whom a request for license  
550 renewal is made.

551 (2) For both weapons carry license applications and requests for license renewals, the  
552 judge of the probate court shall within five business days following the receipt of the  
553 application or request also direct the law enforcement agency, in the same manner as  
554 provided for in subparagraph (B) of paragraph (1) of this subsection, to conduct a  
555 background check using the Federal Bureau of Investigation's National Instant Criminal  
556 Background Check System and return an appropriate report to the probate judge.

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

565 (4) The law enforcement agency shall report to the judge of the probate court within  
566 20 days, by telephone and in writing, of any findings relating to the applicant which may  
567 bear on his or her eligibility for a weapons carry license or renewal license under the  
568 terms of this Code section. When no derogatory information is found on the applicant  
569 bearing on his or her eligibility to obtain a weapons carry license or renewal license, a  
570 report shall not be required. The law enforcement agency shall return the application  
571 directly to the judge of the probate court within such time period. Not later than ten days

572 after the judge of the probate court receives the report from the law enforcement agency  
 573 concerning the suitability of the applicant for a weapons carry license, the judge of the  
 574 probate court shall issue such applicant a weapons carry license or renewal license ~~to~~  
 575 ~~carry any weapon~~ unless facts establishing ineligibility have been reported or unless the  
 576 judge determines such applicant has not met all the qualifications, is not of good moral  
 577 character, or has failed to comply with any of the requirements contained in this Code  
 578 section. The judge of the probate court shall date stamp the report from the law  
 579 enforcement agency to show the date on which the report was received by the judge of  
 580 the probate court. The judge of the probate court shall not suspend the processing of the  
 581 application or extend, delay, or avoid any time requirements provided for under this  
 582 paragraph.

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

584 (1) If, at any time during the period for which the weapons carry license was issued, the  
 585 judge of the probate court of the county in which the license was issued shall learn or  
 586 have brought to his or her attention in any manner any reasonable ground to believe the  
 587 licensee is not eligible to retain the license, the judge may, after notice and hearing,  
 588 revoke the license of the person upon a finding that such person is not eligible for a  
 589 weapons carry license pursuant to subsection (b) of this Code section or an adjudication  
 590 of falsification of application, mental incompetency, or chronic alcohol or narcotic usage.  
 591 The judge of the probate court shall report such revocation to the Georgia Crime  
 592 Information Center immediately but in no case later than ten days after such revocation.  
 593 It shall be unlawful for any person to possess a weapons carry license which has been  
 594 revoked pursuant to this paragraph, and any person found in possession of any such  
 595 revoked license, except in the performance of his or her official duties, shall be guilty of  
 596 a misdemeanor. After notice and hearing as provided for in this subsection for a  
 597 suspension of a weapons carry license, such judge shall revoke a lawful carrier license  
 598 of any person who is no longer eligible for a weapons carry license.

599 (2) If a person is convicted of any crime or otherwise adjudicated in a matter which  
 600 would make the maintenance of a weapons carry license by such person unlawful  
 601 pursuant to subsection (b) of this Code section, the judge of the superior court or state  
 602 court hearing such case or presiding over such matter shall inquire whether such person  
 603 is the holder of a weapons carry license. If such person is the holder of a weapons carry  
 604 license, then the judge of the superior court or state court shall inquire of such person the  
 605 county of the probate court which issued such weapons carry license, or if such person  
 606 has ever had his or her weapons carry license renewed, then of the county of the probate  
 607 court which most recently issued such person a renewal license. The judge of the  
 608 superior court or state court shall notify the judge of the probate court of such county of

609 the matter which makes the maintenance of a weapons carry license by such person to be  
 610 unlawful pursuant to subsection (b) of this Code section. The Council of Superior Court  
 611 Judges of Georgia and The Council of State Court Judges of Georgia shall provide by  
 612 rule for the procedures which judges of the superior court and the judges of the state  
 613 courts, respectively, are to follow for the purposes of this paragraph.

