

The House Committee On Rules offers the following substitute to SB 93:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 8-3-202, Article 2 of Chapter 3, Article 4 of Chapter 11, and Part 2
2 of Article 4 of Chapter 12 of Title 16, and Code Section 35-3-34 of the Official Code of
3 Georgia Annotated, relating to unlawful practices in selling or renting dwellings and
4 exceptions, justification and excuse, dangerous instrumentalities and practices, transportation
5 passenger safety, and disclosure and dissemination of criminal records to private persons and
6 businesses, resulting responsibility and liability of issuing center, and provision of certain
7 information to the FBI in conjunction with the National Instant Criminal Background Check
8 System, respectively, so as to change provisions relating to carrying weapons and the
9 issuance of weapons carry licenses; to provide for a short title; to provide that persons who
10 use threats, force, or deadly force in accordance with Code Section 16-3-21, 16-3-23,
11 16-3-23.1, or 16-3-24 shall be immune from criminal prosecution under Part 3 of Article 4
12 of Chapter 11 of Title 16; to change provisions relating to carrying weapons in unauthorized
13 locations; to provide for and change definitions; to change provisions relating to carrying
14 weapons within certain school safety zones and at school functions; to change provisions
15 relating to exemptions for carrying weapons within school safety zones; to remove
16 fingerprinting requirements for renewal licenses; to allow persons who have had their
17 weapons carry licenses revoked to be eligible to be license holders under certain
18 circumstances; to prohibit the creation or maintenance of data bases regarding persons issued
19 weapons carry licenses; to provide for verification of weapons carry licenses; to provide an
20 exemption from certain laws regarding the carrying and possession of firearms by certain
21 judges; to provide for local boards of education to authorize personnel to carry weapons
22 within school safety zones under certain circumstances; to provide for the offense of
23 unlawfully carrying a weapon into a secure airport area; to provide for weapons carry
24 licenses to be carried and exhibited on demand; to provide that defense of self or others is
25 an absolute defense to any violation under Part 3 of Article 4 of Chapter 11 and Part 2 of
26 Article 4 of Chapter 12 of Title 16; to change legislative findings; to change provisions
27 relating to preemption of local regulations; to provide for the collection and dissemination
28 of information pertinent to issuing weapons carry licenses; to amend Title 43 of the Official

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

40 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

41 **PART I**
 42 **SECTION 1-1.**

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

44 **SECTION 1-2.**

45 Code Section 8-3-202 of the Official Code of Georgia Annotated, relating to unlawful
 46 practices in selling or renting dwellings and exceptions, is amended in subsection (a) by
 47 striking "or" at the end of subparagraph (a)(6)(C), by replacing the period with "; or" at the
 48 end of subparagraph (a)(7)(D), and by adding a new paragraph to read as follows:

49 "(8) To require, as a condition of tenancy in public housing, any prohibition or restriction
 50 of any lawful possession of a firearm within an individual dwelling unless required by
 51 federal law or regulation."

52 **SECTION 1-3.**

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

56 "16-3-24.2.

57 A person who uses threats or force in accordance with Code Section 16-3-21, 16-3-23,
 58 16-3-23.1, or 16-3-24 shall be immune from criminal prosecution therefor unless in the use
 59 of deadly force, such person utilizes a weapon the carrying or possession of which is
 60 unlawful by such person under Part 2 or 3 of Article 4 of Chapter 11 of this title."

61 **SECTION 1-4.**

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

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

74 **SECTION 1-5.**

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

77 "16-11-127.

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

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

83 ~~(2)~~(1) 'Courthouse' means a building occupied by judicial courts and containing rooms
 84 in which judicial proceedings are held.

85 ~~(3)~~(2) 'Government building' means:

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

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

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

93 ~~(4)~~(3) 'Government entity' means an office, agency, authority, department, commission,
 94 board, body, division, instrumentality, or institution of the state or any county, municipal
 95 corporation, consolidated government, or local board of education within this state.

