

House Bill 512 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Jasperse of the 11th, Meadows of the 5th, Roberts of the 155th, Ballinger of the 23rd, Powell of the 32nd, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
 2 relating to dangerous instrumentalities and practices, so as to change provisions relating to
 3 carrying weapons in unauthorized locations; to provide for a short title; to provide for and
 4 change definitions; to change provisions relating to carrying a weapon in government
 5 buildings, places of worship, and bars; to revise the definition of school safety zones; to
 6 change provisions relating to carrying weapons within certain school safety zones and at
 7 school functions; to change provisions relating to exemptions for carrying weapons within
 8 school safety zones; to allow persons who have had their weapons carry license revoked to
 9 be eligible to be license holders under certain circumstances; to remove fingerprinting
 10 requirements for renewal licenses; to change provisions relating to weapons carry licenses;
 11 to change provisions relating to persons exempt from the provisions of Code Sections
 12 16-11-126 through 16-11-127.2; to provide for local boards of education to authorize
 13 personnel to carry weapons within school safety zones under certain circumstances; to
 14 provide for the offense of unlawfully carrying a weapon into a secure airport area; to change
 15 legislative findings and provide for preemption for weapons other than firearms; to amend
 16 Code Section 16-12-1 of the Official Code of Georgia Annotated, relating to contributing to
 17 the delinquency, unruliness, or deprivation of a minor, so as to correct a cross-reference; to
 18 amend Code Section 35-3-34 of the Official Code of Georgia Annotated, relating to
 19 disclosure and dissemination of criminal background checks to private persons and
 20 businesses, so as to provide for the collection and dissemination of information pertinent to
 21 issuing weapons carry licenses; to provide for related matters; to repeal conflicting laws; and
 22 for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

24

PART I

25

SECTION 1-1.

26 This Act shall be known and may be cited as the "Safe Carry Protection Act."

27

SECTION 1-2.

28 Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to
29 dangerous instrumentalities and practices, is amended by revising subsection (d) of Code
30 Section 16-11-126, relating to having or carrying handguns, long guns, or other weapons, as
31 follows:

32 "(d) Any person who is not prohibited by law from possessing a handgun or long gun who
33 is eligible for a weapons carry license may transport a handgun or long gun in any private
34 passenger motor vehicle; provided, however, that private property owners or persons in
35 legal control of private property through a lease, rental agreement, licensing agreement,
36 contract, or any other agreement to control access to such private property shall have the
37 right to ~~forbid~~ exclude or eject a person who is in possession of a weapon or long gun on
38 their private property in accordance with paragraph (3) of subsection (b) of Code Section
39 16-7-21, except as provided in Code Section 16-11-135."

40

SECTION 1-3.

41 Said article is further amended by revising Code Section 16-11-127, relating to carrying
42 weapons in unauthorized locations and penalty, as follows:

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

44 ~~(1) 'Bar' means an establishment that is devoted to the serving of alcoholic beverages for~~
45 ~~consumption by guests on the premises and in which the serving of food is only~~
46 ~~incidental to the consumption of those beverages, including, but not limited to, taverns,~~
47 ~~nightclubs, cocktail lounges, and cabarets.~~

48 ~~(2)~~(1) 'Courthouse' means a building occupied by judicial courts and containing rooms
49 in which judicial proceedings are held.

50 ~~(3)~~(2) 'Government building' means:

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

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

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

58 ~~(4)~~(3) 'Government entity' means an office, agency, authority, department, commission,
59 board, body, division, instrumentality, or institution of the state or any county, municipal
60 corporation, consolidated government, or local board of education within this state.

61 ~~(5)~~(4) 'Parking facility' means real property owned or leased by a government entity,
62 courthouse, jail, or prison, ~~place of worship, or bar~~ that has been designated by such
63 government entity, courthouse, jail, or prison, ~~place of worship, or bar~~ for the parking of
64 motor vehicles at a government building, or at such courthouse, jail, or prison, ~~place of~~
65 ~~worship, or bar.~~

66 (b) Except as provided in subsection (d) or (e) of this Code section, a ~~A~~ person shall be
67 guilty of carrying a weapon or long gun in an unauthorized location and punished as for a
68 misdemeanor when he or she carries a weapon or long gun while:

69 (1) In a government building;

70 (2) In a courthouse;

71 (3) In a jail or prison;

72 ~~(4) In a place of worship;~~

73 ~~(5)~~(4) In a state mental health facility as defined in Code Section 37-1-1 which admits
74 individuals on an involuntary basis for treatment of mental illness, developmental
75 disability, or addictive disease; provided, however, that carrying a weapon or long gun
76 in such location in a manner in compliance with paragraph (3) of subsection (d) of this
77 Code section shall not constitute a violation of this subsection;

78 ~~(6) In a bar, unless the owner of the bar permits the carrying of weapons or long guns by~~
79 ~~license holders;~~

80 ~~(7)~~(5) On the premises of a nuclear power facility, except as provided in Code Section
81 16-11-127.2, and the punishment provisions of Code Section 16-11-127.2 shall supersede
82 the punishment provisions of this Code section; or

83 ~~(8)~~(6) Within 150 feet of any polling place, except as provided in subsection (i) of Code
84 Section 21-2-413.

