

House Bill 60 (AS PASSED HOUSE AND SENATE)

By: Representative Holt of the 112th

A BILL TO BE ENTITLED
AN ACT

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

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

42 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

43 PART I
 44 SECTION 1-1.

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

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

54 SECTION 1-2A.
 55 Part 1 of Article 1 of Chapter 3 of Title 27 of the Official Code of Georgia Annotated,
 56 relating to general provisions regarding hunting, is amended by revising Code
 57 Section 27-3-4, relating to legal weapons for hunting wildlife generally, as follows:
 58 "27-3-4.
 59 (a) It shall be unlawful to hunt wildlife with any weapon, except that:

- 60 (1) Longbows, recurve bows, crossbows, and compound bows may be used for taking
61 small game, feral hogs, or big game. Arrows for hunting deer, bear, and feral hogs must
62 be broadhead type;
- 63 (2) During primitive weapon hunts or primitive weapons seasons:
- 64 (A) Longbows, recurve bows, crossbows, compound bows, muzzleloading firearms of
65 .44 caliber or larger, and muzzleloading shotguns of 20 gauge or larger loaded with
66 single shot may be used; and
- 67 (B) Youth under 16 years of age may hunt deer with any firearm legal for hunting deer;
- 68 (3) Firearms for hunting deer, bear, and feral hogs are limited to 20 gauge shotguns or
69 larger shotguns loaded with slugs or buckshot (except that no buckshot is permitted on
70 state wildlife management areas unless otherwise specified), muzzleloading firearms of
71 .44 caliber or larger, and center-fire firearms .22 caliber or larger; provided, however, that
72 firearms for hunting feral hogs, other than those weapons specified in this paragraph, may
73 be authorized by rule or regulation of the board. Bullets used in all center-fire rifles and
74 handguns must be of the expanding type;
- 75 (4) Weapons for hunting small game shall be limited to shotguns with shot shell size of
76 no greater than 3 1/2 inches in length with No. 2 lead shot or smaller or federally
77 approved nontoxic shot size of F or smaller shot, .22 caliber or smaller rimfire firearms,
78 air rifles, muzzleloading firearms, longbows, recurve bows, crossbows, and compound
79 bows; provided, however, that in addition to the weapons listed in this paragraph, any
80 center-fire firearm of .17 caliber or larger may be used for hunting fox and bobcat.
81 Nothing contained in this paragraph shall permit the taking of protected species;
- 82 (5)(A) For hunting deer, feral hogs, and bear, shotguns shall be limited to a capacity
83 of not more than five shells in the magazine and chamber combined. If a plug is
84 necessary to so limit the capacity, the plug shall be of one piece, incapable of being
85 removed through the loading end of the magazine.
- 86 (B) For hunting all other game animals, shotguns shall be limited to a capacity of not
87 more than three shells in the magazine and chamber combined. If a plug is necessary
88 to so limit the capacity, the plug shall be of one piece, incapable of being removed
89 through the loading end of the magazine;
- 90 (6) It shall be unlawful to hunt turkey with any weapons except shotguns using No. 2
91 shot or smaller, muzzleloading firearms, longbows, crossbows, recurve bows, or
92 compound bows. Any person taking turkey in violation of this paragraph shall be guilty
93 of a misdemeanor and, upon conviction thereof, shall be punished as for a misdemeanor,
94 except that a fine imposed for such violation shall not be less than \$250.00;
- 95 (7) Weapons for hunting alligators shall be limited to hand-held ropes or snares, snatch
96 hooks, harpoons, gigs, or arrows with restraining lines attached. Lawfully restrained

97 alligators may be killed with any caliber handgun or bangstick and shall be killed
98 immediately before transporting;

99 (8) There are no firearms restrictions for taking nongame animals or nongame birds; and

100 (9) The use of silencers or suppressors for hunting within this state is prohibited;
101 provided, however, that a silencer or suppressor may be used for hunting on the private
102 property of the person using such silencer or suppressor, on private property for which
103 the owner of such property has provided verifiable permission to the person using such
104 silencer or suppressor, and on public lands in areas designated by the department.

105 (b)(1) It shall be illegal to use a silencer or suppressor for hunting in violation of
106 paragraph (9) of subsection (a) of this Code section. A person who violates the
107 provisions of this paragraph shall be guilty of a misdemeanor.

108 (2) The hunting privileges of any person who has been convicted of violating the
109 provisions of this title or any rule or regulation promulgated pursuant thereto by hunting
110 without landowner permission, hunting in an area that is closed for hunting, or hunting
111 big game out of season or at night with a firearm equipped with a suppressor shall be
112 suspended for three years."

113 **SECTION 1-3.**

114 Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated, relating to
115 justification and excuse, is amended by revising Code Section 16-3-24.2, relating to
116 immunity from prosecution and exception, as follows:

117 "16-3-24.2.

118 A person who uses threats or force in accordance with Code Section 16-3-21, 16-3-23,
119 16-3-23.1, or 16-3-24 shall be immune from criminal prosecution therefor unless in the use
120 of deadly force, such person utilizes a weapon the carrying or possession of which is
121 unlawful by such person under Part 2 ~~or~~ 3 of Article 4 of Chapter 11 of this title."