96 ~~(5)~~(4) 'Parking facility' means real property owned or leased by a government entity,
 97 courthouse, jail, prison, or place of worship, ~~or bar~~ that has been designated by such
 98 government entity, courthouse, jail, prison, or place of worship, ~~or bar~~ for the parking of
 99 motor vehicles at a government building or at such courthouse, jail, prison, or place of
 100 worship, ~~or bar~~.

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

104 (1) In a government building;

105 (2) In a courthouse;

106 (3) In a jail or prison;

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

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

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

116 ~~(7)~~(6) On the premises of a nuclear power facility, except as provided in Code Section
 117 16-11-127.2, and the punishment provisions of Code Section 16-11-127.2 shall supersede
 118 the punishment provisions of this Code section; or

119 ~~(8)~~(7) Within 150 feet of any polling place, except as provided in subsection (i) of Code
 120 Section 21-2-413.

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

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

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

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

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

145 (e)(1) A license holder shall be authorized to carry a weapon in a government building
 146 when the government building is open for business and where ingress into such building
 147 is not restricted or screened by security personnel. A license holder who enters or
 148 attempts to enter a government building carrying a weapon where ingress is restricted or
 149 screened by security personnel shall be guilty of a misdemeanor if at least one member
 150 of such security personnel is certified as a peace officer pursuant to Chapter 8 of Title 35;
 151 provided, however, that a license holder who immediately exits such building or
 152 immediately leaves such location upon notification of his or her failure to clear security
 153 due to the carrying of a weapon shall not be guilty of violating this subsection or
 154 paragraph (1) of subsection (b) of this Code section. A person who is not a license holder
 155 and who attempts to enter a government building carrying a weapon shall be guilty of a
 156 misdemeanor.

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

161 **SECTION 1-6.**

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

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

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

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

171 ~~(1)~~(3) 'School safety zone' means in or on any real property or building owned by or
 172 leased to:

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

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

178 ~~(2)~~(4) 'Weapon' means and includes any pistol, revolver, or any weapon designed or
 179 intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife,
 180 ballistic knife, any other knife having a blade of two or more inches, straight-edge razor,
 181 razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or
 182 other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any
 183 flailing instrument consisting of two or more rigid parts connected in such a manner as
 184 to allow them to swing freely, which may be known as a nun chahka, nun chuck,
 185 nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at
 186 least two points or pointed blades which is designed to be thrown or propelled and which
 187 may be known as a throwing star or oriental dart, or any weapon of like kind, and any
 188 stun gun or taser as defined in subsection (a) of Code Section 16-11-106. This paragraph
 189 excludes any of these instruments used for classroom work authorized by the teacher.