85 (c) Except as provided in Code Section 16-11-127.1, a license holder or person recognized
86 under subsection (e) of Code Section 16-11-126 shall be authorized to carry a weapon as
87 provided in Code Section 16-11-135 and in every location in this state not listed in
88 subsection (b) or (e) of this Code section; provided, however, that private property owners
89 or persons in legal control of private property through a lease, rental agreement, licensing
90 agreement, contract, or any other agreement to control access to such private property shall
91 have the right to ~~forbid~~ exclude or eject a person who is in possession of a weapon or long
92 gun on their private property in accordance with paragraph (3) of subsection (b) of Code
93 Section 16-7-21, except as provided in Code Section 16-11-135. A violation of

94 subsection (b) of this Code section shall not create or give rise to a civil action for
95 damages.

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

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

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

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

109 (e) A license holder shall be authorized to carry a weapon in a government building or
110 courthouse where ingress into such building or courthouse is not restricted or screened by
111 security personnel during the hours the government building or courthouse is open for
112 business. A person who is not a license holder and who attempts to enter a government
113 building or courthouse with a weapon shall be guilty of a misdemeanor. A person who
114 enters or attempts to enter a government building or courthouse where ingress is restricted
115 or screened by security personnel shall be guilty of a misdemeanor; provided, however, that
116 a person who exits such building or courthouse or leaves such location upon his or her
117 observation that such building or courthouse has security personnel restricting or screening
118 ingress into such building or courthouse shall not be guilty of violating this subsection."

119 **SECTION 1-4.**

120 Said article is further amended by revising subsection (a), paragraph (1) of subsection (b),
121 and subsections (c) through (f) of Code Section 16-11-127.1, relating to carrying weapons
122 within school safety zones, at school functions, or on school property, as follows:

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

124 (1) 'Bus or other transportation furnished by a school' means a bus or other transportation
125 furnished by a public or private elementary or secondary school.

126 (2) 'School function' means a school function or related activity that occurs outside of a
127 school safety zone and is for a public or private elementary or secondary school.

128 ~~(1)~~(3) 'School safety zone' means in or on any real property or building owned by or
129 leased to;

130 ~~(A) Any~~ any public or private elementary school, secondary school, or ~~school local~~
 131 board of education and used for elementary or secondary education; and ~~in or on the~~
 132 ~~campus of any~~

133 (B) Any public or private technical school, vocational school, college, university, or
 134 other institution of postsecondary education.

135 ~~(2)~~(4) 'Weapon' means and includes any pistol, revolver, or any weapon designed or
 136 intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife,
 137 ballistic knife, any other knife having a blade of two or more inches, straight-edge razor,
 138 razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or
 139 other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any
 140 flailing instrument consisting of two or more rigid parts connected in such a manner as
 141 to allow them to swing freely, which may be known as a nun chahka, nun chuck,
 142 nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at
 143 least two points or pointed blades which is designed to be thrown or propelled and which
 144 may be known as a throwing star or oriental dart, or any weapon of like kind, and any
 145 stun gun or taser as defined in subsection (a) of Code Section 16-11-106. This paragraph
 146 excludes any of these instruments used for classroom work authorized by the teacher.

147 (b)(1) Except as otherwise provided in subsection (c) of this Code section, it shall be
 148 unlawful for any person to carry to or to possess or have under such person's control
 149 while within a school safety zone or at a ~~school building~~, school function, or ~~school~~
 150 ~~property~~ or on a bus or other transportation furnished by ~~the~~ a school any weapon or
 151 explosive compound, other than fireworks the possession of which is regulated by
 152 Chapter 10 of Title 25."