614 (3) Loss of any license issued in accordance with this Code section or damage to the  
 615 license in any manner which shall render it illegible shall be reported to the judge of the  
 616 probate court of the county in which it was issued within 48 hours of the time the loss or  
 617 damage becomes known to the license holder. The judge of the probate court shall  
 618 thereupon issue a replacement for and shall take custody of and destroy a damaged  
 619 license; and in any case in which a license has been lost, he or she shall issue a  
 620 cancellation order. The judge shall charge the fee specified in subsection (k) of Code  
 621 Section 15-9-60 for such services.

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

635 **(f) Weapons carry license specifications.**

636 (1) Weapons carry licenses issued prior to January 1, 2012, shall be in the format  
 637 specified by the former provisions of this paragraph as they existed on June 30, 2013.

638 (2) On and after January 1, 2012, newly issued or renewal weapons carry licenses shall  
 639 incorporate overt and covert security features which shall be blended with the personal  
 640 data printed on the license to form a significant barrier to imitation, replication, and  
 641 duplication. There shall be a minimum of three different ultraviolet colors used to  
 642 enhance the security of the license incorporating variable data, color shifting  
 643 characteristics, and front edge only perimeter visibility. The weapons carry license shall  
 644 have a color photograph viewable under ambient light on both the front and back of the  
 645 license. The weapons carry license shall incorporate custom optical variable devices

646 featuring the great seal of the State of Georgia as well as matching demetalized optical  
 647 variable devices viewable under ambient light from the front and back of the license  
 648 incorporating microtext and unique alphanumeric serialization specific to the license  
 649 holder. The weapons carry license shall be of similar material, size, and thickness of a  
 650 credit card and have a holographic laminate to secure and protect the license for the  
 651 duration of the license period.

652 (3) Using the physical characteristics of the license set forth in paragraph (2) of this  
 653 subsection, The Council of Probate Court Judges of Georgia shall create specifications  
 654 for the probate courts so that all weapons carry licenses in this state shall be uniform and  
 655 so that probate courts can petition the Department of Administrative Services to purchase  
 656 the equipment and supplies necessary for producing such licenses. The department shall  
 657 follow the competitive bidding procedure set forth in Code Section 50-5-102.

658 (4) The Council of Probate Court Judges of Georgia shall create specifications for the  
 659 probate courts so that all lawful carrier licenses in this state shall be uniform and so that  
 660 probate courts can petition the Department of Administrative Services to purchase the  
 661 equipment and supplies necessary for producing such licenses. The department shall  
 662 follow the competitive bidding procedure set forth in Code Section 50-5-102.

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

669 (h) **Licenses for former law enforcement officers.**

670 (1) Except as otherwise provided in Code Section 16-11-130, any person who has served  
 671 as a law enforcement officer for at least:

672 (A) Ten of the 12 years immediately preceding the retirement of such person as a law  
 673 enforcement officer; or

674 (B) Ten years and left such employment as a result of a disability arising in the line of  
 675 duty; and

676 retired or left such employment in good standing with a state or federal certifying agency  
 677 and receives benefits under the Peace Officers' Annuity and Benefit Fund provided for  
 678 under Chapter 17 of Title 47 or from a county, municipal, State of Georgia, state  
 679 authority, federal, private sector, individual, or educational institution retirement system  
 680 or program shall be entitled to be issued a weapons carry license as provided for in this  
 681 Code section without the payment of any of the fees provided for in this Code section.

682 (2) Such person as provided for in paragraph (1) of this subsection shall comply with all  
 683 the other provisions of this Code section relative to the issuance of such licenses,  
 684 including, but not limited to the requirements under paragraph (2) of subsection (b) of  
 685 this Code section. Any person seeking to be issued a license pursuant to this subsection  
 686 shall state his or her qualifications for eligibility under this subsection on his or her  
 687 application under oath as provided for in subsection (a) of this Code section.

