

House Bill 1358

By: Representatives Ballinger of the 23rd, Powell of the 32nd, Jasperse of the 11th, Bonner of the 72nd, Momtahan of the 17th, and others

A BILL TO BE ENTITLED
AN ACT

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

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 1358

17 **SECTION 1.**

18 This Act shall be known and may be cited as the "Chairman John Meadows Act."

19 **SECTION 2.**

20 The General Assembly finds and determines that:

21 (1) The Second Amendment to the United States Constitution recognizes the right of the
22 people to keep and bear arms and that such right shall not be infringed; and

23 (2) The people of this state, to perpetuate the principles of free government, insure
24 justice to all, preserve peace, promote the interest and happiness of the citizen and of the
25 family, and transmit to posterity the enjoyment of liberty, provided that the right of the
26 people to keep and bear arms shall not be infringed but that the General Assembly shall
27 have power to prescribe the manner in which arms may be borne.

28 **SECTION 3.**

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

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

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

41 ~~(3)~~(2) It shall be unlawful for any person to use or possess in any park, historic site, or
 42 recreational area any ~~handgun without a valid weapons carry license issued pursuant to~~
 43 ~~Code Section 16-11-129~~ weapon or long gun unless such person is a lawful weapons
 44 carrier. As used in this paragraph, the terms 'weapon,' 'long gun,' and 'lawful weapons
 45 carrier' shall have the same meanings as provided for in Code Section 16-11-125.1.

46 ~~(4)~~(3) It shall be unlawful for any person to use or possess in any park, historic site, or
 47 recreational area any bows and arrows, spring guns, air rifles, slingshots, or any other
 48 device which discharges projectiles by any means, unless the device is unloaded and
 49 stored so as not to be readily accessible or unless such use has been approved within
 50 restricted areas by prior written permission of the commissioner of natural resources or
 51 his or her authorized representative."

52 SECTION 4.

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

56 "16-11-125.1.

57 As used in this part, the term:

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

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

65 (2.1) 'Lawful weapons carrier' means any person who is legally eligible to obtain a
 66 weapons carry permit, whether or not such individual possesses such permit.

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

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

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

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

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

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

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

81 **SECTION 5.**

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

85 "16-11-126.

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

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

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

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

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

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

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

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

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

119 ~~Section 16-11-129, and shall remain licensed in such other state for the duration of time~~
120 ~~that he or she is a resident of this state but not a weapons carry license holder in this state.~~

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

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

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

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

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

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

146 ~~(1) For the first offense, he or she shall be guilty of a misdemeanor; and~~
 147 ~~(2) For the second offense within five years, as measured from the dates of previous~~
 148 ~~arrests for which convictions were obtained to the date of the current arrest for which a~~
 149 ~~conviction is obtained, and for any subsequent offense, he or she shall be guilty of a~~
 150 ~~felony and, upon conviction thereof, shall be imprisoned for not less than two years and~~
 151 ~~not more than five years.~~
 152 ~~(j) Nothing in this Code section shall in any way operate or be construed to affect, repeal,~~
 153 ~~or limit the exemptions provided for under Code Section 16-11-130 Reserved."~~

154 **SECTION 6.**

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

157 "16-11-127.

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

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

161 (2) 'Government building' means:

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

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

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

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

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

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

180 (1) In a government building ~~as a nonlicense holder~~ without being a lawful weapons
181 carrier;

182 (2) In a courthouse;

183 (3) In a jail or prison;

184 (4) In a place of worship, unless the governing body or authority of the place of worship
185 permits the carrying of weapons or long guns by ~~license holders~~ persons who are lawful
186 weapons carriers;

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

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

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

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

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

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

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

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

222 (e)(1) A ~~license holder~~ lawful weapons carrier shall be authorized to carry a weapon in
223 a government building when the government building is open for business and where
224 ingress into such building is not restricted or screened by security personnel. A ~~license~~

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

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

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

242 SECTION 7.

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

247 "(2) Except as provided for in paragraph (20) of subsection (c) of this Code section, any
248 ~~license holder~~ lawful weapons carrier who violates this subsection shall be guilty of a
249 misdemeanor. Any person who is not a ~~license holder~~ lawful weapons carrier who
250 violates this subsection shall be guilty of a felony and, upon conviction thereof, be

251 punished by a fine of not more than \$10,000.00, by imprisonment for not less than two
252 nor more than ten years, or both."