153 "(c) The provisions of this Code section shall not apply to:

154 (1) Baseball bats, hockey sticks, or other sports equipment possessed by competitors for
 155 legitimate athletic purposes;

156 (2) Participants in organized sport shooting events or firearm training courses;

157 (3) Persons participating in military training programs conducted by or on behalf of the
 158 armed forces of the United States or the Georgia Department of Defense;

159 (4) Persons participating in law enforcement training conducted by a police academy
 160 certified by the Georgia Peace Officer Standards and Training Council or by a law
 161 enforcement agency of the state or the United States or any political subdivision thereof;

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

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

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

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

- 167 (D) An employee of the Georgia Department of Corrections or a correctional facility
 168 operated by a political subdivision of this state or the United States who is authorized
 169 by the head of such correctional agency or facility to carry a firearm;
- 170 (E) A person employed as a campus police officer or school security officer who is
 171 authorized to carry a weapon in accordance with Chapter 8 of Title 20; and
- 172 (F) Medical examiners, coroners, and their investigators who are employed by the state
 173 or any political subdivision thereof;
- 174 (6) A person who has been authorized in writing by a duly authorized official of ~~the~~
 175 school a public or private elementary or secondary school or a public or private technical
 176 school, vocational school, college, university, or other institution of postsecondary
 177 education or a local board of education as provided in Code Section 16-11-130.1 to have
 178 in such person's possession or use as part of any activity being conducted at a school
 179 building, school property, or within a school safety zone, at a school function, or on a bus
 180 or other transportation furnished by a school a weapon which would otherwise be
 181 prohibited by this Code section. Such authorization shall specify the weapon or weapons
 182 which have been authorized and the time period during which the authorization is valid;
- 183 (7) A person who is licensed in accordance with Code Section 16-11-129 or issued a
 184 permit pursuant to Code Section 43-38-10, when such person carries or picks up a student
 185 ~~at a school building, within a school safety zone, at a school function, or school property~~
 186 or on a bus or other transportation furnished by ~~the~~ a school or a person who is licensed
 187 in accordance with Code Section 16-11-129 or issued a permit pursuant to Code Section
 188 43-38-10 when he or she has any weapon legally kept within a vehicle when such vehicle
 189 is parked ~~at such school property~~ within a school safety zone or is in transit through a
 190 designated school safety zone;
- 191 (8) A weapon possessed by a license holder which is under the possessor's control in a
 192 motor vehicle or which is in a locked compartment of a motor vehicle or one which is in
 193 a locked container in or a locked firearms rack which is on a motor vehicle which is being
 194 used by an adult over 21 years of age to bring to or pick up a student ~~at a school building,~~
 195 within a school safety zone, at a school function, or school property or on a bus or other
 196 transportation furnished by ~~the~~ a school, or when such vehicle is used to transport
 197 someone to an activity being conducted ~~on school property~~ within a school safety zone
 198 which has been authorized by a duly authorized official ~~of the school~~ or local board of
 199 education as provided by paragraph (6) of this subsection; provided, however, that this
 200 exception shall not apply to a student attending ~~such~~ a public or private elementary or
 201 secondary school;

- 202 (9) Persons employed in fulfilling defense contracts with the government of the United
 203 States or agencies thereof when possession of the weapon is necessary for manufacture,
 204 transport, installation, and testing under the requirements of such contract;
- 205 (10) Those employees of the State Board of Pardons and Paroles when specifically
 206 designated and authorized in writing by the members of the State Board of Pardons and
 207 Paroles to carry a weapon;
- 208 (11) The Attorney General and those members of his or her staff whom he or she
 209 specifically authorizes in writing to carry a weapon;
- 210 (12) Probation supervisors employed by and under the authority of the Department of
 211 Corrections pursuant to Article 2 of Chapter 8 of Title 42, known as the 'State-wide
 212 Probation Act,' when specifically designated and authorized in writing by the director of
 213 the Division of Probation;
- 214 (13) Public safety directors of municipal corporations;
- 215 (14) State and federal trial and appellate judges;
- 216 (15) United States attorneys and assistant United States attorneys;
- 217 (16) Clerks of the superior courts;
- 218 (17) Teachers and other ~~school~~ personnel who are otherwise authorized to possess or
 219 carry weapons, provided that any such weapon is in a locked compartment of a motor
 220 vehicle or one which is in a locked container in or a locked firearms rack which is on a
 221 motor vehicle; ~~or~~
- 222 (18) Constables of any county of this state; or
- 223 (19) Any license holder when he or she is in or on any real property or building owned
 224 or leased to any public technical school, vocational school, college, university, or other
 225 institution of postsecondary education; provided, however, that such exception shall not
 226 apply to such property or buildings used for athletic sporting events or student housing,
 227 including fraternity and sorority houses.
- 228 (d)(1) This Code section shall not prohibit any person who resides or works in a business
 229 or is in the ordinary course transacting lawful business or any person who is a visitor of
 230 such resident located within a school safety zone from carrying, possessing, or having
 231 under such person's control a weapon within a school safety zone; provided, however,
 232 that it shall be unlawful for any such person to carry, possess, or have under such person's
 233 control while at a ~~school building or school function or on school property~~, a school bus;
 234 or other transportation furnished by ~~the~~ a school any weapon or explosive compound,
 235 other than fireworks the possession of which is regulated by Chapter 10 of Title 25.
- 236 (2) Any person who violates this subsection shall be subject to the penalties specified in
 237 subsection (b) of this Code section.