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

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

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

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

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

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

- 206 (4) Persons participating in law enforcement training conducted by a police academy
 207 certified by the Georgia Peace Officer Standards and Training Council or by a law
 208 enforcement agency of the state or the United States or any political subdivision thereof;
- 209 (5) The following persons, when acting in the performance of their official duties or
 210 when en route to or from their official duties:
- 211 (A) A peace officer as defined by Code Section 35-8-2;
 - 212 (B) A law enforcement officer of the United States government;
 - 213 (C) A prosecuting attorney of this state or of the United States;
 - 214 (D) An employee of the Georgia Department of Corrections or a correctional facility
 215 operated by a political subdivision of this state or the United States who is authorized
 216 by the head of such correctional agency or facility to carry a firearm;
 - 217 (E) A person employed as a campus police officer or school security officer who is
 218 authorized to carry a weapon in accordance with Chapter 8 of Title 20; and
 - 219 (F) Medical examiners, coroners, and their investigators who are employed by the state
 220 or any political subdivision thereof;
- 221 (6) A person who has been authorized in writing by a duly authorized official of ~~the~~
 222 ~~school~~ a public or private elementary or secondary school or a public or private technical
 223 school, vocational school, college, university, or other institution of postsecondary
 224 education or a local board of education as provided in Code Section 16-11-130.1 to have
 225 in such person's possession or use ~~as part of any activity being conducted at a school~~
 226 ~~building, school property, or within a school safety zone,~~ at a school function, ~~or on a bus~~
 227 or other transportation furnished by a school a weapon which would otherwise be
 228 prohibited by this Code section. Such authorization shall specify the weapon or weapons
 229 which have been authorized and the time period during which the authorization is valid;
- 230 (7) A person who is licensed in accordance with Code Section 16-11-129 or issued a
 231 permit pursuant to Code Section 43-38-10, when such person carries or picks up a student
 232 ~~at a school building, within a school safety zone, at a school function, or school property~~
 233 ~~or on a bus or other transportation furnished by the a school~~ or a person who is licensed
 234 in accordance with Code Section 16-11-129 or issued a permit pursuant to Code
 235 Section 43-38-10 when he or she has any weapon legally kept within a vehicle when such
 236 vehicle is parked ~~at such school property~~ within a school safety zone or is in transit
 237 through a designated school safety zone;
- 238 (8) A weapon possessed by a license holder which is under the possessor's control in a
 239 motor vehicle or which is in a locked compartment of a motor vehicle or one which is in
 240 a locked container in or a locked firearms rack which is on a motor vehicle which is being
 241 used by an adult over 21 years of age to bring to or pick up a student ~~at a school building,~~
 242 within a school safety zone, at a school function, or school property or on a bus or other

243 transportation furnished by ~~the~~ a school, or when such vehicle is used to transport
 244 someone to an activity being conducted ~~on school property~~ within a school safety zone
 245 which has been authorized by a duly authorized official ~~of the school~~ or local board of
 246 education as provided by paragraph (6) of this subsection; provided, however, that this
 247 exception shall not apply to a student attending ~~such~~ a public or private elementary or
 248 secondary school;

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

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

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

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

261 (13) Public safety directors of municipal corporations;

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

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

264 (16) Clerks of the superior courts;

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

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

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

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

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

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

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

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

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

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

305 **SECTION 1-7.**

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

308 "16-11-129.

309 (a) **Application for weapons carry license or renewal license; term.** The judge of the
 310 probate court of each county may, on application under oath and on payment of a fee of
 311 \$30.00, issue a weapons carry license or renewal license valid for a period of five years to
 312 any person whose domicile is in that county or who is on active duty with the United States
 313 armed forces and who is not a domiciliary of this state but who either resides in that county
 314 or on a military reservation located in whole or in part in that county at the time of such

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

332 (b) **Licensing exceptions.**

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

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

336 (B) 'Convicted' means ~~a plea of guilty or a finding of guilt by a court of competent~~
 337 ~~jurisdiction or the acceptance of a plea of nolo contendere, irrespective of the pendency~~
 338 ~~or availability of an appeal or an application for collateral relief~~ an adjudication of guilt.
 339 Such term shall not include an order of discharge and exoneration pursuant to Article
 340 3 of Chapter 8 of Title 42.

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

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

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

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

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

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

349 (B) Any person who has been convicted of a felony by a court of this state or any other
 350 state; by a court of the United States, including its territories, possessions, and
 351 dominions; or by a court of any foreign nation and has not been pardoned for such

352 felony by the President of the United States, the State Board of Pardons and Paroles,
 353 or the person or agency empowered to grant pardons under the constitution or laws of
 354 such state or nation;

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

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

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

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

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

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

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

366 (ii) Carrying a weapon without a weapons carry license in violation of Code Section
 367 16-11-126; or

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

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

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

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

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

380 (J) Except as provided for in subsection (b.1) of this Code section, any ~~Any~~ person
 381 who has been hospitalized as an inpatient in any mental hospital or alcohol or drug
 382 treatment center within the five years immediately preceding the application. The judge
 383 of the probate court may require any applicant to sign a waiver authorizing any mental
 384 hospital or treatment center to inform the judge whether or not the applicant has been
 385 an inpatient in any such facility in the last five years and authorizing the superintendent
 386 of such facility to make to the judge a recommendation regarding whether the applicant
 387 is a threat to the safety of others and whether a license to carry a weapon should be
 388 issued. When such a waiver is required by the judge, the applicant shall pay a fee of