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

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

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

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

- 277 (ii) Not apply to any preschool or childcare space located within such buildings or
278 real property;
- 279 (iii) Not apply to any room or space being used for classes related to a college and
280 career academy or other specialized school as provided for under Code
281 Section 20-4-37;
- 282 (iv) Not apply to any room or space being used for classes in which high school
283 students are enrolled through a dual enrollment program, including, but not limited
284 to, classes related to the 'Dual Enrollment Act' as provided for under Code
285 Section 20-2-161.3;
- 286 (v) Not apply to faculty, staff, or administrative offices or rooms where disciplinary
287 proceedings are conducted; and
- 288 ~~(vi) Only apply to the carrying of handguns which a licensee is licensed to carry~~
289 ~~pursuant to subsection (e) of Code Section 16-11-126 and pursuant to Code~~
290 ~~Section 16-11-129; and~~
- 291 ~~(vii) Only apply to the carrying of handguns which are concealed.~~
- 292 (B) Any ~~weapons carry license holder~~ lawful weapons carrier who carries a handgun
293 in a manner or in a building, property, room, or space in violation of this paragraph
294 shall be guilty of a misdemeanor; provided, however, that for a conviction of a first
295 offense, such ~~weapons carry license holder~~ lawful weapons carrier shall be punished
296 by a fine of \$25.00 and not be sentenced to serve any term of confinement.
- 297 (C) As used in this paragraph, the term:
- 298 (i) 'Concealed' means carried in such a fashion that does not actively solicit the
299 attention of others and is not prominently, openly, and intentionally displayed except
300 for purposes of defense of self or others. Such term shall include, but not be limited
301 to, carrying on one's person while such handgun is substantially, but not necessarily
302 completely, covered by an article of clothing which is worn by such person, carrying
303 within a bag of a nondescript nature which is being carried about by such person, or

304 carrying in any other fashion as to not be clearly discernible by the passive
305 observation of others.

306 (ii) 'Preschool or childcare space' means any room or continuous collection of rooms
307 or any enclosed outdoor facilities which are separated from other spaces by an
308 electronic mechanism or human-staffed point of controlled access and designated for
309 the provision of preschool or childcare services, including, but not limited to,
310 preschool or childcare services licensed or regulated under Article 1 of Chapter 1A
311 of Title 20."

312 **SECTION 8.**

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

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

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

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

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

324 **SECTION 9.**

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

327 "16-11-130.

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

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

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

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

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

343 (5) District attorneys, investigators employed by and assigned to a district attorney's
344 office, assistant district attorneys, attorneys or investigators employed by the Prosecuting
345 Attorneys' Council of the State of Georgia, and any retired district attorney, assistant
346 district attorney, district attorney's investigator, or attorney or investigator retired from
347 the Prosecuting Attorneys' Council of the State of Georgia, if such employee is retired in
348 good standing and is receiving benefits under Title 47 or is retired in good standing and
349 receiving benefits from a county or municipal retirement system;

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

354 corresponding personnel of any civil court expressly continued as a civil court pursuant
355 to said provision of the Constitution;

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

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

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

364 (10) Public safety directors of municipal corporations;

365 (11) Explosive ordnance disposal technicians, as such term is defined by Code
366 Section 16-7-80, and persons certified as provided in Code Section ~~35-8-13~~ 35-8-25 to
367 handle animals trained to detect explosives, while in the performance of their duties;

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

372 (12.1) Former federal judges, Justices of the Supreme Court, Judges of the Court of
373 Appeals, judges of superior, state, probate, juvenile, and magistrate courts, full-time
374 judges of municipal and city courts, permanent part-time judges of municipal courts, and
375 administrative law judges who are retired from their respective offices, provided that such
376 judge or Justice would otherwise be qualified to be issued a weapons carry license;