238 ~~(3) This subsection shall not be construed to waive or alter any legal requirement for~~
 239 ~~possession of weapons or firearms otherwise required by law.~~

240 (e) It shall be no defense to a prosecution for a violation of this Code section that:

241 (1) A public or private elementary or secondary school or a public or private technical
 242 school, vocational school, college, university, or other institution of postsecondary
 243 education School was or was not in session at the time of the offense;

244 (2) The real property was being used for other purposes besides ~~school~~ public or private
 245 elementary or secondary school or public or private technical school, vocational school,
 246 college, university, or other institution of postsecondary education purposes at the time
 247 of the offense; or

248 (3) The offense took place on a bus or other transportation furnished by a school ~~vehicle~~.

249 (f) In a prosecution under this Code section, a map produced or reproduced by any
 250 municipal or county agency or department for the purpose of depicting the location and
 251 boundaries of the area of the real property of a school board or a private or public
 252 elementary or secondary school that is used for school purposes or the area of any campus
 253 ~~of any~~ public or private technical school, vocational school, college, university, or other
 254 institution of postsecondary education and used for student housing or athletic sporting
 255 events, or a true copy of the map, shall, if certified as a true copy by the custodian of the
 256 record, be admissible and shall constitute prima-facie evidence of the location and
 257 boundaries of the area, if the governing body of the municipality or county has approved
 258 the map as an official record of the location and boundaries of the area. A map approved
 259 under this Code section may be revised from time to time by the governing body of the
 260 municipality or county. The original of every map approved or revised under this
 261 subsection or a true copy of such original map shall be filed with the municipality or
 262 county and shall be maintained as an official record of the municipality or county. This
 263 subsection shall not preclude the prosecution from introducing or relying upon any other
 264 evidence or testimony to establish any element of this offense. This subsection shall not
 265 preclude the use or admissibility of a map or diagram other than the one which has been
 266 approved by the municipality or county."

267 **SECTION 1-5.**

268 Said article is further amended by revising subsections (b), (c), (d), and (f) of Code Section
 269 16-11-129, relating to license to carry weapons, as follows:

270 "(b) **Licensing exceptions.**

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

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

274 (B) 'Convicted' means ~~a plea of guilty or a finding of guilt by a court of competent~~
 275 ~~jurisdiction or the acceptance of a plea of nolo contendere, irrespective of the pendency~~
 276 ~~or availability of an appeal or an application for collateral relief~~ an adjudication of guilt.
 277 Such term shall not include an order of discharge and exoneration pursuant to Article
 278 3 of Chapter 8 of Title 42.

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

280 (D) 'Involuntary treatment' shall have the same meaning as set forth in Code Section
 281 37-3-1.

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

283 (A) Any person under 21 years of age;

284 (B) Any person who has been convicted of a felony by a court of this state or any other
 285 state; by a court of the United States including its territories, possessions, and
 286 dominions; or by a court of any foreign nation and has not been pardoned for such
 287 felony by the President of the United States, the State Board of Pardons and Paroles,
 288 or the person or agency empowered to grant pardons under the constitution or laws of
 289 such state or nation;

290 (C) Any person against whom proceedings are pending for any felony;

291 (D) Any person who is a fugitive from justice;

292 (E) Any person who is prohibited from possessing or shipping a firearm in interstate
 293 commerce pursuant to subsections (g) and (n) of 18 U.S.C. Section 922;

294 (F) Any person who has been convicted of an offense arising out of the unlawful
 295 manufacture or distribution of a controlled substance or other dangerous drug;

296 (G) Any person who has had his or her weapons carry license revoked pursuant to
 297 subsection (e) of this Code section within three years of the date of his or her
 298 application;

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

300 (i) ~~Pointing a gun or a pistol at another in violation of Code Section 16-11-102;~~

301 (ii) Carrying a weapon without a weapons carry license in violation of Code Section
 302 16-11-126; or

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

305 and has not been free of all restraint or supervision in connection therewith and free of
 306 any other conviction for at least ~~five~~ three years immediately preceding the date of the
 307 application;

308 (I) Any person who has been convicted of any misdemeanor involving the use or
 309 possession of a controlled substance and has not been free of all restraint or supervision
 310 in connection therewith or free of:

311 (i) A second conviction of any misdemeanor involving the use or possession of a
 312 controlled substance; or

313 (ii) Any conviction under subparagraphs (E) through (G) of this paragraph
 314 for at least ~~five~~ three years immediately preceding the date of the application; ~~or~~

315 (J) Any person who:

316 (i) Has been adjudicated mentally incompetent to stand trial;