122 **SECTION 1-4.**

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

127 "(d) Any person who is not prohibited by law from possessing a handgun or long gun who
128 is eligible for a weapons carry license may transport a handgun or long gun in any private
129 passenger motor vehicle; provided, however, that private property owners or persons in
130 legal control of private property through a lease, rental agreement, licensing agreement,
131 contract, or any other agreement to control access to such private property shall have the

132 right to ~~forbid~~ exclude or eject a person who is in possession of a weapon or long gun on
 133 their private property in accordance with paragraph (3) of subsection (b) of Code Section
 134 16-7-21, except as provided in Code Section 16-11-135."

135 **SECTION 1-5.**

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

138 "16-11-127.

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

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

144 ~~(2)~~(1) 'Courthouse' means a building occupied by judicial courts and containing rooms
 145 in which judicial proceedings are held.

146 ~~(3)~~(2) 'Government building' means:

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

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

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

154 ~~(4)~~(3) 'Government entity' means an office, agency, authority, department, commission,
 155 board, body, division, instrumentality, or institution of the state or any county, municipal
 156 corporation, consolidated government, or local board of education within this state.

157 ~~(5)~~(4) 'Parking facility' means real property owned or leased by a government entity,
 158 courthouse, jail, prison, or place of worship, ~~or bar~~ that has been designated by such
 159 government entity, courthouse, jail, prison, or place of worship, ~~or bar~~ for the parking of
 160 motor vehicles at a government building or at such courthouse, jail, prison, or place of
 161 worship, ~~or bar~~.

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

165 (1) In a government building;

166 (2) In a courthouse;

167 (3) In a jail or prison;

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

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

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

177 ~~(7)(6)~~ On the premises of a nuclear power facility, except as provided in Code Section
 178 16-11-127.2, and the punishment provisions of Code Section 16-11-127.2 shall supersede
 179 the punishment provisions of this Code section; or

180 ~~(8)(7)~~ Within 150 feet of any polling place, except as provided in subsection (i) of Code
 181 Section 21-2-413.

182 (c) Except as provided in Code Section 16-11-127.1, a license holder or person recognized
 183 under subsection (e) of Code Section 16-11-126 shall be authorized to carry a weapon as
 184 provided in Code Section 16-11-135 and in every location in this state not listed in
 185 subsection (b) or prohibited by subsection (e) of this Code section; provided, however, that
 186 private property owners or persons in legal control of private property through a lease,
 187 rental agreement, licensing agreement, contract, or any other agreement to control access
 188 to such private property shall have the right to ~~forbid~~ exclude or eject a person who is in
 189 possession of a weapon or long gun on their private property in accordance with
 190 paragraph (3) of subsection (b) of Code Section 16-7-21, except as provided in Code
 191 Section 16-11-135. A violation of subsection (b) of this Code section shall not create or
 192 give rise to a civil action for damages.

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

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

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

202 (3) To a weapon or long gun possessed by a license holder which is under the possessor's
 203 control in a motor vehicle or is in a locked compartment of a motor vehicle or one which

204 is in a locked container in or a locked firearms rack which is on a motor vehicle and such
 205 vehicle is parked in a parking facility.

206 (e) (1) A license holder shall be authorized to carry a weapon in a government building
 207 when the government building is open for business and where ingress into such building
 208 is not restricted or screened by security personnel. A license holder who enters or attempts
 209 to enter a government building carrying a weapon where ingress is restricted or screened
 210 by security personnel shall be guilty of a misdemeanor if at least one member of such
 211 security personnel is certified as a peace officer pursuant to Chapter 8 of Title 35; provided,
 212 however, that a license holder who immediately exits such building or immediately leaves
 213 such location upon notification of his or her failure to clear security due to the carrying of
 214 a weapon shall not be guilty of violating this subsection or paragraph (1) of subsection (b)
 215 of this Code section. A person who is not a license holder and who attempts to enter a
 216 government building carrying a weapon shall be guilty of a misdemeanor.

217 (2) Any license holder who violates subsection (b) of this Code section in a place of
 218 worship shall not be arrested but shall be fined not more than \$100.00. Any person who
 219 is not a license holder who violates subsection (b) of this Code section in a place of
 220 worship shall be punished as for a misdemeanor."

221 **SECTION 1-6.**

222 Said article is further amended by revising subsection (a), paragraphs (1) and (2) of
 223 subsection (b), and subsections (c) through (f) of Code Section 16-11-127.1, relating to
 224 carrying weapons within school safety zones, at school functions, or on school property, as
 225 follows:

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

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

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

231 ~~(1)~~(3) 'School safety zone' means in or on any real property or building owned by or
 232 leased to:

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

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

238 ~~(2)~~(4) 'Weapon' means and includes any pistol, revolver, or any weapon designed or
 239 intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife,

240 ballistic knife, any other knife having a blade of two or more inches, straight-edge razor,
 241 razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or
 242 other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any
 243 flailing instrument consisting of two or more rigid parts connected in such a manner as
 244 to allow them to swing freely, which may be known as a nun chahka, nun chuck,
 245 nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at
 246 least two points or pointed blades which is designed to be thrown or propelled and which
 247 may be known as a throwing star or oriental dart, or any weapon of like kind, and any
 248 stun gun or taser as defined in subsection (a) of Code Section 16-11-106. This paragraph
 249 excludes any of these instruments used for classroom work authorized by the teacher.