688 (3) As used in this subsection, the term 'law enforcement officer' means any peace officer  
 689 who is employed by the United States government or by the State of Georgia or any  
 690 political subdivision thereof and who is required by the terms of his or her employment,  
 691 whether by election or appointment, to give his or her full time to the preservation of  
 692 public order or the protection of life and property or the prevention of crime. Such term  
 693 shall include game wardens.

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

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

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

702 (3) Such a temporary renewal license shall be in the form of a paper receipt indicating  
 703 the date on which the court received the renewal application and shall show the name,  
 704 address, sex, age, and race of the applicant and that the temporary renewal license expires  
 705 90 days from the date of issue.

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

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

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

713 (j) **Applicant may seek relief.** When an eligible applicant fails to receive a weapons  
 714 carrier license, lawful carrier license, temporary renewal license, or renewal license within  
 715 the time period required by this Code section and the application or request has been  
 716 properly filed, the applicant may bring an action in mandamus or other legal proceeding  
 717 in order to obtain a weapons carrier license, lawful carrier license, temporary renewal  
 718 license, or renewal license. When an applicant is otherwise denied a weapons carrier

719 license, lawful carrier license, temporary renewal license, or renewal license and contends  
 720 that he or she is qualified to be issued a weapons carrier license, lawful carrier license,  
 721 temporary renewal license, or renewal license, the applicant may bring an action in  
 722 mandamus or other legal proceeding in order to obtain such license. Additionally, the  
 723 applicant may request a hearing before the judge of the probate court relative to the  
 724 applicant's fitness to be issued such license. Upon the issuance of a denial, the judge of the  
 725 probate court shall inform the applicant of his or her rights pursuant to this subsection. If  
 726 such applicant is the prevailing party, he or she shall be entitled to recover his or her costs  
 727 in such action, including reasonable attorney's fees.

728 (k) **Data base prohibition.** A person or entity shall not create or maintain a  
 729 multijurisdictional data base of information regarding persons issued weapons carry  
 730 licenses.

731 (l) **Verification of license.** The judge of a probate court or his or her designee shall be  
 732 authorized to verify the legitimacy and validity of a weapons carry license or lawful carrier  
 733 license of a license holder pursuant to a subpoena or court order, for public safety purposes  
 734 to law enforcement agencies pursuant to paragraph (40) of subsection (a) of Code Section  
 735 50-18-72, and for licensing to a judge of a probate court or his or her designee pursuant to  
 736 paragraph (40) of subsection (a) of Code Section 50-18-72; provided, however, that the  
 737 judge of a probate court or his or her designee shall not be authorized to provide any further  
 738 information regarding license holders."

739 **SECTION 8.**

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

742 "16-11-130.

743 (a) Except to the extent provided for in subsection (c.1) of this Code section, Code  
 744 Sections ~~16-11-126~~ 16-11-127 through 16-11-127.2 shall not apply to or affect any of the  
 745 following persons if such persons are employed in the offices listed below or when  
 746 authorized by federal or state law, regulations, or order:

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

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

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

755 ~~(4) Persons employed in fulfilling defense contracts with the government of the United~~  
756 ~~States or agencies thereof when possession of the weapon or long gun is necessary for~~  
757 ~~manufacture, transport, installation, and testing under the requirements of such contract;~~  
758 ~~(5) District attorneys, investigators employed by and assigned to a district attorney's~~  
759 ~~office, assistant district attorneys, attorneys or investigators employed by the Prosecuting~~  
760 ~~Attorneys' Council of the State of Georgia, and any retired district attorney, assistant~~  
761 ~~district attorney, district attorney's investigator, or attorney or investigator retired from~~  
762 ~~the Prosecuting Attorneys' Council of the State of Georgia, if such employee is retired in~~  
763 ~~good standing and is receiving benefits under Title 47 or is retired in good standing and~~  
764 ~~receiving benefits from a county or municipal retirement system;~~  
765 ~~(6) State court solicitors-general; investigators employed by and assigned to a state court~~  
766 ~~solicitor-general's office; assistant state court solicitors-general; the corresponding~~  
767 ~~personnel of any city court expressly continued in existence as a city court pursuant to~~  
768 ~~Article VI, Section X, Paragraph I, subparagraph (5) of the Constitution; and the~~  
769 ~~corresponding personnel of any civil court expressly continued as a civil court pursuant~~  
770 ~~to said provision of the Constitution;~~  
771 ~~(7) Those employees of the State Board of Pardons and Paroles when specifically~~  
772 ~~designated and authorized in writing by the members of the State Board of Pardons and~~  
773 ~~Paroles to carry a weapon or long gun;~~  
774 ~~(8) The Attorney General and those members of his or her staff whom he or she~~  
775 ~~specifically authorizes in writing to carry a weapon or long gun;~~  
776 ~~(9) Community supervision officers employed by and under the authority of the~~  
777 ~~Department of Community Supervision when specifically designated and authorized in~~  
778 ~~writing by the commissioner of community supervision;~~  
779 ~~(10) Public safety directors of municipal corporations;~~  
780 ~~(11) Explosive ordnance disposal technicians, as such term is defined by Code~~  
781 ~~Section 16-7-80, and persons certified as provided in Code Section 35-8-13 to handle~~  
782 ~~animals trained to detect explosives, while in the performance of their duties;~~  
783 ~~(12) Federal judges, Justices of the Supreme Court, Judges of the Court of Appeals,~~  
784 ~~judges of superior, state, probate, juvenile, and magistrate courts, full-time judges of~~  
785 ~~municipal and city courts, permanent part-time judges of municipal and city courts, and~~  
786 ~~administrative law judges;~~  
787 ~~(12.1) Former federal judges, Justices of the Supreme Court, Judges of the Court of~~  
788 ~~Appeals, judges of superior, state, probate, juvenile, and magistrate courts, full-time~~  
789 ~~judges of municipal and city courts, permanent part-time judges of municipal courts, and~~  
790 ~~administrative law judges who are retired from their respective offices, provided that such~~  
791 ~~judge or Justice would otherwise be qualified to be issued a weapons carry license;~~

792 ~~(12.2) Former federal judges, Justices of the Supreme Court, Judges of the Court of~~  
 793 ~~Appeals, judges of superior, state, probate, juvenile, and magistrate courts, full-time~~  
 794 ~~judges of municipal and city courts, permanent part-time judges of municipal courts, and~~  
 795 ~~administrative law judges who are no longer serving in their respective office, provided~~  
 796 ~~that he or she served as such judge or Justice for more than 24 months; and provided,~~  
 797 ~~further, that such judge or Justice would otherwise be qualified to be issued a weapons~~  
 798 ~~carry license;~~

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

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

802 ~~(15) Clerks of the superior courts; and~~

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

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

809 ~~(c)(b)(1)~~ As used in this subsection, the term 'courthouse' means a building or annex  
 810 occupied by judicial courts and containing rooms in which judicial proceedings are held.

811 (2) Except to the extent provided for in subsection (c.1) of this Code section, Code  
 812 Sections ~~16-11-126~~ 16-11-127 through 16-11-127.2 shall not apply to or affect any:

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

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

823 (C) Full-time law enforcement chief executive engaging in the management of a  
 824 county, municipal, state, state authority, or federal law enforcement agency in the State  
 825 of Georgia, including any college or university law enforcement chief executive who  
 826 is registered or certified by the Georgia Peace Officer Standards and Training Council;  
 827 or retired law enforcement chief executive who formerly managed a county, municipal,  
 828 state, state authority, or federal law enforcement agency in the State of Georgia,

829 including any college or university law enforcement chief executive who was registered  
 830 or certified at the time of his or her retirement by the Georgia Peace Officer Standards  
 831 and Training Council, if such retired law enforcement chief executive is receiving  
 832 benefits under the Peace Officers' Annuity and Benefit Fund provided under Chapter 17  
 833 of Title 47 or is retired in good standing and receiving benefits from a county,  
 834 municipal, State of Georgia, state authority, or federal retirement system;