317 (ii) Has been adjudicated not guilty by reason of insanity at the time of the crime
 318 pursuant to Part 2 of Article 6 of Chapter 7 of Title 17; or

319 (iii) Is registered on the state sexual offender registry;

320 (K) Any person who, within the five years immediately preceding the application, has
 321 had a guardian or conservator appointed to represent such person as a result of a mental
 322 illness or alcoholic or drug dependency;

323 (L) Any person who, within the five years immediately preceding the application, has
 324 made a credible threat to do physical violence to another person which threat was heard
 325 by a law enforcement officer and reported to the Georgia Crime Information Center.
 326 The judge of the probate court shall request such information from the Georgia Crime
 327 Information Center and shall be entitled to such information as set forth in subsection
 328 (e.1) of Code Section 35-3-34; or

329 (M) ~~Any person who, has been hospitalized as an inpatient in any mental hospital or~~
 330 ~~alcohol or drug treatment center within the five years immediately preceding the~~
 331 ~~application, has had involuntary treatment. An applicant's statement that he or she has~~
 332 ~~not had involuntarily treatment within the five years immediately preceding his or her~~
 333 ~~application shall create a rebuttable presumption that he or she has not been so treated.~~
 334 ~~The judge of the probate court may require any applicant to sign a waiver authorizing~~
 335 ~~any mental hospital or treatment center to inform the judge whether or not the applicant~~
 336 ~~has been an inpatient in any such facility in the last five years and authorizing the~~
 337 ~~superintendent of such facility to make to the judge a recommendation regarding~~
 338 ~~whether the applicant is a threat to the safety of others and whether a license to carry~~
 339 ~~a weapon should be issued. When such a waiver is required by the judge, the applicant~~
 340 ~~shall pay a fee of \$3.00 for reimbursement of the cost of making such a report by the~~
 341 ~~mental health hospital, alcohol or drug treatment center, or the Department of~~
 342 ~~Behavioral Health and Developmental Disabilities, which the judge shall remit to the~~
 343 ~~hospital, center, or department shall request involuntary treatment information from the~~
 344 ~~Georgia Crime Information Center as provided in paragraph (3) of subsection (e) of~~
 345 ~~Code Section 35-3-34. The judge shall keep any such hospitalization or treatment~~
 346 ~~information confidential. It shall be at the discretion of the judge, considering the~~
 347 ~~circumstances surrounding the hospitalization and the recommendation of the~~

348 ~~superintendent of the hospital or treatment center where the individual was a patient,~~
 349 ~~to issue the a weapons carry license or renewal license to an applicant who has had~~
 350 ~~involuntary treatment.~~

351 (3) If first offender treatment without adjudication of guilt for a conviction contained in
 352 subparagraph (F) or (I) of paragraph (2) of this subsection was entered and such sentence
 353 was successfully completed and such person has not had any other conviction since the
 354 completion of such sentence and for at least five years immediately preceding the date
 355 of the application, he or she shall be eligible for a weapons carry license provided that
 356 no other license exception applies.

357 (c) **Fingerprinting.** Following completion of the application for a weapons carry license
 358 ~~or the renewal of a license,~~ the judge of the probate court shall require the applicant to
 359 proceed to an appropriate law enforcement agency in the county with the completed
 360 application. ~~The appropriate local law enforcement agency in each county shall then so~~
 361 ~~that such agency can capture the fingerprints of the applicant for a weapons carry license~~
 362 ~~or renewal license and place the name of the applicant on the blank license form. The~~
 363 ~~appropriate local law enforcement agency shall place the fingerprint on a blank license~~
 364 ~~form which has been furnished to the law enforcement agency by the judge of the probate~~
 365 ~~court if a fingerprint is required to be furnished by subsection (f) of this Code section. The~~
 366 law enforcement agency shall be entitled to a fee of \$5.00 from the applicant for its
 367 services in connection with the fingerprinting and processing of an application.
 368 Fingerprinting shall not be required for applicants seeking temporary renewal licenses or
 369 renewal licenses.

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

371 (1) For ~~both weapons carry license applications and requests for license renewals,~~ the
 372 judge of the probate court shall within five business days following the receipt of the
 373 application ~~or request~~ direct the law enforcement agency to request a fingerprint based
 374 criminal history records check from the Georgia Crime Information Center and Federal
 375 Bureau of Investigation for purposes of determining the suitability of the applicant and
 376 return an appropriate report to the judge of the probate court. Fingerprints shall be in
 377 such form and of such quality as prescribed by the Georgia Crime Information Center and
 378 under standards adopted by the Federal Bureau of Investigation. The Georgia Bureau of
 379 Investigation may charge such fee as is necessary to cover the cost of the records search.