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

256 (2) Any license holder who violates this subsection shall be guilty of a misdemeanor.
 257 Any person who is not a license holder who violates this subsection shall be guilty of a
 258 felony and, upon conviction thereof, be punished by a fine of not more than \$10,000.00,
 259 by imprisonment for not less than two nor more than ten years, or both."

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

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

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

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

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

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

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

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

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

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

- 277 (E) A person employed as a campus police officer or school security officer who is
 278 authorized to carry a weapon in accordance with Chapter 8 of Title 20; and
- 279 (F) Medical examiners, coroners, and their investigators who are employed by the state
 280 or any political subdivision thereof;
- 281 (6) A person who has been authorized in writing by a duly authorized official of ~~the~~
 282 ~~school~~ a public or private elementary or secondary school or a public or private technical
 283 school, vocational school, college, university, or other institution of postsecondary
 284 education or a local board of education as provided in Code Section 16-11-130.1 to have
 285 in such person's possession or use ~~as part of any activity being conducted at a school~~
 286 ~~building, school property, or~~ within a school safety zone, at a school function, or on a bus
 287 or other transportation furnished by a school a weapon which would otherwise be
 288 prohibited by this Code section. Such authorization shall specify the weapon or weapons
 289 which have been authorized and the time period during which the authorization is valid;
- 290 (7) A person who is licensed in accordance with Code Section 16-11-129 or issued a
 291 permit pursuant to Code Section 43-38-10, when such person carries or picks up a student
 292 ~~at a school building, within a school safety zone, at a school function, or school property~~
 293 or on a bus or other transportation furnished by ~~the~~ a school or a person who is licensed
 294 in accordance with Code Section 16-11-129 or issued a permit pursuant to Code
 295 Section 43-38-10 when he or she has any weapon legally kept within a vehicle when such
 296 vehicle is parked ~~at such school property~~ within a school safety zone or is in transit
 297 through a designated school safety zone;
- 298 (8) A weapon possessed by a license holder which is under the possessor's control in a
 299 motor vehicle or which is in a locked compartment of a motor vehicle or one which is in
 300 a locked container in or a locked firearms rack which is on a motor vehicle which is being
 301 used by an adult over 21 years of age to bring to or pick up a student ~~at a school building,~~
 302 within a school safety zone, at a school function, or school property or on a bus or other
 303 transportation furnished by ~~the~~ a school, or when such vehicle is used to transport
 304 someone to an activity being conducted ~~on school property~~ within a school safety zone
 305 which has been authorized by a duly authorized official ~~of the school or local board of~~
 306 education as provided by paragraph (6) of this subsection; provided, however, that this
 307 exception shall not apply to a student attending ~~such~~ a public or private elementary or
 308 secondary school;
- 309 (9) Persons employed in fulfilling defense contracts with the government of the United
 310 States or agencies thereof when possession of the weapon is necessary for manufacture,
 311 transport, installation, and testing under the requirements of such contract;

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

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

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

321 (13) Public safety directors of municipal corporations;

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

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

324 (16) Clerks of the superior courts;

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

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

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

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

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

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

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

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

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

348 (f) In a prosecution under this Code section, a map produced or reproduced by any
 349 municipal or county agency or department for the purpose of depicting the location and
 350 boundaries of the area of the real property of a school board or a private or public
 351 elementary or secondary school that is used for school purposes or the area of any ~~campus~~
 352 ~~of any~~ public or private technical school, vocational school, college, university, or other
 353 institution of postsecondary education, or a true copy of the map, shall, if certified as a true
 354 copy by the custodian of the record, be admissible and shall constitute prima-facie evidence
 355 of the location and boundaries of the area, if the governing body of the municipality or
 356 county has approved the map as an official record of the location and boundaries of the
 357 area. A map approved under this Code section may be revised from time to time by the
 358 governing body of the municipality or county. The original of every map approved or
 359 revised under this subsection or a true copy of such original map shall be filed with the
 360 municipality or county and shall be maintained as an official record of the municipality or
 361 county. This subsection shall not preclude the prosecution from introducing or relying
 362 upon any other evidence or testimony to establish any element of this offense. This
 363 subsection shall not preclude the use or admissibility of a map or diagram other than the
 364 one which has been approved by the municipality or county."

365

SECTION 1-7.

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

368 "16-11-129.