835 (D) Police officer of any county, municipal, state, state authority, or federal law  
 836 enforcement agency in the State of Georgia, including any college or university police  
 837 officer who is registered or certified by the Georgia Peace Officer Standards and  
 838 Training Council, or retired police officer of any county, municipal, state, state  
 839 authority, or federal law enforcement agency in the State of Georgia, including any  
 840 college or university police officer who was registered or certified at the time of his or  
 841 her retirement by the Georgia Peace Officer Standards and Training Council, if such  
 842 retired police officer is receiving benefits under the Peace Officers' Annuity and Benefit  
 843 Fund provided under Chapter 17 of Title 47 or is retired in good standing and receiving  
 844 benefits from a county, municipal, State of Georgia, state authority, or federal  
 845 retirement system; or

846 (E) Person who is a citizen of this state and:

847 (i) Has retired with at least ten years of aggregate service as a law enforcement  
 848 officer with powers of arrest under the laws of any state of the United States or of the  
 849 United States;

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

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

858 In addition, any such sheriff, retired sheriff, deputy sheriff, retired deputy sheriff, member  
 859 or retired member of the Georgia State Patrol, agent or retired agent of the Georgia  
 860 Bureau of Investigation, officer or retired officer of the Department of Natural Resources,  
 861 active or retired law enforcement chief executive, person who is a retired law  
 862 enforcement officer as provided for in paragraph (2) of this subsection, or other law  
 863 enforcement officer referred to in this subsection shall be authorized to carry a handgun  
 864 on or off duty anywhere within this state, including, but not limited to, in a courthouse  
 865 except to the extent provided for in subsection (c.1) of this Code section, and Code

866 Sections ~~16-11-126~~ 16-11-127 through 16-11-127.2 shall not apply to the carrying of  
867 such firearms.

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

869 (A) 'Active' means nonretired.

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

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

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

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

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

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

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

905 **SECTION 9.**

906 Said part is further amended by revising subsection (c) of Code Section 16-11-130.1, relating  
 907 to allowing personnel to carry weapons within certain school safety zones and at school  
 908 functions, as follows:

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

914 **SECTION 10.**

915 Said part is further amended by revising subsection (b) of Code Section 16-11-130.2, relating  
 916 to carrying a weapon or long gun at a commercial service airport, as follows:

917 "(b) A person who is not a weapons carry license holder and who violates this Code  
 918 section shall be guilty of a misdemeanor. A weapons carry license holder who violates this  
 919 Code section shall be guilty of a misdemeanor; provided, however, that a weapons carry  
 920 license holder who is notified at the screening checkpoint for the restricted access area that  
 921 he or she is in possession of a weapon or long gun and who immediately leaves the  
 922 restricted access area following such notification and completion of federally required  
 923 transportation security screening procedures shall not be guilty of violating this Code  
 924 section."

925 **SECTION 11.**

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

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

936

**SECTION 12.**

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

940 "16-11-137.

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

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

953 ~~(c) A person convicted of a violation of this Code section shall be fined not more than~~  
 954 ~~\$10.00 if he or she produces in court his or her weapons carry license, provided that it was~~  
 955 ~~valid at the time of his or her arrest, or produces proof of his or her exemption."~~

956

**SECTION 13.**

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

961 "(b) Any person who boards or attempts to board an aircraft, bus, or rail vehicle with any  
 962 explosive, destructive device, or hoax device as such ~~term is~~ terms are defined in Code  
 963 Section 16-7-80; ~~firearm for which such person does not have on his or her person a valid~~  
 964 ~~weapons carry license issued pursuant to Code Section 16-11-129 unless~~ weapon or long  
 965 gun as such terms are defined in Code Section 16-11-125.1 if possessing such firearm is  
 966 prohibited by federal law; hazardous substance as defined by Code Section 12-8-92; ~~or~~  
 967 ~~knife~~ or other device designed or modified for the purpose of offense and defense  
 968 concealed on or about his or her person or property which is or would be accessible to such  
 969 person while on the aircraft, bus, or rail vehicle shall be guilty of a felony and, upon  
 970 conviction thereof, shall be sentenced to imprisonment for not less than one nor more than  
 971 ten years. The prohibition of this subsection shall not apply to any law enforcement