380 (2) For both weapons carry license applications and requests for license renewals, the
 381 judge of the probate court shall within five business days following the receipt of the
 382 application or request also direct the law enforcement agency to conduct a background
 383 check using the Federal Bureau of Investigation's National Instant Criminal Background
 384 Check System and return an appropriate report to the probate judge.

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

392 (4) The law enforcement agency shall report to the judge of the probate court within 30
 393 days, by telephone and in writing, of any findings relating to the applicant which may
 394 bear on his or her eligibility for a weapons carry license or renewal license under the
 395 terms of this Code section. When no derogatory information is found on the applicant
 396 bearing on his or her eligibility to obtain a license or renewal license, a report shall not
 397 be required. The law enforcement agency shall return the application ~~and the blank~~
 398 ~~license form with the fingerprint thereon~~ directly to the judge of the probate court within
 399 such time period. Not later than ten days after the judge of the probate court receives the
 400 report from the law enforcement agency concerning the suitability of the applicant for a
 401 license, the judge of the probate court shall issue such applicant a license or renewal
 402 license to carry any weapon unless facts establishing ineligibility have been reported or
 403 unless the judge determines such applicant has not met all the qualifications, is not of
 404 good moral character, or has failed to comply with any of the requirements contained in
 405 this Code section. The judge of the probate court shall date stamp the report from the law
 406 enforcement agency to show the date on which the report was received by the judge of
 407 the probate court."

408 "(f)(1) **Weapons carry license specifications.** Weapons carry licenses issued as
 409 ~~prescribed in this Code section shall be printed on durable but lightweight card stock, and~~
 410 ~~the completed card shall be laminated in plastic to improve its wearing qualities and to~~
 411 ~~inhibit alterations. Measurements shall be 3 1/4 inches long and 2 1/4 inches wide. Each~~
 412 ~~shall be serially numbered within the county of issuance and shall bear the full name,~~
 413 ~~residential address, birth date, weight, height, color of eyes, and sex of the licensee. The~~
 414 ~~license shall show the date of issuance, the expiration date, and the probate court in which~~
 415 ~~issued and shall be signed by the licensee and bear the signature or facsimile thereof of~~
 416 ~~the judge. The seal of the court shall be placed on the face before the license is~~
 417 ~~laminated. Licenses issued on and before December 31, 2011, shall bear a clear print of~~
 418 ~~the licensee's right index finger; however, if the right index fingerprint cannot be secured~~
 419 ~~for any reason, the print of another finger may be used but such print shall be marked to~~
 420 ~~identify the finger from which the print is taken prior to January 1, 2012, shall be in the~~

421 format specified by the former provisions of this paragraph as they existed on June 30,
 422 2013.

423 (2)(A) On and after January 1, 2012, newly issued or renewal weapons carry licenses
 424 shall incorporate overt and covert security features which shall be blended with the
 425 personal data printed on the license to form a significant barrier to imitation, replication,
 426 and duplication. There shall be a minimum of three different ultraviolet colors used to
 427 enhance the security of the license incorporating variable data, color shifting
 428 characteristics, and front edge only perimeter visibility. The weapons carry license shall
 429 have a color photograph viewable under ambient light on both the front and back of the
 430 license. The license shall incorporate custom optical variable devices featuring the great
 431 seal of the State of Georgia as well as matching demetalized optical variable devices
 432 viewable under ambient light from the front and back of the license incorporating
 433 microtext and unique alphanumeric serialization specific to the license holder. The
 434 license shall be of similar material, size, and thickness of a credit card and have a
 435 holographic laminate to secure and protect the license for the duration of the license
 436 period.

437 ~~(B)~~(3) Using the physical characteristics of the license set forth in ~~subparagraph (A) of~~
 438 this paragraph (2) of this subsection, The Council of Probate Court Judges of Georgia
 439 shall create specifications for the probate courts so that all weapons carry licenses in this
 440 state shall be uniform and so that probate courts can petition the Department of
 441 Administrative Services to purchase the equipment and supplies necessary for producing
 442 such licenses. The department shall follow the competitive bidding procedure set forth
 443 in Code Section 50-5-102."

444 **SECTION 1-6.**

445 Said article is further amended by revising paragraph (3) of subsection (a) of Code Section
 446 16-11-130, relating to exemptions from Code Sections 16-11-126 through 16-11-127.2, as
 447 follows:

448 "(3) Persons in the military service of the state or of the United States or a person 21
 449 years of age or younger who has received an honorable discharge from the military
 450 service of the United States;"

451 **SECTION 1-7.**

452 Said article is further amended by adding two new Code sections to read as follows:

453 "16-11-130.1.

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

455 (1) 'Bus or other transportation furnished by a school' means a bus or other transportation
 456 furnished by a public or private elementary or secondary school.