369 (a) **Application for weapons carry license or renewal license; term.** The judge of the
 370 probate court of each county may, on application under oath and on payment of a fee of
 371 \$30.00, issue a weapons carry license or renewal license valid for a period of five years to
 372 any person whose domicile is in that county or who is on active duty with the United States
 373 armed forces and who is not a domiciliary of this state but who either resides in that county
 374 or on a military reservation located in whole or in part in that county at the time of such
 375 application. Such license or renewal license shall authorize that person to carry any
 376 weapon in any county of this state notwithstanding any change in that person's county of
 377 residence or state of domicile. Applicants shall submit the application for a weapons carry
 378 license or renewal license to the judge of the probate court on forms prescribed and
 379 furnished free of charge to persons wishing to apply for the license or renewal license. An
 380 applicant who is not a United States citizen shall provide sufficient personal identifying
 381 data, including without limitation his or her place of birth and United States issued alien
 382 or admission number, as the Georgia Bureau of Investigation may prescribe by rule or
 383 regulation. An applicant who is in nonimmigrant status shall provide proof of his or her

384 qualifications for an exception to the federal firearm prohibition pursuant to 18 U.S.C.
 385 Section 922(y). Forms shall be designed to elicit information from the applicant pertinent
 386 to his or her eligibility under this Code section, including citizenship, but shall not require
 387 data which is nonpertinent or irrelevant, such as serial numbers or other identification
 388 capable of being used as a de facto registration of firearms owned by the applicant. The
 389 Department of Public Safety shall furnish application forms and license forms required by
 390 this Code section. The forms shall be furnished to each judge of each probate court within
 391 ~~the~~ this state at no cost.

392 (b) **Licensing exceptions.**

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

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

396 (B) 'Convicted' means ~~a plea of guilty or a finding of guilt by a court of competent~~
 397 ~~jurisdiction or the acceptance of a plea of nolo contendere, irrespective of the pendency~~
 398 ~~or availability of an appeal or an application for collateral relief~~ an adjudication of guilt.
 399 Such term shall not include an order of discharge and exoneration pursuant to Article
 400 3 of Chapter 8 of Title 42.

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

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

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

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

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

407 (iii) Provides proof that he or she is actively serving in the armed forces of the United
 408 States or has been honorably discharged from such service;

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

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

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

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

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

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

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

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

426 (ii) Carrying a weapon without a weapons carry license in violation of Code Section
 427 16-11-126; or

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

430 and has not been free of all restraint or supervision in connection therewith and free of
 431 any other conviction for at least five years immediately preceding the date of the
 432 application;

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

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

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

440 (J) Except as provided for in subsection (b.1) of this Code section, any Any person
 441 who has been hospitalized as an inpatient in any mental hospital or alcohol or drug
 442 treatment center within the five years immediately preceding the application. The judge
 443 of the probate court may require any applicant to sign a waiver authorizing any mental
 444 hospital or treatment center to inform the judge whether or not the applicant has been
 445 an inpatient in any such facility in the last five years and authorizing the superintendent
 446 of such facility to make to the judge a recommendation regarding whether the applicant
 447 is a threat to the safety of others and whether a license to carry a weapon should be
 448 issued. When such a waiver is required by the judge, the applicant shall pay a fee of
 449 \$3.00 for reimbursement of the cost of making such a report by the mental health
 450 hospital, alcohol or drug treatment center, or the Department of Behavioral Health and
 451 Developmental Disabilities, which the judge shall remit to the hospital, center, or
 452 department. The judge shall keep any such hospitalization or treatment information
 453 confidential. It shall be at the discretion of the judge, considering the circumstances
 454 surrounding the hospitalization and the recommendation of the superintendent of the
 455 hospital or treatment center where the individual was a patient, to issue the weapons
 456 carry license or renewal license;

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

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

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

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

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

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

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

481 (B) The person's mental health and criminal history records, if any. The judge of such
 482 court may require any such person to sign a waiver authorizing the superintendent of
 483 any mental hospital or treatment center to make to the judge a recommendation
 484 regarding whether such person is a threat to the safety of others. When such a waiver
 485 is required by the judge, the applicant shall pay a fee of \$3.00 for reimbursement of the
 486 cost of making such a report by the mental health hospital, alcohol or drug treatment
 487 center, or the Department of Behavioral Health and Developmental Disabilities, which
 488 the judge shall remit to the hospital, center, or department;

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

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

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

495 (3) The court shall grant the petition for relief if such court finds by a preponderance of
 496 the evidence that the person will not likely act in a manner dangerous to public safety in
 497 carrying a weapon and that granting the relief will not be contrary to the public interest.

498 A record shall be kept of the hearing; provided, however, that such records shall remain
 499 confidential and be disclosed only to a court or to the parties in the event of an appeal.

