

House Bill 875

By: Representatives Jasperse of the 11th, Meadows of the 5th, Powell of the 32nd, Ballinger of the 23rd, Hightower of the 68th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 8-3-202, Article 2 of Chapter 3, Article 4 of Chapter 11, and Part 2
2 of Article 4 of Chapter 12 of Title 16, Code Section 35-3-34, and Article 3 of Chapter 3 of
3 Title 37 of the Official Code of Georgia Annotated, relating to unlawful practices in selling
4 or renting dwellings and exceptions, justification and excuse, dangerous instrumentalities and
5 practices, transportation passenger safety, disclosure and dissemination of criminal records
6 to private persons and businesses, resulting responsibility and liability of issuing center, and
7 provision of certain information to the FBI in conjunction with the National Instant Criminal
8 Background Check System, and examination, hospitalization, and treatment of involuntary
9 patients, respectively, so as to change provisions relating to carrying weapons and the
10 issuance of weapons carry licenses; to provide for a short title; to provide for definitions; to
11 provide that persons who use threats, force, or deadly force in accordance with Code Section
12 16-3-21, 16-3-23, 16-3-23.1, or 16-3-24 shall be immune from criminal prosecution under
13 Part 3 of Article 4 of Chapter 11 of Title 16; to change provisions relating to carrying
14 weapons in unauthorized locations; to provide for and change definitions; to change
15 provisions relating to carrying weapons within certain school safety zones and at school
16 functions; to change provisions relating to exemptions for carrying weapons within school
17 safety zones; to provide for elections at public institutions of postsecondary education on
18 policies authorizing license holders to carry a weapon on campus; to allow persons who have
19 had their weapons carry license revoked to be eligible to be license holders under certain
20 circumstances; to prohibit the creation or maintenance of data bases regarding persons issued
21 weapons carry licenses; to provide for verification of weapons carry licenses; to remove
22 fingerprinting requirements for renewal licenses; to change provisions relating to persons
23 exempt from the provisions of Code Sections 16-11-126 through 16-11-127.2; to provide for
24 local boards of education to authorize personnel to carry weapons within school safety zones
25 under certain circumstances; to provide for the offense of unlawfully carrying a weapon into
26 a secure airport area; to provide for weapons carry licenses to be carried and exhibited on
27 demand; to change legislative findings; to change provisions relating to preemption of local
28 regulations; to provide that defense of self or others is an absolute defense to any violation

29 under Part 3 of Article 4 of Chapter 11 and Part 2 of Article 4 of Chapter 12 of Title 16; to
 30 provide for the collection and dissemination of information pertinent to issuing weapons
 31 carry licenses; to amend Chapter 3 of Title 38 of the Official Code of Georgia Annotated,
 32 relating to emergency management, so as to prohibit certain limitations regarding firearms
 33 during a declared state of emergency; to provide for definitions; to change provisions relating
 34 to emergency powers of the Governor; to amend Title 43 of the Official Code of Georgia
 35 Annotated, relating to professions and businesses, so as to repeal state laws regarding
 36 firearms dealers; to amend Code Sections 16-5-21, 16-5-24, 16-12-1, 20-2-1180, 20-2-1185,
 37 and 43-38-10 of the Official Code of Georgia Annotated, relating to aggravated assault,
 38 aggravated battery, contributing to the delinquency, unruliness, or deprivation of a minor,
 39 loitering upon school premises or within a school safety zone, school safety plans, and
 40 private detectives and security agencies permits to carry firearms, respectively, so as to
 41 correct cross-references; to provide for related matters; to repeal conflicting laws; and for
 42 other purposes.

43 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

44 PART I
 45 SECTION 1-1.

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

47 SECTION 1-2.
 48 Code Section 8-3-202 of the Official Code of Georgia Annotated, relating to unlawful
 49 practices in selling or renting dwellings and exceptions, is amended in subsection (a) by
 50 striking "or" at the end of subparagraph (a)(6)(C), by replacing the period with "; or" at the
 51 end of subparagraph (a)(7)(D), and by adding a new paragraph to read as follows:
 52 "(8) To require, as a condition of tenancy in public housing, any prohibition or restriction
 53 of any lawful possession of a firearm within an individual dwelling unless required by
 54 federal law or regulation."

55 SECTION 1-3.
 56 Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated, relating to
 57 justification and excuse, is amended by revising Code Section 16-3-24.2, relating to
 58 immunity from prosecution and exception, as follows:

59 "16-3-24.2.

60 A person who uses threats or force in accordance with Code Section 16-3-21, 16-3-23,
61 16-3-23.1, or 16-3-24 shall be immune from criminal prosecution therefor unless in the use
62 of deadly force, such person utilizes a weapon the carrying or possession of which is
63 unlawful by such person under Part 2 ~~or 3~~ of Article 4 of Chapter 11 of this title."

64 **SECTION 1-4.**

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

69 "(d) Any person who is not prohibited by law from possessing a handgun or long gun who
70 is eligible for a weapons carry license may transport a handgun or long gun in any private
71 passenger motor vehicle; provided, however, that private property owners or persons in
72 legal control of private property through a lease, rental agreement, licensing agreement,
73 contract, or any other agreement to control access to such private property shall have the
74 right to ~~forbid~~ exclude or eject a person who is in possession of a weapon or long gun on
75 their private property in accordance with paragraph (3) of subsection (b) of Code Section
76 16-7-21, except as provided in Code Section 16-11-135."

77 **SECTION 1-5.**

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

80 "16-11-127.

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

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

86 ~~(2)~~(1) 'Courthouse' means a building portion of a building occupied by judicial courts
87 and containing rooms in which judicial proceedings are held.

88 ~~(3)~~(2) 'Government building' means:

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

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

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

96 ~~(4)~~(3) 'Government entity' means an office, agency, authority, department, commission,
 97 board, body, division, instrumentality, or institution of the state or any county, municipal
 98 corporation, consolidated government, or local board of education within this state.