457 (2) 'School function' means a school function or related activity that occurs outside of a
 458 school safety zone for a public or private elementary or secondary school.

459 (3) 'School safety zone' means in or on any real property or building owned by or leased
 460 to any public or private elementary or secondary school or local board of education and
 461 used for elementary or secondary education.

462 (4) 'Weapon' shall have the same meaning as set forth in Code Section 16-11-127.1.

463 (b) A local board of education shall approve personnel to possess or carry weapons as
 464 provided in paragraph (6) of subsection (c) of Code Section 16-11-127.1 if such board has
 465 adopted and implemented a policy which provides for:

466 (1) Sufficient training of approved personnel prior to authorizing such personnel to carry
 467 weapons. The training shall at a minimum include training on judgment pistol shooting,
 468 marksmanship, and a review of current laws relating to the use of force for the defense
 469 of self and others; provided, however, that the local board of education training policy
 470 may substitute for certain training requirements the personnel's prior military or law
 471 enforcement service if the approved personnel has previously served as a certified law
 472 enforcement officer or has had military service which involved similar weapons training;

473 (2) An approved list of the types of weapons and ammunition and the quantity of
 474 weapons and ammunition authorized to be possessed or carried;

475 (3) The exclusion from approval of any personnel who has had an employment or other
 476 history indicating any type of mental or emotional instability as determined by the local
 477 board of education; and

478 (4) A mandatory method of securing weapons which shall include at a minimum a
 479 requirement that the weapon, if permitted to be carried concealed by personnel, shall be
 480 carried in a holster on the person and not in a purse, briefcase, bag, or similar other
 481 accessary which is not secured on the body of the person and, if maintained separate from
 482 the person, shall be maintained in a secured lock safe or similar lock box that cannot be
 483 easily accessed by students.

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

489 (d) The selection of approved personnel to possess or carry a weapon within a school
 490 safety zone, at a school function, or on a bus or other transportation furnished by a school
 491 shall be done strictly on a voluntary basis. No personnel shall be required to possess or

492 carry a weapon within a school safety zone, at a school function, or on a bus or other
 493 transportation furnished by a school and shall not be terminated or otherwise retaliated
 494 against for refusing to possess or carry a weapon.

495 (e) The local board of education shall be responsible for any costs associated with
 496 approving personnel to carry or possess weapons within a school safety zone, at a school
 497 function, or on a bus or other transportation furnished by a school; provided, however, that
 498 nothing contained in this Code section shall prohibit any approved personnel from paying
 499 for part or all of such costs or using any other funding mechanism available, including
 500 donations or grants from private persons or entities.

501 (f) Documents and meetings pertaining to personnel approved to carry or possess weapons
 502 within a school safety zone, at a school function, or on a bus or other transportation
 503 furnished by a school shall be considered employment and public safety security records
 504 and shall not be exempt from disclosure under Article 4 of Chapter 18 of Title 50.

505 (g) This Code section shall not be construed to require or otherwise mandate that any local
 506 board of education or school administrator adopt or implement a practice or program for
 507 the approval of personnel to possess or carry weapons within a school safety zone, at a
 508 school function, or on a bus or other transportation furnished by a school nor shall this
 509 Code section create any liability for adopting or declining to adopt such practice or
 510 program. Such decision shall rest with each individual local board of education.

511 16-11-130.2.

512 (a) No person shall enter the restricted access area of a commercial service airport, in or
 513 beyond the airport security screening checkpoint, knowingly possessing or knowingly
 514 having under his or her control a weapon or long gun. Such area shall not include an
 515 airport drive, general parking area, walkway, or shops and areas of the terminal that are
 516 outside the screening checkpoint and that are normally open to unscreened passengers or
 517 visitors to the airport. Any restricted access area shall be clearly indicated by prominent
 518 signs indicating that weapons are prohibited in such area.

519 (b) A person who violates this Code section shall be guilty of a misdemeanor; provided,
 520 however, that a person who violates this Code section with the intent to commit a separate
 521 felony offense shall be guilty of a felony and, upon conviction thereof, shall be punished
 522 by a fine of not less than \$1,000.00 nor more than \$15,000.00, imprisonment for not less
 523 than one nor more than ten years, or both.

524 (c) Any ordinance, resolution, regulation, or policy of any county, municipality, or other
 525 political subdivision of this state which is in conflict with this Code section shall be null,
 526 void, and of no force and effect and this Code section shall preempt any such ordinance,
 527 resolution, regulation, or policy."

528 **SECTION 1-8.**

529 Said article is further amended by revising subsections (a) and (b) of Code Section
 530 16-11-173, relating to legislative findings and preemption of local regulation and lawsuits,
 531 and by adding a new subsection to read as follows:

532 "(a)(1) It is declared by the General Assembly that the regulation of firearms and other
 533 weapons is properly an issue of general, state-wide concern.