500 Any appeal of the court's ruling on the petition for relief shall be de novo review.

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

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

511 (c) **Fingerprinting.** Following completion of the application for a weapons carry license
 512 ~~or the renewal of a license~~, the judge of the probate court shall require the applicant to
 513 proceed to an appropriate law enforcement agency in the county or to any vendor approved
 514 by the Georgia Bureau of Investigation for fingerprint submission services with the
 515 completed application. ~~The appropriate local law enforcement agency in each county shall~~
 516 ~~then so that such agency or vendor can capture the fingerprints of the applicant for a~~
 517 ~~weapons carry license or renewal license and place the name of the applicant on the blank~~
 518 ~~license form. The appropriate local law enforcement agency shall place the fingerprint on~~
 519 ~~a blank license form which has been furnished to the law enforcement agency by the judge~~
 520 ~~of the probate court if a fingerprint is required to be furnished by subsection (f) of this~~
 521 ~~Code section.~~ The law enforcement agency shall be entitled to a fee of \$5.00 from the
 522 applicant for its services in connection with the fingerprinting and processing of an
 523 application. Fingerprinting shall not be required for applicants seeking temporary renewal
 524 licenses or renewal licenses.

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

526 (1) For both weapons carry license applications and requests for license renewals, the
 527 judge of the probate court shall within five business days following the receipt of the
 528 application or request direct the law enforcement agency to request a fingerprint based
 529 criminal history records check from the Georgia Crime Information Center and Federal

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

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

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

547 (4) The law enforcement agency shall report to the judge of the probate court within 30
548 days, by telephone and in writing, of any findings relating to the applicant which may
549 bear on his or her eligibility for a weapons carry license or renewal license under the
550 terms of this Code section. When no derogatory information is found on the applicant
551 bearing on his or her eligibility to obtain a license or renewal license, a report shall not
552 be required. The law enforcement agency shall return the application ~~and the blank~~
553 ~~license form with the fingerprint thereon~~ directly to the judge of the probate court within
554 such time period. Not later than ten days after the judge of the probate court receives the
555 report from the law enforcement agency concerning the suitability of the applicant for a
556 license, the judge of the probate court shall issue such applicant a license or renewal
557 license to carry any weapon unless facts establishing ineligibility have been reported or
558 unless the judge determines such applicant has not met all the qualifications, is not of
559 good moral character, or has failed to comply with any of the requirements contained in
560 this Code section. The judge of the probate court shall date stamp the report from the law
561 enforcement agency to show the date on which the report was received by the judge of
562 the probate court.

563 (e) **Revocation, loss, or damage to license.** If, at any time during the period for which
564 the weapons carry license was issued, the judge of the probate court of the county in which
565 the license was issued shall learn or have brought to his or her attention in any manner any
566 reasonable ground to believe the licensee is not eligible to retain the license, the judge may,

567 after notice and hearing, revoke the license of the person upon a finding that such person
 568 is not eligible for a weapons carry license pursuant to subsection (b) of this Code section
 569 or an adjudication of falsification of application, mental incompetency, or chronic alcohol
 570 or narcotic usage. It shall be unlawful for any person to possess a license which has been
 571 revoked, and any person found in possession of any such revoked license, except in the
 572 performance of his or her official duties, shall be guilty of a misdemeanor. ~~It shall be~~
 573 ~~required that any license holder under this Code section have in his or her possession his~~
 574 ~~or her valid license whenever he or she is carrying a weapon under the authority granted~~
 575 ~~by this Code section, and his or her failure to do so shall be prima-facie evidence of a~~
 576 ~~violation of Code Section 16-11-126.~~ Loss of any license issued in accordance with this
 577 Code section or damage to the license in any manner which shall render it illegible shall
 578 be reported to the judge of the probate court of the county in which it was issued within 48
 579 hours of the time the loss or damage becomes known to the license holder. The judge of
 580 the probate court shall thereupon issue a replacement for and shall take custody of and
 581 destroy a damaged license; and in any case in which a license has been lost, he or she shall
 582 issue a cancellation order and notify by telephone and in writing each of the law
 583 enforcement agencies whose records were checked before issuance of the original license.
 584 The judge shall charge the fee specified in subsection (k) of Code Section 15-9-60 for such
 585 services.

586 (f)(1) **Weapons carry license specifications.** Weapons carry licenses issued as
 587 ~~prescribed in this Code section shall be printed on durable but lightweight card stock, and~~
 588 ~~the completed card shall be laminated in plastic to improve its wearing qualities and to~~
 589 ~~inhibit alterations. Measurements shall be 3 1/4 inches long and 2 1/4 inches wide. Each~~
 590 ~~shall be serially numbered within the county of issuance and shall bear the full name,~~
 591 ~~residential address, birth date, weight, height, color of eyes, and sex of the licensee. The~~
 592 ~~license shall show the date of issuance, the expiration date, and the probate court in which~~
 593 ~~issued and shall be signed by the licensee and bear the signature or facsimile thereof of~~
 594 ~~the judge. The seal of the court shall be placed on the face before the license is~~
 595 ~~laminated. Licenses issued on and before December 31, 2011, shall bear a clear print of~~
 596 ~~the licensee's right index finger; however, if the right index fingerprint cannot be secured~~
 597 ~~for any reason, the print of another finger may be used but such print shall be marked to~~
 598 ~~identify the finger from which the print is taken prior to January 1, 2012, shall be in the~~
 599 ~~format specified by the former provisions of this paragraph as they existed on June 30,~~
 600 2013.