99 ~~(5)~~(4) 'Parking facility' means real property owned or leased by a government entity,
 100 courthouse, jail, or prison, ~~place of worship, or bar~~ that has been designated by such
 101 government entity, courthouse, jail, or prison, ~~place of worship, or bar~~ for the parking of
 102 motor vehicles at a government building or at such courthouse, jail, or prison, ~~place of~~
 103 ~~worship, or bar.~~

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

107 (1) In a government building, except as provided in subsection (e) of this Code section;
 108 (2) In a courthouse;
 109 (3) In a jail or prison;
 110 ~~(4) In a place of worship;~~
 111 ~~(5)~~(4) In a state mental health facility as defined in Code Section 37-1-1 which admits
 112 individuals on an involuntary basis for treatment of mental illness, developmental
 113 disability, or addictive disease; provided, however, that carrying a weapon or long gun
 114 in such location in a manner in compliance with paragraph (3) of subsection (d) of this
 115 Code section shall not constitute a violation of this subsection;

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

118 ~~(7)~~(5) On the premises of a nuclear power facility, except as provided in Code Section
 119 16-11-127.2, and the punishment provisions of Code Section 16-11-127.2 shall supersede
 120 the punishment provisions of this Code section; or

121 ~~(8)~~(6) Within 150 feet of any polling place, except as provided in subsection (i) of Code
 122 Section 21-2-413.

123 (c) Except as provided in Code Section 16-11-127.1, a license holder or person recognized
 124 under subsection (e) of Code Section 16-11-126 shall be authorized to carry a weapon as
 125 provided in Code Section 16-11-135 and in every location in this state not listed in
 126 subsection (b) or prohibited by subsection (e) of this Code section; provided, however, that
 127 private property owners or persons in legal control of private property through a lease,
 128 rental agreement, licensing agreement, contract, or any other agreement to control access
 129 to such private property shall have the right to ~~forbid~~ exclude or eject a person who is in
 130 possession of a weapon or long gun on their private property in accordance with

131 paragraph (3) of subsection (b) of Code Section 16-7-21, except as provided in Code
 132 Section 16-11-135. A violation of subsection (b) of this Code section shall not create or
 133 give rise to a civil action for damages.

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

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

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

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

147 (e) A license holder shall be authorized to carry a weapon in a government building where
 148 ingress into such building is not restricted or screened by security personnel during the
 149 hours the government building is open for business. A person who is not a license holder
 150 and who attempts to enter a government building carrying a weapon shall be guilty of a
 151 misdemeanor. A license holder who enters or attempts to enter a government building
 152 carrying a weapon where ingress is restricted or screened by security personnel shall be
 153 guilty of a misdemeanor; provided, however, that:

154 (1) A license holder who immediately exits such building or immediately leaves such
 155 location upon notification of his or her failure to clear security due to the carrying of a
 156 weapon shall not be guilty of violating this subsection or paragraph (1) of subsection (b)
 157 of this Code section; and

158 (2) A license holder shall not be guilty of violating this subsection or paragraph (1) of
 159 subsection (b) of this Code section if no member of the security personnel restricting or
 160 screening ingress is certified as a peace officer pursuant to Chapter 8 of Title 35 and the
 161 license holder immediately exits such building or immediately leaves such location upon
 162 request by the security personnel due to the carrying of the weapon."

163 **SECTION 1-6.**

164 Said article is further amended by revising subsection (a), paragraphs (1) and (2) of
 165 subsection (b), and subsections (c) through (f) of Code Section 16-11-127.1, relating to

166 carrying weapons within school safety zones, at school functions, or on school property, as
 167 follows:

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

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

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

173 ~~(1)(3)~~ (3) 'School safety zone' means in or on any real property or building owned by or
 174 leased to:

175 (A) Any any public or private elementary school, secondary school, or school local
 176 board of education and used for elementary or secondary education; and in or on the
 177 campus of any

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

180 ~~(2)~~ (4) 'Weapon' means and includes any pistol, revolver, or any weapon designed or
 181 intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife,
 182 ballistic knife, any other knife having a blade of two or more inches, straight-edge razor,
 183 razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or
 184 other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any
 185 flailing instrument consisting of two or more rigid parts connected in such a manner as
 186 to allow them to swing freely, which may be known as a nun chahka, nun chuck,
 187 nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at
 188 least two points or pointed blades which is designed to be thrown or propelled and which
 189 may be known as a throwing star or oriental dart, or any weapon of like kind, and any
 190 stun gun or taser as defined in subsection (a) of Code Section 16-11-106. This paragraph
 191 excludes any of these instruments used for classroom work authorized by the teacher.

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

198 (2) Any license holder who violates this subsection in or on any real property owned by
 199 or leased to any public or private elementary or secondary school or school board and
 200 used for elementary or secondary education shall be guilty of a misdemeanor. Any
 201 license holder who violates this subsection in or on the campus of any public or private
 202 technical school, vocational school, college, university, or other institution of

203 postsecondary education shall not be arrested but shall be fined not more than \$100.00.

204 Any person who is not a license holder who violates this subsection shall be guilty of a
 205 felony and, upon conviction thereof, be punished by a fine of not more than \$10,000.00,
 206 by imprisonment for not less than two nor more than ten years, or both."

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

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

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

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

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

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

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

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

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

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

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

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

228 (6) A person who has been authorized in writing by a duly authorized official of ~~the~~
 229 school a public or private elementary or secondary school or a public or private technical
 230 school, vocational school, college, university, or other institution of postsecondary
 231 education or a local board of education as provided in Code Section 16-11-130.1 to have
 232 in such person's possession or use ~~as part of any activity being conducted at a school~~

233 building, school property, or within a school safety zone, at a school function, or on a bus
 234 or other transportation furnished by a school a weapon which would otherwise be
 235 prohibited by this Code section. Such authorization shall specify the weapon or weapons

236 which have been authorized and the time period during which the authorization is valid;

237 (7) A person who is licensed in accordance with Code Section 16-11-129 or issued a
 238 permit pursuant to Code Section 43-38-10, when such person carries or picks up a student
 239 ~~at a school building, within a school safety zone, at a school function, or school property~~