389 \$3.00 for reimbursement of the cost of making such a report by the mental health
 390 hospital, alcohol or drug treatment center, or the Department of Behavioral Health and
 391 Developmental Disabilities, which the judge shall remit to the hospital, center, or
 392 department. The judge shall keep any such hospitalization or treatment information
 393 confidential. It shall be at the discretion of the judge, considering the circumstances
 394 surrounding the hospitalization and the recommendation of the superintendent of the
 395 hospital or treatment center where the individual was a patient, to issue the weapons
 396 carry license or renewal license;

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

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

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

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

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

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

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

421 (B) The person's mental health and criminal history records, if any. The judge of such
 422 court may require any such person to sign a waiver authorizing the superintendent of
 423 any mental hospital or treatment center to make to the judge a recommendation
 424 regarding whether such person is a threat to the safety of others. When such a waiver
 425 is required by the judge, the applicant shall pay a fee of \$3.00 for reimbursement of the

426 cost of making such a report by the mental health hospital, alcohol or drug treatment
 427 center, or the Department of Behavioral Health and Developmental Disabilities, which
 428 the judge shall remit to the hospital, center, or department;

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

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

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

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

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

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

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

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

451 (c) **Fingerprinting.** Following completion of the application for a weapons carry license
 452 ~~or the renewal of a license~~, the judge of the probate court shall require the applicant to
 453 proceed to an appropriate law enforcement agency in the county ~~or to any vendor approved~~
 454 ~~by the Georgia Bureau of Investigation for fingerprint submission services~~ with the
 455 completed application. ~~The appropriate local law enforcement agency in each county shall~~
 456 ~~then so that such agency or vendor can~~ capture the fingerprints of the applicant for a
 457 weapons carry license or renewal license and place the name of the applicant on the blank
 458 license form. ~~The appropriate local law enforcement agency shall place the fingerprint on~~
 459 ~~a blank license form which has been furnished to the law enforcement agency by the judge~~
 460 ~~of the probate court if a fingerprint is required to be furnished by subsection (f) of this~~
 461 ~~Code section.~~ The law enforcement agency shall be entitled to a fee of \$5.00 from the
 462 applicant for its services in connection with the fingerprinting and processing of an

463 application. Fingerprinting shall not be required for applicants seeking temporary renewal
464 licenses or renewal licenses.

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

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

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

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

487 (4) The law enforcement agency shall report to the judge of the probate court within 30
488 days, by telephone and in writing, of any findings relating to the applicant which may
489 bear on his or her eligibility for a weapons carry license or renewal license under the
490 terms of this Code section. When no derogatory information is found on the applicant
491 bearing on his or her eligibility to obtain a license or renewal license, a report shall not
492 be required. The law enforcement agency shall return the application ~~and the blank~~
493 ~~license form with the fingerprint thereon~~ directly to the judge of the probate court within
494 such time period. Not later than ten days after the judge of the probate court receives the
495 report from the law enforcement agency concerning the suitability of the applicant for a
496 license, the judge of the probate court shall issue such applicant a license or renewal
497 license to carry any weapon unless facts establishing ineligibility have been reported or
498 unless the judge determines such applicant has not met all the qualifications, is not of
499 good moral character, or has failed to comply with any of the requirements contained in

500 this Code section. The judge of the probate court shall date stamp the report from the law
501 enforcement agency to show the date on which the report was received by the judge of
502 the probate court.