601 (2)(A) On and after January 1, 2012, newly issued or renewal weapons carry licenses
 602 shall incorporate overt and covert security features which shall be blended with the
 603 personal data printed on the license to form a significant barrier to imitation, replication,

604 and duplication. There shall be a minimum of three different ultraviolet colors used to
605 enhance the security of the license incorporating variable data, color shifting
606 characteristics, and front edge only perimeter visibility. The weapons carry license shall
607 have a color photograph viewable under ambient light on both the front and back of the
608 license. The license shall incorporate custom optical variable devices featuring the great
609 seal of the State of Georgia as well as matching demetalized optical variable devices
610 viewable under ambient light from the front and back of the license incorporating
611 microtext and unique alphanumeric serialization specific to the license holder. The
612 license shall be of similar material, size, and thickness of a credit card and have a
613 holographic laminate to secure and protect the license for the duration of the license
614 period.

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

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

627 (h) **Licenses for former law enforcement officers.** Except as otherwise provided in Code
628 Section 16-11-130, any person who has served as a law enforcement officer for at least ten
629 of the 12 years immediately preceding the retirement of such person as a law enforcement
630 officer shall be entitled to be issued a weapons carry license as provided for in this Code
631 section without the payment of any of the fees provided for in this Code section. Such
632 person shall comply with all the other provisions of this Code section relative to the
633 issuance of such licenses. As used in this subsection, the term 'law enforcement officer'
634 means any peace officer who is employed by the United States government or by the State
635 of Georgia or any political subdivision thereof and who is required by the terms of his or
636 her employment, whether by election or appointment, to give his or her full time to the
637 preservation of public order or the protection of life and property or the prevention of
638 crime. Such term shall include conservation rangers.

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

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

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

647 (3) Such a temporary renewal license shall be in the form of a paper receipt indicating
648 the date on which the court received the renewal application and shall show the name,
649 address, sex, age, and race of the applicant and that the temporary renewal license expires
650 90 days from the date of issue.

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

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

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

658 (j) **Applicant may seek relief.** When an eligible applicant fails to receive a license,
659 temporary permit renewal license, or renewal license within the time period required by
660 this Code section and the application or request has been properly filed, the applicant may
661 bring an action in mandamus or other legal proceeding in order to obtain a license,
662 temporary renewal license, or renewal license. When an applicant is otherwise denied a
663 license, temporary renewal license, or renewal license and contends that he or she is
664 qualified to be issued a license, temporary renewal license, or renewal license, the applicant
665 may bring an action in mandamus or other legal proceeding in order to obtain such license.
666 Additionally, the applicant may request a hearing before the judge of the probate court
667 relative to the applicant's fitness to be issued such license. Upon the issuance of a denial,
668 the judge of the probate court shall inform the applicant of his or her rights pursuant to this
669 subsection. If such applicant is the prevailing party, he or she shall be entitled to recover
670 his or her costs in such action, including reasonable attorney's fees.

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

674 (l) **Verification of license.** The judge of a probate court or his or her designee shall be
675 authorized to verify the legitimacy and validity of a weapons carry license to a license

676 holder, pursuant to a subpoena or court order, or for public safety purposes, but shall not
 677 be authorized to provide any further information regarding license holders."

678 **SECTION 1-8.**

679 Said article is further amended in Code Section 16-11-130, relating to exemptions from Code
 680 Sections 16-11-126 through 16-11-127.2, by revising paragraph (12) of subsection (a) and
 681 by adding two new paragraphs to read as follows:

682 "(12) State and federal ~~trial and appellate~~ judges, judges of probate, juvenile, and
 683 magistrate courts, full-time judges of municipal and city courts, and permanent part-time
 684 judges of municipal and city courts, and former state trial and appellate judges retired
 685 from their respective offices under state retirement;

686 (12.1) Former state and federal judges, judges of probate, juvenile, and magistrate courts,
 687 full-time judges of municipal and city courts, and permanent part-time judges of
 688 municipal courts who are retired from their respective offices, provided that such judge
 689 would otherwise be qualified to be issued a weapons carry license;

690 (12.2) Former state and federal judges, judges of probate, juvenile, and magistrate courts,
 691 full-time judges of municipal and city courts, and permanent part-time judges of
 692 municipal courts who are no longer serving in their respective office, provided that he or
 693 she served as such judge for more than 24 months and provided, further, that such judge
 694 would otherwise be qualified to be issued a weapons carry license;"

695 **SECTION 1-9.**

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

697 "16-11-130.1.