377 (12.2) Former federal judges, Justices of the Supreme Court, Judges of the Court of
378 Appeals, judges of superior, state, probate, juvenile, and magistrate courts, full-time
379 judges of municipal and city courts, permanent part-time judges of municipal courts, and
380 administrative law judges who are no longer serving in their respective office, provided

381 that he or she served as such judge or Justice for more than 24 months; and provided,
382 further, that such judge or Justice would otherwise be qualified to be issued a weapons
383 carry license;

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

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

387 (15) Clerks of the superior courts; and

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

389 (b) Except to the extent provided for in subsection (c.1) of this Code section, Code
390 Sections ~~16-11-126~~ 16-11-127 through 16-11-127.2 shall not apply to or affect persons
391 who at the time of their retirement from service with the Department of Community
392 Supervision were community supervision officers, when specifically designated and
393 authorized in writing by the commissioner of community supervision.

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

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

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

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

- 408 (C) Full-time law enforcement chief executive engaging in the management of a
409 county, municipal, state, state authority, or federal law enforcement agency in the State
410 of Georgia, including any college or university law enforcement chief executive who
411 is registered or certified by the Georgia Peace Officer Standards and Training Council;
412 or retired law enforcement chief executive who formerly managed a county, municipal,
413 state, state authority, or federal law enforcement agency in the State of Georgia,
414 including any college or university law enforcement chief executive who was registered
415 or certified at the time of his or her retirement by the Georgia Peace Officer Standards
416 and Training Council, if such retired law enforcement chief executive is receiving
417 benefits under the Peace Officers' Annuity and Benefit Fund provided under Chapter 17
418 of Title 47 or is retired in good standing and receiving benefits from a county,
419 municipal, State of Georgia, state authority, or federal retirement system;
- 420 (D) Police officer of any county, municipal, state, state authority, or federal law
421 enforcement agency in the State of Georgia, including any college or university police
422 officer who is registered or certified by the Georgia Peace Officer Standards and
423 Training Council, or retired police officer of any county, municipal, state, state
424 authority, or federal law enforcement agency in the State of Georgia, including any
425 college or university police officer who was registered or certified at the time of his or
426 her retirement by the Georgia Peace Officer Standards and Training Council, if such
427 retired police officer is receiving benefits under the Peace Officers' Annuity and Benefit
428 Fund provided under Chapter 17 of Title 47 or is retired in good standing and receiving
429 benefits from a county, municipal, State of Georgia, state authority, or federal
430 retirement system; or
- 431 (E) Person who is a citizen of this state and:
- 432 (i) Has retired with at least ten years of aggregate service as a law enforcement
433 officer with powers of arrest under the laws of any state of the United States or of the
434 United States;

- 435 (ii) Separated from service in good standing, as determined by criteria established by
436 the Georgia Peace Officer Standards and Training Council, from employment with
437 his or her most recent law enforcement agency; and
- 438 (iii) Possesses on his or her person an identification card for retired law enforcement
439 officers as issued by the Georgia Peace Officer Standards and Training Council;
440 provided, however, that such person meets the standards for the issuance of such card
441 as provided for by the council, including, but not limited to, maintenance of
442 qualification in firearms training.

443 In addition, any such sheriff, retired sheriff, deputy sheriff, retired deputy sheriff, member
444 or retired member of the Georgia State Patrol, agent or retired agent of the Georgia
445 Bureau of Investigation, officer or retired officer of the Department of Natural Resources,
446 active or retired law enforcement chief executive, person who is a retired law
447 enforcement officer as provided for in paragraph (2) of this subsection, or other law
448 enforcement officer referred to in this subsection shall be authorized to carry a handgun
449 on or off duty anywhere within this state, including, but not limited to, in a courthouse
450 except to the extent provided for in subsection (c.1) of this Code section, and Code
451 Sections ~~16-11-126~~ 16-11-127 through 16-11-127.2 shall not apply to the carrying of
452 such firearms.

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

454 (A) 'Active' means nonretired.

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

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

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

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

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

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

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

490 **SECTION 10.**

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

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

502 **SECTION 11.**

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

506 "16-11-137.