503 (e) **Revocation, loss, or damage to license.** If, at any time during the period for which
504 the weapons carry license was issued, the judge of the probate court of the county in which
505 the license was issued shall learn or have brought to his or her attention in any manner any
506 reasonable ground to believe the licensee is not eligible to retain the license, the judge may,
507 after notice and hearing, revoke the license of the person upon a finding that such person
508 is not eligible for a weapons carry license pursuant to subsection (b) of this Code section
509 or an adjudication of falsification of application, mental incompetency, or chronic alcohol
510 or narcotic usage. It shall be unlawful for any person to possess a license which has been
511 revoked, and any person found in possession of any such revoked license, except in the
512 performance of his or her official duties, shall be guilty of a misdemeanor. ~~It shall be~~
513 ~~required that any license holder under this Code section have in his or her possession his~~
514 ~~or her valid license whenever he or she is carrying a weapon under the authority granted~~
515 ~~by this Code section, and his or her failure to do so shall be prima-facie evidence of a~~
516 ~~violation of Code Section 16-11-126.~~ Loss of any license issued in accordance with this
517 Code section or damage to the license in any manner which shall render it illegible shall
518 be reported to the judge of the probate court of the county in which it was issued within 48
519 hours of the time the loss or damage becomes known to the license holder. The judge of
520 the probate court shall thereupon issue a replacement for and shall take custody of and
521 destroy a damaged license; and in any case in which a license has been lost, he or she shall
522 issue a cancellation order and notify by telephone and in writing each of the law
523 enforcement agencies whose records were checked before issuance of the original license.
524 The judge shall charge the fee specified in subsection (k) of Code Section 15-9-60 for such
525 services.

526 (f)(1) **Weapons carry license specifications.** Weapons carry licenses issued as
527 prescribed in this Code section shall be printed on durable but lightweight card stock, and
528 ~~the completed card shall be laminated in plastic to improve its wearing qualities and to~~
529 ~~inhibit alterations. Measurements shall be 3 1/4 inches long and 2 1/4 inches wide. Each~~
530 ~~shall be serially numbered within the county of issuance and shall bear the full name,~~
531 ~~residential address, birth date, weight, height, color of eyes, and sex of the licensee. The~~
532 ~~license shall show the date of issuance, the expiration date, and the probate court in which~~
533 ~~issued and shall be signed by the licensee and bear the signature or facsimile thereof of~~
534 ~~the judge. The seal of the court shall be placed on the face before the license is~~
535 ~~laminated. Licenses issued on and before December 31, 2011, shall bear a clear print of~~
536 ~~the licensee's right index finger; however, if the right index fingerprint cannot be secured~~

537 for any reason, the print of another finger may be used but such print shall be marked to
 538 identify the finger from which the print is taken prior to January 1, 2012, shall be in the
 539 format specified by the former provisions of this paragraph as they existed on June 30,
 540 2013.

541 (2)(A) On and after January 1, 2012, newly issued or renewal weapons carry licenses
 542 shall incorporate overt and covert security features which shall be blended with the
 543 personal data printed on the license to form a significant barrier to imitation, replication,
 544 and duplication. There shall be a minimum of three different ultraviolet colors used to
 545 enhance the security of the license incorporating variable data, color shifting
 546 characteristics, and front edge only perimeter visibility. The weapons carry license shall
 547 have a color photograph viewable under ambient light on both the front and back of the
 548 license. The license shall incorporate custom optical variable devices featuring the great
 549 seal of the State of Georgia as well as matching demetalized optical variable devices
 550 viewable under ambient light from the front and back of the license incorporating
 551 microtext and unique alphanumeric serialization specific to the license holder. The
 552 license shall be of similar material, size, and thickness of a credit card and have a
 553 holographic laminate to secure and protect the license for the duration of the license
 554 period.