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

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

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

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

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

707 (b) This Code section shall not be construed to require or otherwise mandate that any local
 708 board of education or school administrator adopt or implement a practice or program for
 709 the approval of personnel to possess or carry weapons within a school safety zone, at a
 710 school function, or on a bus or other transportation furnished by a school nor shall this

711 Code section create any liability for adopting or declining to adopt such practice or
712 program. Such decision shall rest with each individual local board of education. If a local
713 board of education adopts a policy to allow certain personnel to possess or carry weapons
714 as provided in paragraph (6) of subsection (c) of Code Section 16-11-127.1, such policy
715 shall include approval of personnel to possess or carry weapons and provide for:

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

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

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

728 (4) A mandatory method of securing weapons which shall include at a minimum a
729 requirement that the weapon, if permitted to be carried concealed by personnel, shall be
730 carried on the person and not in a purse, briefcase, bag, or similar other accessory which
731 is not secured on the body of the person and, if maintained separate from the person, shall
732 be maintained in a secured lock safe or similar lock box that cannot be easily accessed
733 by students.

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

739 (d) The selection of approved personnel to possess or carry a weapon within a school
740 safety zone, at a school function, or on a bus or other transportation furnished by a school
741 shall be done strictly on a voluntary basis. No personnel shall be required to possess or
742 carry a weapon within a school safety zone, at a school function, or on a bus or other
743 transportation furnished by a school and shall not be terminated or otherwise retaliated
744 against for refusing to possess or carry a weapon.

745 (e) The local board of education shall be responsible for any costs associated with
746 approving personnel to carry or possess weapons within a school safety zone, at a school
747 function, or on a bus or other transportation furnished by a school; provided, however, that

748 nothing contained in this Code section shall prohibit any approved personnel from paying
 749 for part or all of such costs or using any other funding mechanism available, including
 750 donations or grants from private persons or entities.

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

755 16-11-130.2.

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

763 (b) A person who is not a license holder and who violates this Code section shall be guilty
 764 of a misdemeanor. A license holder who violates this Code section shall be guilty of a
 765 misdemeanor; provided, however, that a license holder who is notified at the screening
 766 checkpoint for the restricted access area that he or she is in possession of a weapon or long
 767 gun and who immediately leaves the restricted access area following such notification and
 768 completion of federally required transportation security screening procedures shall not be
 769 guilty of violating this Code section.

770 (c) Any person who violates this Code section with the intent to commit a separate felony
 771 offense shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine
 772 of not less than \$1,000.00 nor more than \$15,000.00, imprisonment for not less than one
 773 nor more than ten years, or both.

774 (d) Any ordinance, resolution, regulation, or policy of any county, municipality, or other
 775 political subdivision of this state which is in conflict with this Code section shall be null,
 776 void, and of no force and effect, and this Code section shall preempt any such ordinance,
 777 resolution, regulation, or policy."

778 **SECTION 1-10.**

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

780 "16-11-137.

781 (a) Every license holder shall have his or her valid weapons carry license in his or her
 782 immediate possession at all times when carrying a weapon, or if such person is exempt

783 from having a weapons carry license pursuant to Code Section 16-11-130 or subsection (c)
 784 of Code Section 16-11-127.1, he or she shall have proof of his or her exemption in his or
 785 her immediate possession at all times when carrying a weapon, and his or her failure to do
 786 so shall be prima-facie evidence of a violation of the applicable provision of Code Sections
 787 16-11-126 through 16-11-127.2.

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

790 (c) A person convicted of a violation of this Code section shall be fined not more than
 791 \$10.00 if he or she produces in court his or her weapons carry license, provided that it was
 792 valid at the time of his or her arrest, or produces proof of his or her exemption.

793 16-11-138.

794 Defense of self or others, as contemplated by and provided for under Article 2 of Chapter
 795 3 of Title 16, shall be an absolute defense to any violation under this part."

796 **SECTION 1-11.**

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

799 "16-11-173.

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

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

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

809 (A) Gun gun shows;

810 (B) The the possession, ownership, transport, carrying, transfer, sale, purchase,
 811 licensing, or registration of firearms or other weapons or components of firearms or
 812 other weapons;

813 (C) Firearms dealers or dealers of other weapons firearms dealers; or

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

815 (2) The authority to bring suit and right to recover against any weapons, firearms, or
 816 ammunition manufacturer, trade association, or dealer by or on behalf of any
 817 governmental unit created by or pursuant to an Act of the General Assembly or the

818 Constitution, or any department, agency, or authority thereof, for damages, abatement,
 819 or injunctive relief resulting from or relating to the lawful design, manufacture,
 820 marketing, or sale of weapons, firearms, or ammunition to the public shall be reserved
 821 exclusively to the state. This paragraph shall not prohibit a political subdivision or local
 822 government authority from bringing an action against a weapons, firearms, or
 823 ammunition manufacturer or dealer for breach of contract or express warranty as to
 824 weapons, firearms, or ammunition purchased by the political subdivision or local
 825 government authority.

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

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

836 (3) The district attorney, and the solicitor-general in counties where there is a state court,
 837 shall regulate and determine the possession, carrying, and transportation of firearms and
 838 other weapons by county employees under his or her supervision so long as such
 839 regulations comport with state and federal law.

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

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

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

848 (g) Any person aggrieved as a result of a violation of this Code section may bring an
 849 action against the person who caused such aggrievement. The aggrieved person shall be
 850 entitled to reasonable attorney's fees and expenses of litigation and may recover or obtain
 851 against the person who caused such damages any of the following:

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

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

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

856 **SECTION 1-12.**

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

860 "16-12-129.