240 or on a bus or other transportation furnished by ~~the~~ a school or a person who is licensed
 241 in accordance with Code Section 16-11-129 or issued a permit pursuant to Code
 242 Section 43-38-10 when he or she has any weapon legally kept within a vehicle when such
 243 vehicle is parked ~~at such school property~~ within a school safety zone or is in transit
 244 through a designated school safety zone;

245 (8) A weapon possessed by a license holder which is under the possessor's control in a
 246 motor vehicle or which is in a locked compartment of a motor vehicle or one which is in
 247 a locked container in or a locked firearms rack which is on a motor vehicle which is being
 248 used by an adult over 21 years of age to bring to or pick up a student ~~at a school building,~~
 249 within a school safety zone, at a school function, or ~~school property~~ or on a bus or other
 250 transportation furnished by ~~the~~ a school, or when such vehicle is used to transport
 251 someone to an activity being conducted ~~on school property~~ within a school safety zone
 252 which has been authorized by a duly authorized official ~~of the school~~ or local board of
 253 education as provided by paragraph (6) of this subsection; provided, however, that this
 254 exception shall not apply to a student attending such a public or private elementary or
 255 secondary school;

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

259 (10) Those employees of the State Board of Pardons and Paroles when specifically
 260 designated and authorized in writing by the members of the State Board of Pardons and
 261 Paroles to carry a weapon;

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

264 (12) Probation supervisors employed by and under the authority of the Department of
 265 Corrections pursuant to Article 2 of Chapter 8 of Title 42, known as the 'State-wide
 266 Probation Act,' when specifically designated and authorized in writing by the director of
 267 the Division of Probation;

268 (13) Public safety directors of municipal corporations;

269 (14) State and federal trial and appellate judges;

270 (15) United States attorneys and assistant United States attorneys;

271 (16) Clerks of the superior courts;

272 (17) Teachers and other ~~school~~ personnel who are otherwise authorized to possess or
 273 carry weapons, provided that any such weapon is in a locked compartment of a motor
 274 vehicle or one which is in a locked container in or a locked firearms rack which is on a
 275 motor vehicle; or

276 (18) Constables of any county of this state.

277 (d)(1) This Code section shall not prohibit any person who resides or works in a business
 278 or is in the ordinary course transacting lawful business or any person who is a visitor of
 279 such resident located within a school safety zone from carrying, possessing, or having
 280 under such person's control a weapon within a school safety zone; provided, however,
 281 that it shall be unlawful for any such person to carry, possess, or have under such person's
 282 control while at a ~~school building or school function or on school property, a school bus,~~
 283 a bus or other transportation furnished by ~~the~~ a school any weapon or explosive
 284 compound, other than fireworks the possession of which is regulated by Chapter 10 of
 285 Title 25.

286 (2) Any person who violates this subsection shall be subject to the penalties specified in
 287 subsection (b) of this Code section.

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

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

291 (1) School was or was not in session at the time of the offense;

292 (2) The real property was being used for other purposes besides school purposes at the
 293 time of the offense; or

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

295 (f) In a prosecution under this Code section, a map produced or reproduced by any
 296 municipal or county agency or department for the purpose of depicting the location and
 297 boundaries of the area of the real property of a school board or a private or public
 298 elementary or secondary school that is used for school purposes or the area of any campus
 299 ~~of any~~ public or private technical school, vocational school, college, university, or other
 300 institution of postsecondary education, or a true copy of the map, shall, if certified as a true
 301 copy by the custodian of the record, be admissible and shall constitute prima-facie evidence
 302 of the location and boundaries of the area, if the governing body of the municipality or
 303 county has approved the map as an official record of the location and boundaries of the
 304 area. A map approved under this Code section may be revised from time to time by the
 305 governing body of the municipality or county. The original of every map approved or
 306 revised under this subsection or a true copy of such original map shall be filed with the
 307 municipality or county and shall be maintained as an official record of the municipality or
 308 county. This subsection shall not preclude the prosecution from introducing or relying
 309 upon any other evidence or testimony to establish any element of this offense. This
 310 subsection shall not preclude the use or admissibility of a map or diagram other than the
 311 one which has been approved by the municipality or county."

SECTION 1-7.

312
313 Said article is further amended by revising Code Section 16-11-129, relating to license to
314 carry weapons, as follows:

315 "16-11-129.

316 (a) **Application for weapons carry license or renewal license; term.** The judge of the
317 probate court of each county may, on application under oath and on payment of a fee of
318 \$30.00, issue a weapons carry license or renewal license valid for a period of five years to
319 any person whose domicile is in that county or who is on active duty with the United States
320 armed forces and who is not a domiciliary of this state but who either resides in that county
321 or on a military reservation located in whole or in part in that county at the time of such
322 application. Such license or renewal license shall authorize that person to carry any
323 weapon in any county of this state notwithstanding any change in that person's county of
324 residence or state of domicile. Applicants shall submit the application for a weapons carry
325 license or renewal license to the judge of the probate court on forms prescribed and
326 furnished free of charge to persons wishing to apply for the license or renewal license. An
327 applicant who is not a United States citizen shall provide sufficient personal identifying
328 data, including without limitation his or her place of birth and United States issued alien
329 or admission number, as the Georgia Bureau of Investigation may prescribe by rule or
330 regulation. An applicant who is in nonimmigrant status shall provide proof of his or her
331 qualifications for an exception to the federal firearm prohibition pursuant to 18 U.S.C.
332 Section 922(y). Forms shall be designed to elicit information from the applicant pertinent
333 to his or her eligibility under this Code section, including citizenship, but shall not require
334 data which is nonpertinent or irrelevant, such as serial numbers or other identification
335 capable of being used as a de facto registration of firearms owned by the applicant. The
336 Department of Public Safety shall furnish application forms and license forms required by
337 this Code section. The forms shall be furnished to each judge of each probate court within
338 ~~the~~ this state at no cost.

339 (b) **Licensing exceptions.**

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

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

343 (B) 'Convicted' means ~~a plea of guilty or a finding of guilt by a court of competent~~
344 ~~jurisdiction or the acceptance of a plea of nolo contendere, irrespective of the pendency~~
345 ~~or availability of an appeal or an application for collateral relief~~ an adjudication of guilt.
346 Such term shall not include an order of discharge and exoneration pursuant to Article
347 3 of Chapter 8 of Title 42.