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

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

567 (h) **Licenses for former law enforcement officers.** Except as otherwise provided in Code
 568 Section 16-11-130, any person who has served as a law enforcement officer for at least ten
 569 of the 12 years immediately preceding the retirement of such person as a law enforcement
 570 officer shall be entitled to be issued a weapons carry license as provided for in this Code
 571 section without the payment of any of the fees provided for in this Code section. Such
 572 person shall comply with all the other provisions of this Code section relative to the
 573 issuance of such licenses. As used in this subsection, the term 'law enforcement officer'

574 means any peace officer who is employed by the United States government or by the State
 575 of Georgia or any political subdivision thereof and who is required by the terms of his or
 576 her employment, whether by election or appointment, to give his or her full time to the
 577 preservation of public order or the protection of life and property or the prevention of
 578 crime. Such term shall include conservation rangers.

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

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

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

587 (3) Such a temporary renewal license shall be in the form of a paper receipt indicating
 588 the date on which the court received the renewal application and shall show the name,
 589 address, sex, age, and race of the applicant and that the temporary renewal license expires
 590 90 days from the date of issue.

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

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

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

598 (j) **Applicant may seek relief.** When an eligible applicant fails to receive a license,
 599 temporary permit renewal license, or renewal license within the time period required by
 600 this Code section and the application or request has been properly filed, the applicant may
 601 bring an action in mandamus or other legal proceeding in order to obtain a license,
 602 temporary renewal license, or renewal license. When an applicant is otherwise denied a
 603 license, temporary renewal license, or renewal license and contends that he or she is
 604 qualified to be issued a license, temporary renewal license, or renewal license, the applicant
 605 may bring an action in mandamus or other legal proceeding in order to obtain such license.
 606 Additionally, the applicant may request a hearing before the judge of the probate court
 607 relative to the applicant's fitness to be issued such license. Upon the issuance of a denial,
 608 the judge of the probate court shall inform the applicant of his or her rights pursuant to this
 609 subsection. If such applicant is the prevailing party, he or she shall be entitled to recover
 610 his or her costs in such action, including reasonable attorney's fees.

611 (k) Data base prohibition. A person or entity shall not create or maintain a
 612 multijurisdictional data base of information regarding persons issued weapons carry
 613 licenses.

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

618 SECTION 1-8.

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

622 "(12) State and federal trial and appellate judges, judges of probate, juvenile, and
 623 magistrate courts, full-time judges of municipal and city courts, and permanent part-time
 624 judges of municipal and city courts, and former state trial and appellate judges retired
 625 from their respective offices under state retirement;

626 (12.1) Former state and federal judges, judges of probate, juvenile, and magistrate courts,
 627 full-time judges of municipal and city courts, and permanent part-time judges of
 628 municipal courts who are retired from their respective offices, provided that such judge
 629 would otherwise be qualified to be issued a weapons carry license;

630 (12.2) Former state and federal judges, judges of probate, juvenile, and magistrate courts,
 631 full-time judges of municipal and city courts, and permanent part-time judges of
 632 municipal courts who are no longer serving in their respective office, provided that he or
 633 she served as such judge for more than 24 months and provided, further, that such judge
 634 would otherwise be qualified to be issued a weapons carry license;"

635 SECTION 1-9.

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

637 "16-11-130.1.