972 officer, peace officer retired from a state or federal law enforcement agency, person in the  
 973 military service of the state or of the United States, or commercial security personnel  
 974 employed by the transportation company who is in possession of weapons used within the  
 975 course and scope of employment; nor shall the prohibition apply to persons transporting  
 976 weapons contained in baggage which is not accessible to passengers if the presence of such  
 977 weapons has been declared to the transportation company and such weapons have been  
 978 secured in a manner prescribed by state or federal law or regulation for the purpose of  
 979 transportation or shipment. The provisions of this subsection shall not apply to any  
 980 privately owned aircraft, bus, or rail vehicle if the owner of such aircraft or vehicle has  
 981 given his or her express permission to board the aircraft or vehicle with the item."

982 **SECTION 14.**

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

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

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

1000 **SECTION 15.**

1001 Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by  
 1002 revising paragraphs (1) and (2) of Code Section 27-3-1.1, relating to acts prohibited on  
 1003 wildlife management areas, as follows:

1004 "~~(1) To possess a firearm other than a handgun, as such term is defined in Code Section~~  
 1005 ~~16-11-125.1, during a closed hunting season for that area unless such firearm is unloaded~~  
 1006 ~~and stored in a motor vehicle so as not to be readily accessible or to possess a handgun~~

1007 ~~during a closed hunting season for that area unless such person possesses a valid weapons~~  
 1008 ~~carry license issued pursuant to Code Section 16-11-129 Reserved;~~  
 1009 ~~(2) To possess a loaded firearm other than a handgun, as such term is defined in Code~~  
 1010 ~~Section 16-11-125.1, in a motor vehicle during a legal open hunting season for that area~~  
 1011 ~~or to possess a loaded handgun in a motor vehicle during a legal open hunting season for~~  
 1012 ~~that area unless such person possesses a valid weapons carry license issued pursuant to~~  
 1013 ~~Code Section 16-11-129 Reserved;~~"

1014 **SECTION 16.**

1015 Said title is further amended by revising Code Section 27-3-6, relating to possession of  
 1016 firearm while hunting with bow and arrow, as follows:

1017 "27-3-6.

1018 ~~It shall be unlawful for any person to possess any center-fire or rimfire firearm other than~~  
 1019 ~~a handgun, as such term is defined in Code Section 16-11-125.1, while hunting with a bow~~  
 1020 ~~and arrow during archery or primitive weapons season for deer or while hunting with a~~  
 1021 ~~muzzleloading firearm during a primitive weapons season for deer or to possess a loaded~~  
 1022 ~~handgun while hunting with a bow and arrow during archery or primitive weapons season~~  
 1023 ~~for deer or while hunting with a muzzleloading firearm during primitive weapons season~~  
 1024 ~~for deer unless such person possesses a valid weapons carry license issued pursuant to~~  
 1025 ~~Code Section 16-11-129. Reserved."~~

1026 **SECTION 17.**

1027 Said title is further amended by revising paragraphs (1) and (2) of subsection (a) of Code  
 1028 Section 27-4-11.1, relating to possession of firearms and intoxication on public fishing areas,  
 1029 fishing in closed fishing areas, and other restrictions in public fishing areas, as follows:

1030 ~~"(1) To possess a firearm other than a handgun, as such term is defined in Code Section~~  
 1031 ~~16-11-125.1, during a closed hunting season for that area unless such firearm is unloaded~~  
 1032 ~~and stored in a motor vehicle so as not to be readily accessible or to possess a handgun~~  
 1033 ~~during a closed hunting season for that area unless such person possesses a valid weapons~~  
 1034 ~~carry license issued pursuant to Code Section 16-11-129 Reserved;~~