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

- 349 (2) No weapons carry license shall be issued to:
- 350 (A) Any person ~~under~~ younger than 21 years of age unless he or she:
- 351 (i) Is at least 18 years of age;
- 352 (ii) Provides proof that he or she has completed basic training in the armed forces of
- 353 the United States; and
- 354 (iii) Provides proof that he or she is actively serving in the armed forces of the United
- 355 States or has been honorably discharged from such service;
- 356 (B) Any person who has been convicted of a felony by a court of this state or any other
- 357 state; by a court of the United States, including its territories, possessions, and
- 358 dominions; or by a court of any foreign nation and has not been pardoned for such
- 359 felony by the President of the United States, the State Board of Pardons and Paroles,
- 360 or the person or agency empowered to grant pardons under the constitution or laws of
- 361 such state or nation;
- 362 (C) Any person against whom proceedings are pending for any felony;
- 363 (D) Any person who is a fugitive from justice;
- 364 (E) Any person who is prohibited from possessing or shipping a firearm in interstate
- 365 commerce pursuant to subsections (g) and (n) of 18 U.S.C. Section 922;
- 366 (F) Any person who has been convicted of an offense arising out of the unlawful
- 367 manufacture or distribution of a controlled substance or other dangerous drug;
- 368 (G) Any person who has had his or her weapons carry license revoked pursuant to
- 369 subsection (e) of this Code section within three years of the date of his or her
- 370 application;
- 371 (H) Any person who has been convicted of any of the following:
- 372 ~~(i) Pointing a gun or a pistol at another in violation of Code Section 16-11-102;~~
- 373 ~~(ii) Carrying a weapon without a weapons carry license in violation of Code Section~~
- 374 ~~16-11-126; or~~
- 375 ~~(iii)~~(ii) Carrying a weapon or long gun in an unauthorized location in violation of
- 376 Code Section 16-11-127
- 377 and has not been free of all restraint or supervision in connection therewith and free of
- 378 any other conviction for at least five years immediately preceding the date of the
- 379 application;
- 380 (I) Any person who has been convicted of any misdemeanor involving the use or
- 381 possession of a controlled substance and has not been free of all restraint or supervision
- 382 in connection therewith or free of:
- 383 (i) A second conviction of any misdemeanor involving the use or possession of a
- 384 controlled substance; or
- 385 (ii) Any conviction under subparagraphs (E) through (G) of this paragraph

386 for at least five years immediately preceding the date of the application; ~~or~~
 387 (J) Any person who has been hospitalized as an inpatient in any mental hospital or
 388 alcohol or drug treatment center within the five years immediately preceding the
 389 application. The judge of the probate court may require any applicant to sign a waiver
 390 authorizing any mental hospital or treatment center to inform the judge whether or not
 391 the applicant has been an inpatient in any such facility in the last five years and
 392 authorizing the superintendent of such facility to make to the judge a recommendation
 393 regarding whether the applicant is a threat to the safety of others and whether a license
 394 to carry a weapon should be issued. When such a waiver is required by the judge, the
 395 applicant shall pay a fee of \$3.00 for reimbursement of the cost of making such a report
 396 by the mental health hospital, alcohol or drug treatment center, or the Department of
 397 Behavioral Health and Developmental Disabilities, which the judge shall remit to the
 398 hospital, center, or department. The judge shall keep any such hospitalization or
 399 treatment information confidential. It shall be at the discretion of the judge, considering
 400 the circumstances surrounding the hospitalization and the recommendation of the
 401 superintendent of the hospital or treatment center where the individual was a patient,
 402 to issue the weapons carry license or renewal license;

403 (K) Any person who has been adjudicated mentally incompetent to stand trial; or

404 (L) Any person who has been adjudicated not guilty by reason of insanity at the time
 405 of the crime pursuant to Part 2 of Article 6 of Chapter 7 of Title 17.

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

412 (c) **Fingerprinting.** Following completion of the application for a weapons carry license
 413 ~~or the renewal of a license~~, the judge of the probate court shall require the applicant to
 414 proceed to an appropriate law enforcement agency in the county or to any vendor approved
 415 by the Georgia Bureau of Investigation for fingerprint submission services with the
 416 completed application. ~~The appropriate local law enforcement agency in each county shall~~
 417 ~~then so that such agency or vendor can~~ capture the fingerprints of the applicant ~~for a~~
 418 ~~weapons carry license or renewal license and place the name of the applicant on the blank~~
 419 ~~license form. The appropriate local law enforcement agency shall place the fingerprint on~~
 420 ~~a blank license form which has been furnished to the law enforcement agency by the judge~~
 421 ~~of the probate court if a fingerprint is required to be furnished by subsection (f) of this~~
 422 ~~Code section.~~ The law enforcement agency shall be entitled to a fee of \$5.00 from the

423 applicant for its services in connection with ~~the~~ fingerprinting and processing of an
 424 application. Fingerprinting shall not be required for applicants seeking temporary renewal
 425 licenses or renewal licenses.

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

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

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

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

448 (4) The law enforcement agency shall report to the judge of the probate court within 30
 449 days, by telephone and in writing, of any findings relating to the applicant which may
 450 bear on his or her eligibility for a weapons carry license or renewal license under the
 451 terms of this Code section. When no derogatory information is found on the applicant
 452 bearing on his or her eligibility to obtain a license or renewal license, a report shall not
 453 be required. The law enforcement agency shall return the application ~~and the blank~~
 454 ~~license form with the fingerprint thereon~~ directly to the judge of the probate court within
 455 such time period. Not later than ten days after the judge of the probate court receives the
 456 report from the law enforcement agency concerning the suitability of the applicant for a
 457 license, the judge of the probate court shall issue such applicant a license or renewal
 458 license to carry any weapon unless facts establishing ineligibility have been reported or
 459 unless the judge determines such applicant has not met all the qualifications, is not of

460 good moral character, or has failed to comply with any of the requirements contained in
461 this Code section. The judge of the probate court shall date stamp the report from the law
462 enforcement agency to show the date on which the report was received by the judge of
463 the probate court.