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

512 ~~so shall be prima-facie evidence of a violation of the applicable provision of Code~~
 513 ~~Sections 16-11-126 through 16-11-127.2.~~

514 (b) A person carrying a weapon shall not be subject to detention for the sole purpose of
 515 investigating whether such person has a weapons carry license, whether such person is
 516 exempt from having a weapons carry license pursuant to Code Section 16-11-130 or
 517 subsection (c) of Code Section 16-11-127.1, or whether such person is a lawful weapons
 518 carrier as defined in Code Section 16-11-125.1.

519 (c) ~~A person convicted of a violation of this Code section shall be fined not more than~~
 520 ~~\$10.00 if he or she produces in court his or her weapons carry license, provided that it was~~
 521 ~~valid at the time of his or her arrest, or produces proof of his or her exemption."~~

522 **SECTION 12.**

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

527 "(b) Any person who boards or attempts to board an aircraft, bus, or rail vehicle with any
 528 explosive, destructive device, or hoax device as such ~~term is~~ terms are defined in Code
 529 Section 16-7-80; ~~firearm for which~~ weapon or long gun as such terms are defined in Code
 530 Section 16-11-125.1 if such person does not have on his or her person a valid weapons
 531 carry license issued pursuant to Code Section 16-11-129 unless possessing such firearm is
 532 prohibited by federal law is not a lawful weapons carrier as defined in Code
 533 Section 16-11-125.1; hazardous substance as defined by Code Section 12-8-92; ~~or knife~~
 534 or other device designed or modified for the purpose of offense and defense concealed on
 535 or about his or her person or property which is or would be accessible to such person while
 536 on the aircraft, bus, or rail vehicle shall be guilty of a felony and, upon conviction thereof,
 537 shall be sentenced to imprisonment for not less than one nor more than ten years. The

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

549

SECTION 13.

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

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

562 (1) Have any such item on or about his or her person; or

563 (2) Place or cause to be placed or attempt to place or cause to be placed any such item:

- 564 (A) In a container or freight of a transportation company;
565 (B) In the baggage or possessions of any person or any transportation company without
566 the knowledge of the passenger or transportation company; or
567 (C) Aboard such aircraft, bus, or rail vehicle."

568 **SECTION 14.**

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

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

578 (2) To possess a loaded firearm other than a handgun, as such term is defined in Code
579 Section 16-11-125.1, in a motor vehicle during a legal open hunting season for that area
580 or to possess a loaded handgun in a motor vehicle during a legal open hunting season for
581 that area unless such person ~~possesses a valid weapons carry license issued pursuant to~~
582 ~~Code Section 16-11-129~~ is a lawful weapons carrier as defined in Code Section
583 16-11-125.1;".

584 **SECTION 15.**

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

587 "27-3-6.

588 It shall be unlawful for any person to possess any center-fire or rimfire firearm other than
 589 a handgun, as such term is defined in Code Section 16-11-125.1, while hunting with a bow
 590 and arrow during archery or primitive weapons season for deer or while hunting with a
 591 muzzleloading firearm during a primitive weapons season for deer or to possess a loaded
 592 handgun while hunting with a bow and arrow during archery or primitive weapons season
 593 for deer or while hunting with a muzzleloading firearm during primitive weapons season
 594 for deer unless such person ~~possesses a valid weapons carry license issued pursuant to~~
 595 ~~Code Section 16-11-129~~ is a lawful weapons carrier as defined in Code
 596 Section 16-11-125.1."

597

SECTION 16.

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

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

607 (2) To possess a loaded firearm other than a handgun, as such term is defined in Code
 608 Section 16-11-125.1, in a motor vehicle during a legal open hunting season for that area
 609 or to possess a loaded handgun in a motor vehicle during a legal open hunting season for
 610 that area unless such person ~~possesses a valid weapons carry license issued pursuant to~~
 611 ~~Code Section 16-11-129~~ is a lawful weapons carrier as defined in Code Section
 612 16-11-125.1; or".

613 **SECTION 17.**

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

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

624 **SECTION 18.**

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

627 **SECTION 19.**

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