534 (2) The General Assembly further declares that the lawful design, marketing,
 535 manufacture, and sale of firearms and ammunition and other weapons to the public is not
 536 unreasonably dangerous activity and does not constitute a nuisance per se.

537 (b)(1) No county or municipal corporation, by zoning or by ordinance, resolution, or
 538 other enactment, nor any agency, board, department, commission, or authority of this
 539 state, other than the General Assembly, by rule, regulation, or other enactment shall
 540 regulate in any manner gun shows; the possession, ownership, transport, carrying,
 541 transfer, sale, purchase, licensing, or registration of firearms or other weapons or
 542 components of firearms or other weapons; firearms dealers or dealers of other weapons;
 543 or dealers in ~~firearms~~ components of firearms or other weapons.

544 (2) The authority to bring suit and right to recover against any weapons, firearms, or
 545 ammunition manufacturer, trade association, or dealer by or on behalf of any
 546 governmental unit created by or pursuant to an Act of the General Assembly or the
 547 Constitution, or any department, agency, or authority thereof, for damages, abatement,
 548 or injunctive relief resulting from or relating to the lawful design, manufacture,
 549 marketing, or sale of weapons, firearms, or ammunition to the public shall be reserved
 550 exclusively to the state. This paragraph shall not prohibit a political subdivision or local
 551 government authority from bringing an action against a weapons, firearms, or
 552 ammunition manufacturer or dealer for breach of contract or express warranty as to
 553 weapons, firearms, or ammunition purchased by the political subdivision or local
 554 government authority."

555 "(f) As used in this Code section, the term 'weapon' shall have the same meaning as set
 556 forth in Code Section 16-11-127.1."

557 **SECTION 1-9.**

558 Code Section 35-3-34 of the Official Code of Georgia Annotated, relating to disclosure and
 559 dissemination of criminal background checks to private persons and businesses and provision
 560 of certain information to the FBI in conjunction with the National Instant Criminal
 561 Background Check System, by adding a new paragraph to subsection (e) and a new
 562 subsection to read as follows:

563 "(3)(A) As used in this paragraph, the term 'involuntary treatment' shall have the same
 564 meaning as set forth in Code Section 37-3-1.

565 (B) The records of the center shall include information as to whether a person has had
 566 involuntary treatment. In order to carry out the provisions of Code Section 16-11-129,
 567 the center shall be provided such information and no other mental health information
 568 from the records of the probate and superior courts ordering persons to have
 569 involuntarily treatment. With respect to probate court records, such information shall
 570 be provided in a manner agreed upon by the Probate Judges Training Council and the
 571 bureau. With respect to superior court records, such information shall be provided in
 572 a manner agreed upon by The Council of Superior Court Clerks of Georgia and the
 573 bureau. Such records shall be provided in a manner so as to preserve the confidentiality
 574 of patients' rights in all other respects. After five years have elapsed from the date that
 575 a person's involuntary treatment information has been received by the center, the center
 576 shall purge its records of such information as soon as practicable and in any event purge
 577 such records within 30 days after the expiration of such five-year period.

578 (C) In order to carry out the provisions of Code Section 16-11-129, the center shall be
 579 provided information as to whether a person has been adjudicated mentally incompetent
 580 to stand trial or been found not guilty by reason of insanity at the time of the crime.
 581 The clerk of court shall report such information to the center."

582 "(e.1) Any law enforcement officer who hears a credible threat to do physical violence to
 583 another person shall report the name and identifying information of the individual making
 584 such threat, the date such threat was made, and any pertinent circumstances surrounding
 585 such threat to the center and the center shall be authorized to collect and disseminate such
 586 information to probate judges as provided in Code Section 16-11-129. After five years
 587 have elapsed from the date such threat was made, the center shall purge its records of such
 588 information as soon as practicable and in any event purge such records within 30 days after
 589 the expiration of such five-year period."

590 **PART II**

591 **SECTION 2-1.**

592 Code Section 16-12-1 of the Official Code of Georgia Annotated, relating to contributing to
 593 the delinquency, unruliness, or deprivation of a minor, is amended by revising paragraph (5)
 594 of subsection (b) as follows:

595 "(5) Knowingly and willfully provides to a minor any weapon as defined in paragraph
 596 (2) of subsection (a) of Code Section 16-11-127.1 or any weapon as defined in Code
 597 Section 16-11-121 to commit any felony which encompasses force or violence as an

598 element of the offense or delinquent act which would constitute a felony which
599 encompasses force or violence as an element of the offense if committed by an adult; or"

600

PART III

601

SECTION 3-1.

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