464 (e) **Revocation, loss, or damage to license.** If, at any time during the period for which
465 the weapons carry license was issued, the judge of the probate court of the county in which
466 the license was issued shall learn or have brought to his or her attention in any manner any
467 reasonable ground to believe the licensee is not eligible to retain the license, the judge may,
468 after notice and hearing, revoke the license of the person upon a finding that such person
469 is not eligible for a weapons carry license pursuant to subsection (b) of this Code section
470 or an adjudication of falsification of application, mental incompetency, or chronic alcohol
471 or narcotic usage. It shall be unlawful for any person to possess a license which has been
472 revoked, and any person found in possession of any such revoked license, except in the
473 performance of his or her official duties, shall be guilty of a misdemeanor. ~~It shall be~~
474 ~~required that any license holder under this Code section have in his or her possession his~~
475 ~~or her valid license whenever he or she is carrying a weapon under the authority granted~~
476 ~~by this Code section, and his or her failure to do so shall be prima-facie evidence of a~~
477 ~~violation of Code Section 16-11-126.~~ Loss of any license issued in accordance with this
478 Code section or damage to the license in any manner which shall render it illegible shall
479 be reported to the judge of the probate court of the county in which it was issued within 48
480 hours of the time the loss or damage becomes known to the license holder. The judge of
481 the probate court shall thereupon issue a replacement for and shall take custody of and
482 destroy a damaged license; and in any case in which a license has been lost, he or she shall
483 issue a cancellation order and notify by telephone and in writing each of the law
484 enforcement agencies whose records were checked before issuance of the original license.
485 The judge shall charge the fee specified in subsection (k) of Code Section 15-9-60 for such
486 services.

487 (f)(1) **Weapons carry license specifications.** Weapons carry licenses issued as
488 ~~prescribed in this Code section shall be printed on durable but lightweight card stock, and~~
489 ~~the completed card shall be laminated in plastic to improve its wearing qualities and to~~
490 ~~inhibit alterations. Measurements shall be 3 1/4 inches long and 2 1/4 inches wide. Each~~
491 ~~shall be serially numbered within the county of issuance and shall bear the full name,~~
492 ~~residential address, birth date, weight, height, color of eyes, and sex of the licensee. The~~
493 ~~license shall show the date of issuance, the expiration date, and the probate court in which~~
494 ~~issued and shall be signed by the licensee and bear the signature or facsimile thereof of~~
495 ~~the judge. The seal of the court shall be placed on the face before the license is~~
496 ~~laminated. Licenses issued on and before December 31, 2011, shall bear a clear print of~~

497 ~~the licensee's right index finger; however, if the right index fingerprint cannot be secured~~
 498 ~~for any reason, the print of another finger may be used but such print shall be marked to~~
 499 ~~identify the finger from which the print is taken~~ prior to January 1, 2012, shall be in the
 500 format specified by the former provisions of this paragraph as they existed on June 30,
 501 2013.

502 (2)(A) On and after January 1, 2012, newly issued or renewal weapons carry licenses
 503 shall incorporate overt and covert security features which shall be blended with the
 504 personal data printed on the license to form a significant barrier to imitation, replication,
 505 and duplication. There shall be a minimum of three different ultraviolet colors used to
 506 enhance the security of the license incorporating variable data, color shifting
 507 characteristics, and front edge only perimeter visibility. The weapons carry license shall
 508 have a color photograph viewable under ambient light on both the front and back of the
 509 license. The license shall incorporate custom optical variable devices featuring the great
 510 seal of the State of Georgia as well as matching demetalized optical variable devices
 511 viewable under ambient light from the front and back of the license incorporating
 512 microtext and unique alphanumeric serialization specific to the license holder. The
 513 license shall be of similar material, size, and thickness of a credit card and have a
 514 holographic laminate to secure and protect the license for the duration of the license
 515 period.

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

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

528 (h) **Licenses for former law enforcement officers.** Except as otherwise provided in Code
 529 Section 16-11-130, any person who has served as a law enforcement officer for at least ten
 530 of the 12 years immediately preceding the retirement of such person as a law enforcement
 531 officer shall be entitled to be issued a weapons carry license as provided for in this Code
 532 section without the payment of any of the fees provided for in this Code section. Such
 533 person shall comply with all the other provisions of this Code section relative to the

534 issuance of such licenses. As used in this subsection, the term 'law enforcement officer'
 535 means any peace officer who is employed by the United States government or by the State
 536 of Georgia or any political subdivision thereof and who is required by the terms of his or
 537 her employment, whether by election or appointment, to give his or her full time to the
 538 preservation of public order or the protection of life and property or the prevention of
 539 crime. Such term shall include conservation rangers.

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

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

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

548 (3) Such a temporary renewal license shall be in the form of a paper receipt indicating
 549 the date on which the court received the renewal application and shall show the name,
 550 address, sex, age, and race of the applicant and that the temporary renewal license expires
 551 90 days from the date of issue.

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

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

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

559 (j) **Applicant may seek relief.** When an eligible applicant fails to receive a license,
 560 temporary ~~permit~~ renewal license, or renewal license within the time period required by
 561 this Code section and the application or request has been properly filed, the applicant may
 562 bring an action in mandamus or other legal proceeding in order to obtain a license,
 563 temporary renewal license, or renewal license. When an applicant is otherwise denied a
 564 license, temporary renewal license, or renewal license and contends that he or she is
 565 qualified to be issued a license, temporary renewal license, or renewal license, the applicant
 566 may bring an action in mandamus or other legal proceeding in order to obtain such license.
 567 Additionally, the applicant may request a hearing before the judge of the probate court
 568 relative to the applicant's fitness to be issued such license. Upon the issuance of a denial,
 569 the judge of the probate court shall inform the applicant of his or her rights pursuant to this

570 subsection. If such applicant is the prevailing party, he or she shall be entitled to recover
 571 his or her costs in such action, including reasonable attorney's fees.