861 Defense of self or others, as contemplated by and provided for under Article 2 of Chapter
862 3 of Title 16, shall be an absolute defense to any violation under this part."

863 **SECTION 1-13.**

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

869 "(3)(A) The records of the center shall include information as to whether a person has
870 been involuntarily hospitalized. In order to carry out the provisions of Code Section
871 16-11-129, the center shall be provided such information and no other mental health
872 information from the records of the probate and superior courts ordering persons to be
873 involuntarily hospitalized. With respect to probate court records, such information shall
874 be provided in a manner agreed upon by the Probate Judges Training Council and the
875 bureau. With respect to superior court records, such information shall be provided in
876 a manner agreed upon by The Council of Superior Court Clerks of Georgia and the
877 bureau. Such records shall be provided in a manner so as to preserve the confidentiality
878 of patients' rights in all other respects.

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

885 **SECTION 1-14.**

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

889

PART II

890

SECTION 2-1.

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

892

SECTION 2-2.

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

895 "38-3-37.

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

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

899 (2) 'License holder' shall have the same meaning as set forth in Code Section
900 16-11-125.1.

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

902 (b) No official or employee of the state or any political subdivision thereof, member of the
903 National Guard in the service of the state, or any person operating pursuant to or under
904 color of state law, while acting during or pursuant to a declared state of emergency, shall:

905 (1) Temporarily or permanently seize, or authorize the seizure of, any firearm or
906 ammunition or any component thereof the possession of which was not prohibited by law
907 at the time immediately prior to the declaration of a state of emergency, other than as
908 provided by the criminal or forfeiture laws of this state;

909 (2) Prohibit possession of any firearm or ammunition or any component thereof or
910 promulgate any rule, regulation, or order prohibiting possession of any firearm or
911 ammunition or any component thereof if such possession was not otherwise prohibited
912 by law at the time immediately prior to the declaration of a state of emergency;

913 (3) Prohibit any license holder from carrying any weapon or promulgate any rule,
914 regulation, or order prohibiting such carrying if such carrying was not otherwise
915 prohibited by law at the time immediately prior to the declaration of a state of emergency;

916 or

917 (4) Require the registration of any firearm."

918

SECTION 2-3.

919 Said chapter is further amended by revising paragraph (8) of subsection (d) of Code Section
920 38-3-51, relating to emergency powers of the Governor, as follows:

921 "(8) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages,
922 firearms, explosives, and or combustibles; provided, however, that any limitation on

923 ~~firearms under this Code section shall not include an individual firearm owned by a~~
 924 ~~private citizen which was legal and owned by that citizen prior to the declaration of state~~
 925 ~~of emergency or disaster or thereafter acquired in compliance with all applicable laws of~~
 926 ~~this state and the United States for purposes of this paragraph, the terms 'explosives' and~~
 927 ~~'combustibles' shall not include firearms or ammunition or any component thereof; and"~~

928 **PART III**

929 **SECTION 3-1.**

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

932 "(i) Any person who commits the offense of aggravated assault involving the use of a
 933 firearm upon a student or teacher or other school personnel within a school safety zone as
 934 defined in ~~paragraph (1) of subsection (a) of~~ Code Section 16-11-127.1 shall, upon
 935 conviction thereof, be punished by imprisonment for not less than five nor more than 20
 936 years."

937 **SECTION 3-2.**

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

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

944 **SECTION 3-3.**

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

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

953 **SECTION 3-4.**

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

957 "(a) It shall be unlawful for any person to remain upon the premises or within the school
 958 safety zone as defined in ~~paragraph (1) of subsection (a) of~~ Code Section 16-11-127.1 of
 959 any public or private school in this state or to remain upon such premises or within such
 960 school safety zone when that person does not have a legitimate cause or need to be present
 961 thereon. Each principal or designee of each public or private school in this state shall have
 962 the authority to exercise such control over the buildings and grounds upon which a school
 963 is located so as to prohibit any person who does not have a legitimate need or cause to be
 964 present thereon from loitering upon such premises. Each principal or designee of each
 965 public or private school in this state shall notify the appropriate law enforcement agency
 966 to prohibit any person who does not have a legitimate need or cause to be present therein
 967 from loitering within the school safety zone."

968 **SECTION 3-5.**

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

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

976 **SECTION 3-6.**

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

980 "(a) The board may grant a permit to carry a pistol, revolver, or other firearm to any person
 981 who ~~is at least 21 years of age and~~ is a license holder as defined in Code Section
 982 16-11-125.1, who is licensed or registered in accordance with this chapter, and who meets
 983 the qualifications and training requirements set forth in this Code section and such other
 984 qualifications and training requirements as the board by rule may establish. The board
 985 shall have the authority to establish limits on type and caliber of such weapons by rule.
 986 Application for such permit and for renewal thereof shall be made on forms provided by

987 the division director. No weapons permit issued under this Code section shall be
988 transferable to another individual."

989

PART IV

990

SECTION 4-1.

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