1035 ~~(2) To possess a loaded firearm other than a handgun, as such term is defined in Code~~  
 1036 ~~Section 16-11-125.1, in a motor vehicle during a legal open hunting season for that area~~  
 1037 ~~or to possess a loaded handgun in a motor vehicle during a legal open hunting season for~~  
 1038 ~~that area unless such person possesses a valid weapons carry license issued pursuant to~~  
 1039 ~~Code Section 16-11-129 Reserved; or"~~

1040

**SECTION 18.**

1041 Part 2 of Article 10 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,  
 1042 relating to parking for persons with disabilities, is amended by revising paragraph (4) of  
 1043 subsection (b) of Code Section 40-6-228, relating to enforcement of parking for persons with  
 1044 disabilities, as follows:

1045 ~~"(4) Have the power to possess and carry firearms and other weapons for the purpose of~~  
 1046 ~~enforcing the parking laws for persons with disabilities; provided, however, that a person~~  
 1047 ~~who possesses a valid weapons carry license issued under Code Section 16-11-129 and~~  
 1048 ~~who carries such weapon in a manner permitted under Code Section 16-11-126 shall not~~  
 1049 ~~be in violation of this paragraph~~ Reserved; or"

1050

**SECTION 19.**

1051 Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general  
 1052 provisions applicable to counties, municipal corporations, and other governmental entities,  
 1053 is amended by adding a new Code section to read as follows:

1054 "36-80-29.

1055 (a) As used in this Code section, the term:

1056 (1) 'Anti-firearms policy' means any regulation, rule, policy, or practice adopted by a  
 1057 local governing body which prohibits or restricts the possession, use, sale, or transfer of  
 1058 firearms above those restrictions or prohibitions required under federal or state law.

1059 (2) 'Firearm' means any handgun or long gun.

1060 (3) 'Handgun' shall have the same meaning as set forth in Code Section 16-11-125.1.

1061 (4) 'Local governing body' means any political subdivision of this state, including any  
 1062 county, consolidated government, municipality, authority, school district, commission,  
 1063 board, or any other local public body corporate, governmental unit, or political  
 1064 subdivision.

1065 (5) 'Long gun' shall have the same meaning as set forth in Code Section 16-11-125.1.

1066 (b) No local governing body, whether acting through its governing body or by an initiative,  
 1067 referendum, or any other process, shall enact, adopt, implement, or enforce any  
 1068 anti-firearms policy.

1069 (c)(1) Any person residing in the jurisdiction of a local governing body may file a  
 1070 complaint with the Attorney General if the person asserts facts supporting an allegation  
 1071 that such local governing body has violated this Code section. The person must include  
 1072 a sworn statement with the complaint stating that to the best of the person's knowledge,  
 1073 all of the facts asserted in the complaint are true and correct.

1074 (2) If the Attorney General determines that a complaint filed under this subsection is  
 1075 valid, the Attorney General may file a petition for a writ of mandamus or apply for other

1076 appropriate legal or equitable relief in the superior court of the county in which the local  
1077 governing body is located to compel the local governing body that is suspected of  
1078 violating this Code section to comply with this Code section.

1079 (3) Any local governing body failing to comply with a writ of mandamus issued in  
1080 accordance with this Code section shall no longer be considered a qualified local  
1081 government pursuant to Chapter 8 of Title 50 and shall be disqualified from grants or  
1082 loans available to any qualified local government.

1083 (d) As an alternative to the remedy provided for in subsection (c) of this Code section, any  
1084 person residing in the jurisdiction of a local governing body may file a petition for other  
1085 appropriate legal or equitable relief in the superior court of the county in which the local  
1086 governing body is located to compel compliance with this Code section by the local  
1087 governing body. A prevailing plaintiff in such an action shall be entitled to his or her costs,  
1088 including reasonable attorney's fees, plus the greater of actual damages or \$100.00."

1089 **SECTION 20.**

1090 This Act shall become effective upon its approval by the Governor or upon its becoming law  
1091 without such approval.

1092 **SECTION 21.**

1093 All laws and parts of laws in conflict with this Act are repealed.