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

575 (l) **Verification of license.** The judge of a probate court or his or her designee shall be
 576 authorized to verify the legitimacy and validity of a weapons carry license to a license
 577 holder, pursuant to a subpoena or court order, or for public safety purposes, but shall not
 578 be authorized to provide any further information regarding license holders."

579 **SECTION 1-8.**

580 Said article is further amended by revising paragraph (3) of subsection (a) of Code Section
 581 16-11-130, relating to exemptions from Code Sections 16-11-126 through 16-11-127.2, as
 582 follows:

583 "(3) Persons in the ~~military service of the state or~~ National Guard, State Defense Force,
 584 or the armed forces of the United States;"

585 **SECTION 1-9.**

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

587 "16-11-130.1.

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

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

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

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

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

597 (b) This Code section shall not be construed to require or otherwise mandate that any local
 598 board of education or school administrator adopt or implement a practice or program for
 599 the approval of personnel to possess or carry weapons within a school safety zone, at a
 600 school function, or on a bus or other transportation furnished by a school nor shall this
 601 Code section create any liability for adopting or declining to adopt such practice or
 602 program. Such decision shall rest with each individual local board of education. If a local
 603 board of education adopts a policy to allow certain personnel to possess or carry weapons

604 as provided in paragraph (6) of subsection (c) of Code Section 16-11-127.1, such policy
605 shall include approval of personnel to possess or carry weapons and provide for:

606 (1) Training of approved personnel prior to authorizing such personnel to carry weapons.

607 The training shall at a minimum include training on judgment pistol shooting,
608 marksmanship, and a review of current laws relating to the use of force for the defense

609 of self and others; provided, however, that the local board of education training policy
610 may substitute for certain training requirements the personnel's prior military or law

611 enforcement service if the approved personnel has previously served as a certified law
612 enforcement officer or has had military service which involved similar weapons training;

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

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

618 (4) A mandatory method of securing weapons which shall include at a minimum a
619 requirement that the weapon, if permitted to be carried concealed by personnel, shall be

620 carried in a holster on the person and not in a purse, briefcase, bag, or similar other
621 accessory which is not secured on the body of the person and, if maintained separate from

622 the person, shall be maintained in a secured lock safe or similar lock box that cannot be
623 easily accessed by students.

624 (c) Any personnel selected to possess or carry weapons within a school safety zone, at a
625 school function, or on a bus or other transportation furnished by a school shall be a license

626 holder, and the local board of education shall be responsible for conducting a criminal
627 history background check of such personnel annually to determine whether such personnel

628 remains qualified to be a license holder.

629 (d) The selection of approved personnel to possess or carry a weapon within a school
630 safety zone, at a school function, or on a bus or other transportation furnished by a school

631 shall be done strictly on a voluntary basis. No personnel shall be required to possess or
632 carry a weapon within a school safety zone, at a school function, or on a bus or other

633 transportation furnished by a school and shall not be terminated or otherwise retaliated
634 against for refusing to possess or carry a weapon.

635 (e) The local board of education shall be responsible for any costs associated with
636 approving personnel to carry or possess weapons within a school safety zone, at a school

637 function, or on a bus or other transportation furnished by a school; provided, however, that
638 nothing contained in this Code section shall prohibit any approved personnel from paying

639 for part or all of such costs or using any other funding mechanism available, including
640 donations or grants from private persons or entities.

641 (f) Documents and meetings pertaining to personnel approved to carry or possess weapons
 642 within a school safety zone, at a school function, or on a bus or other transportation
 643 furnished by a school shall be considered employment and public safety security records
 644 and shall be exempt from disclosure under Article 4 of Chapter 18 of Title 50.

645 16-11-130.2.

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

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

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

662 **SECTION 1-10.**

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

664 "16-11-137.

665 (a) Every license holder shall have his or her valid weapons carry license in his or her
 666 immediate possession at all times when carrying a weapon, or if such person is exempt
 667 from having a weapons carry license pursuant to Code Section 16-11-130 or subsection (c)
 668 of Code Section 16-11-127.1, he or she shall have proof of his or her exemption in his or
 669 her immediate possession at all times when carrying a weapon, and his or her failure to do
 670 so shall be prima-facie evidence of a violation of the applicable provision of Code Sections
 671 16-11-126 through 16-11-127.2.

672 (b) A person carrying a weapon shall not be subject to detention for the sole purpose of
 673 investigating whether such person has a weapons carry license.

674 (c) A person convicted of a violation of this Code section shall be fined not more than
 675 \$10.00 if he or she produces in court his or her weapons carry license, provided that it was
 676 valid at the time of his or her arrest, or produces proof of his or her exemption.

677 16-11-138.

678 Defense of self or others, as contemplated by and provided for under Article 2 of Chapter
 679 3 of Title 16, shall be an absolute defense to any violation under this part."

680 **SECTION 1-11.**

681 Said article is further amended by revising Code Section 16-11-173, relating to legislative
 682 findings and preemption of local regulation and lawsuits, as follows:

683 "16-11-173.

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

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

689 (b)(1) Except as provided in subsection (c) of this Code section, no ~~No~~ county or
 690 municipal corporation, by zoning or by ordinance, or resolution, or other enactment, nor
 691 any agency, board, department, commission, or authority of this state, other than the
 692 General Assembly, by rule or regulation shall regulate in any manner:

693 (A) Gun ~~gun~~ shows;

694 (B) The ~~the~~ possession, ownership, transport, carrying, transfer, sale, purchase,
 695 licensing, or registration of firearms or other weapons or components of firearms or
 696 other weapons;

697 (C) Firearms dealers or dealers of other weapons ~~firearms dealers~~; or

698 (D) Dealers in ~~dealers in firearms~~ components of firearms or other weapons.

699 (2) The authority to bring suit and right to recover against any weapons, firearms, or
 700 ammunition manufacturer, trade association, or dealer by or on behalf of any
 701 governmental unit created by or pursuant to an Act of the General Assembly or the
 702 Constitution, or any department, agency, or authority thereof, for damages, abatement,
 703 or injunctive relief resulting from or relating to the lawful design, manufacture,
 704 marketing, or sale of weapons, firearms, or ammunition to the public shall be reserved
 705 exclusively to the state. This paragraph shall not prohibit a political subdivision or local
 706 government authority from bringing an action against a weapons, firearms, or
 707 ammunition manufacturer or dealer for breach of contract or express warranty as to

708 weapons, firearms, or ammunition purchased by the political subdivision or local
 709 government authority.

710 (c)(1) A county or municipal corporation may regulate the transport, carrying, or
 711 possession of firearms by employees of the local unit of government in the course of their
 712 employment with such local unit of government; provided, however, that the sheriff or
 713 chief of police shall be solely responsible for regulating and determining the possession,
 714 carrying, and transportation of firearms and other weapons by employees under his or her
 715 respective supervision so long as such regulations comport with state and federal law.

716 (2) The commanding officer of any law enforcement agency shall regulate and determine
 717 the possession, carrying, and transportation of firearms and other weapons by employees
 718 under his or her supervision so long as such regulations comport with state and federal
 719 law.

720 (d) Nothing contained in this Code section shall prohibit municipalities or counties, by
 721 ordinance; or resolution, ~~or other enactment,~~ from requiring the ownership of guns by
 722 heads of households within the political subdivision.

723 (e) Nothing contained in this Code section shall prohibit municipalities or counties, by
 724 ordinance; or resolution, ~~or other enactment,~~ from reasonably limiting or prohibiting the
 725 discharge of firearms within the boundaries of the municipal corporation or county.

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

728 (g) Any person may bring an action to enforce the provisions of this Code section, or any
 729 person aggrieved as a result of a violation of this Code section may bring an action against
 730 the person who caused such aggrievement. The aggrieved person shall be entitled to
 731 reasonable attorney's fees and expenses of litigation and may recover or obtain against the
 732 person who caused such damages any of the following:

733 (1) Actual damages or \$100.00, whichever is greater;

734 (2) Equitable relief, including, but not limited to, an injunction or restitution of money
 735 and property; and

736 (3) Any other relief which the court deems proper."

737 **SECTION 1-12.**

738 Part 2 of Article 4 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,
 739 relating to transportation passenger safety, is amended by adding a new Code section to read
 740 as follows:

741 "16-12-129.

742 Defense of self or others, as contemplated by and provided for under Article 2 of Chapter
 743 3 of Title 16, shall be an absolute defense to any violation under this part."

744 **SECTION 1-13.**

745 Code Section 35-3-34 of the Official Code of Georgia Annotated, relating to disclosure and
 746 dissemination of criminal records to private persons and businesses, resulting responsibility
 747 and liability of issuing center, and provision of certain information to the FBI in conjunction
 748 with the National Instant Criminal Background Check System, is amended in subsection (e)
 749 by adding a new paragraph to read as follows:

750 "(3)(A) The records of the center shall include information as to whether a person has
 751 had involuntary commitment. In order to carry out the provisions of Code Section
 752 16-11-129, the center shall be provided such information and no other mental health
 753 information from the records of the probate and superior courts ordering persons to
 754 have involuntary commitment. With respect to probate court records, such information
 755 shall be provided in a manner agreed upon by the Probate Judges Training Council and
 756 the bureau. With respect to superior court records, such information shall be provided
 757 in a manner agreed upon by The Council of Superior Court Clerks of Georgia and the
 758 bureau. Such records shall be provided in a manner so as to preserve the confidentiality
 759 of patients' rights in all other respects.

760 (B) In order to carry out the provisions of Code Section 16-11-129, the center shall be
 761 provided information as to whether a person has been adjudicated mentally incompetent
 762 to stand trial or has been found not guilty by reason of insanity at the time of the crime.
 763 The clerk of court shall report such information to the center immediately but in no case
 764 later than ten days after such adjudication of mental incompetence or finding of not
 765 guilty by reason of insanity."

766 **SECTION 1-14.**

767 Article 3 of Chapter 3 of Title 37 of the Official Code of Georgia Annotated, relating to
 768 examination, hospitalization, and treatment of involuntary patients, is amended by adding a
 769 new part to read as follows:

770 "Part 5

771 37-3-98.

772 (a) Notwithstanding the provisions of Article 6 of this chapter, a probate court that issues
 773 an order for involuntary commitment or a superior court that upholds such order shall
 774 submit immediately, but in no case later than ten days of issuance, such order to the
 775 Georgia Bureau of Investigation in accordance with Code Section 35-3-34.

776 (b) Each probate court shall create a record of the number of involuntary commitment
 777 orders it issues between January 1 and December 31 of each year and in the following year

778 shall transmit such record to The Council of Probate Court Judges of Georgia by January
 779 15. Each superior court shall create a record of the number of involuntary commitment
 780 orders it upholds between January 1 and December 31 of each year and in the following
 781 year shall transmit such record to The Council of Superior Court Judges of Georgia by
 782 January 15. The Georgia Bureau of Investigation shall create a record of the number of
 783 involuntary commitment orders the bureau receives from each probate court and the
 784 number of upholdings of involuntary commitment orders the bureau receives from each
 785 superior court between January 1 and December 31 of each year.

786 (c) By January 31 of each year, The Council of Probate Court Judges of Georgia, The
 787 Council of Superior Court Judges of Georgia, and the Georgia Bureau of Investigation shall
 788 send a copy of such preceding year's records as identified in subsection (b) of this Code
 789 section to the chairperson of the House Committee on Public Safety and Homeland
 790 Security or such other House committee designated by the Speaker of the House and to the
 791 chairperson of the Senate Public Safety Committee or such other Senate committee
 792 designated by the President of the Senate."

793 **SECTION 1-15.**

794 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
 795 is amended by repealing Chapter 16, relating to firearms dealers, and designating said
 796 chapter as reserved.

797 **PART II**

798 **SECTION 2-1.**

799 This part shall be known to be in honor of Representative Bobby Franklin.

800 **SECTION 2-2.**

801 Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency
 802 management, is amended by adding a new Code section to read as follows:

803 "38-3-37.

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

805 (1) 'Firearm' means any handgun, rifle, shotgun, or similar device or weapon which will
 806 or can be converted to expel a projectile by the action of an explosive or electrical charge.

807 (2) 'License holder' shall have the same meaning as set forth in Code Section
 808 16-11-125.1.

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

810 (b) No official or employee of the state or any political subdivision thereof, member of the
 811 National Guard in the service of the state, or any person operating pursuant to or under
 812 color of state law, while acting during or pursuant to a declared state of emergency, shall:
 813 (1) Temporarily or permanently seize, or authorize the seizure of, any firearm or
 814 ammunition or any component thereof the possession of which was not prohibited by law
 815 at the time immediately prior to the declaration of a state of emergency, other than as
 816 provided by the criminal or forfeiture laws of this state;
 817 (2) Prohibit possession of any firearm or ammunition or any component thereof or
 818 promulgate any rule, regulation, or order prohibiting possession of any firearm or
 819 ammunition or any component thereof if such possession was not otherwise prohibited
 820 by law at the time immediately prior to the declaration of a state of emergency;
 821 (3) Prohibit any license holder from carrying any weapon or promulgate any rule,
 822 regulation, or order prohibiting such carrying if such carrying was not otherwise
 823 prohibited by law at the time immediately prior to the declaration of a state of emergency;
 824 or
 825 (4) Require the registration of any firearm."

826 **SECTION 2-3.**

827 Said chapter is further amended by revising paragraph (8) of subsection (d) of Code Section
 828 38-3-51, relating to emergency powers of the Governor, as follows:

829 "(8) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages,
 830 ~~firearms, explosives, and or combustibles~~; provided, however, that ~~any limitation on~~
 831 ~~firearms under this Code section shall not include an individual firearm owned by a~~
 832 ~~private citizen which was legal and owned by that citizen prior to the declaration of state~~
 833 ~~of emergency or disaster or thereafter acquired in compliance with all applicable laws of~~
 834 ~~this state and the United States for purposes of this paragraph, the terms 'explosives' and~~
 835 ~~'combustibles' shall not include firearms or ammunition or any component thereof; and"~~

836 **PART III**

837 **SECTION 3-1.**

838 Code Section 16-5-21 of the Official Code of Georgia Annotated, relating to aggravated
 839 assault, is amended by revising subsection (i) as follows:

840 "(i) Any person who commits the offense of aggravated assault involving the use of a
 841 firearm upon a student or teacher or other school personnel within a school safety zone as
 842 defined in ~~paragraph (1) of subsection (a) of Code Section 16-11-127.1 shall, upon~~

843 conviction thereof, be punished by imprisonment for not less than five nor more than 20
844 years."

845 **SECTION 3-2.**

846 Code Section 16-5-24 of the Official Code of Georgia Annotated, relating to aggravated
847 battery, is amended by revising subsection (g) as follows:

848 "(g) Any person who commits the offense of aggravated battery upon a student or teacher
849 or other school personnel within a school safety zone as defined in ~~paragraph (1) of~~
850 ~~subsection (a) of~~ Code Section 16-11-127.1 shall, upon conviction thereof, be punished by
851 imprisonment for not less than five nor more than 20 years."

852 **SECTION 3-3.**

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

856 "(5) Knowingly and willfully provides to a minor any weapon as defined in ~~paragraph~~
857 ~~(2) of subsection (a) of~~ Code Section 16-11-127.1 or any weapon as defined in Code
858 Section 16-11-121 to commit any felony which encompasses force or violence as an
859 element of the offense or delinquent act which would constitute a felony which
860 encompasses force or violence as an element of the offense if committed by an adult; or"

861 **SECTION 3-4.**

862 Code Section 20-2-1180 of the Official Code of Georgia Annotated, relating to loitering upon
863 school premises or within a school safety zone, is amended by revising subsection (a) as
864 follows:

865 "(a) It shall be unlawful for any person to remain upon the premises or within the school
866 safety zone as defined in ~~paragraph (1) of subsection (a) of~~ Code Section 16-11-127.1 of
867 any public or private school in this state or to remain upon such premises or within such
868 school safety zone when that person does not have a legitimate cause or need to be present
869 thereon. Each principal or designee of each public or private school in this state shall have
870 the authority to exercise such control over the buildings and grounds upon which a school
871 is located so as to prohibit any person who does not have a legitimate need or cause to be
872 present thereon from loitering upon such premises. Each principal or designee of each
873 public or private school in this state shall notify the appropriate law enforcement agency
874 to prohibit any person who does not have a legitimate need or cause to be present therein
875 from loitering within the school safety zone."

876 **SECTION 3-5.**

877 Code Section 20-2-1185 of the Official Code of Georgia Annotated, relating to school safety
 878 plans, is amended by revising subsection (c) as follows:

879 "(c) School safety plans prepared by public schools shall address security issues in school
 880 safety zones as defined in ~~paragraph (1) of subsection (a) of Code Section 16-11-127.1.~~
 881 School safety plans should also address security issues involving the transportation of
 882 pupils to and from school and school functions when such transportation is furnished by
 883 the school or school system and school functions held during noninstructional hours."

884 **SECTION 3-6.**

885 Code Section 43-38-10 of the Official Code of Georgia Annotated, relating to private
 886 detectives and security agencies permits to carry firearms, is amended by revising subsection
 887 (a) as follows:

888 "(a) The board may grant a permit to carry a pistol, revolver, or other firearm to any person
 889 who ~~is at least 21 years of age and~~ is a license holder as defined in Code Section
 890 16-11-125.1, who is licensed or registered in accordance with this chapter, and who meets
 891 the qualifications and training requirements set forth in this Code section and such other
 892 qualifications and training requirements as the board by rule may establish. The board
 893 shall have the authority to establish limits on type and caliber of such weapons by rule.
 894 Application for such permit and for renewal thereof shall be made on forms provided by
 895 the division director. No weapons permit issued under this Code section shall be
 896 transferable to another individual."

897 **PART IV**898 **SECTION 4-1.**

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