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

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

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

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

- 646 (4) 'Weapon' shall have the same meaning as set forth in Code Section 16-11-127.1.
- 647 (b) This Code section shall not be construed to require or otherwise mandate that any local
648 board of education or school administrator adopt or implement a practice or program for
649 the approval of personnel to possess or carry weapons within a school safety zone, at a
650 school function, or on a bus or other transportation furnished by a school nor shall this
651 Code section create any liability for adopting or declining to adopt such practice or
652 program. Such decision shall rest with each individual local board of education. If a local
653 board of education adopts a policy to allow certain personnel to possess or carry weapons
654 as provided in paragraph (6) of subsection (c) of Code Section 16-11-127.1, such policy
655 shall include approval of personnel to possess or carry weapons and provide for:
- 656 (1) Training of approved personnel prior to authorizing such personnel to carry weapons.
657 The training shall at a minimum include training on judgment pistol shooting,
658 marksmanship, and a review of current laws relating to the use of force for the defense
659 of self and others; provided, however, that the local board of education training policy
660 may substitute for certain training requirements the personnel's prior military or law
661 enforcement service if the approved personnel has previously served as a certified law
662 enforcement officer or has had military service which involved similar weapons training;
- 663 (2) An approved list of the types of weapons and ammunition and the quantity of
664 weapons and ammunition authorized to be possessed or carried;
- 665 (3) The exclusion from approval of any personnel who has had an employment or other
666 history indicating any type of mental or emotional instability as determined by the local
667 board of education; and
- 668 (4) A mandatory method of securing weapons which shall include at a minimum a
669 requirement that the weapon, if permitted to be carried concealed by personnel, shall be
670 carried on the person and not in a purse, briefcase, bag, or similar other accessory which
671 is not secured on the body of the person and, if maintained separate from the person, shall
672 be maintained in a secured lock safe or similar lock box that cannot be easily accessed
673 by students.
- 674 (c) Any personnel selected to possess or carry weapons within a school safety zone, at a
675 school function, or on a bus or other transportation furnished by a school shall be a license
676 holder, and the local board of education shall be responsible for conducting a criminal
677 history background check of such personnel annually to determine whether such personnel
678 remains qualified to be a license holder.
- 679 (d) The selection of approved personnel to possess or carry a weapon within a school
680 safety zone, at a school function, or on a bus or other transportation furnished by a school
681 shall be done strictly on a voluntary basis. No personnel shall be required to possess or
682 carry a weapon within a school safety zone, at a school function, or on a bus or other

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

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

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

695 16-11-130.2.

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

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

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

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

718 **SECTION 1-10.**

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

720 "16-11-137.

721 (a) Every license holder shall have his or her valid weapons carry license in his or her
 722 immediate possession at all times when carrying a weapon, or if such person is exempt
 723 from having a weapons carry license pursuant to Code Section 16-11-130 or subsection (c)
 724 of Code Section 16-11-127.1, he or she shall have proof of his or her exemption in his or
 725 her immediate possession at all times when carrying a weapon, and his or her failure to do
 726 so shall be prima-facie evidence of a violation of the applicable provision of Code Sections
 727 16-11-126 through 16-11-127.2.

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

730 (c) A person convicted of a violation of this Code section shall be fined not more than
 731 \$10.00 if he or she produces in court his or her weapons carry license, provided that it was
 732 valid at the time of his or her arrest, or produces proof of his or her exemption.

733 16-11-138.

734 Defense of self or others, as contemplated by and provided for under Article 2 of Chapter
 735 3 of Title 16, shall be an absolute defense to any violation under this part."

736 **SECTION 1-11.**737 Said article is further amended by revising Code Section 16-11-173, relating to legislative
738 findings and preemption of local regulation and lawsuits, as follows:739 "16-11-173.

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

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

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

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

750 (B) The ~~the~~ possession, ownership, transport, carrying, transfer, sale, purchase,
 751 licensing, or registration of firearms or other weapons or components of firearms or
 752 other weapons;

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

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

755 (2) The authority to bring suit and right to recover against any weapons, firearms, or
 756 ammunition manufacturer, trade association, or dealer by or on behalf of any
 757 governmental unit created by or pursuant to an Act of the General Assembly or the
 758 Constitution, or any department, agency, or authority thereof, for damages, abatement,
 759 or injunctive relief resulting from or relating to the lawful design, manufacture,
 760 marketing, or sale of weapons, firearms, or ammunition to the public shall be reserved
 761 exclusively to the state. This paragraph shall not prohibit a political subdivision or local
 762 government authority from bringing an action against a weapons, firearms, or
 763 ammunition manufacturer or dealer for breach of contract or express warranty as to
 764 weapons, firearms, or ammunition purchased by the political subdivision or local
 765 government authority.

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

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

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

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

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

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

788 (g) Any person aggrieved as a result of a violation of this Code section may bring an
 789 action against the person who caused such aggrievement. The aggrieved person shall be

790 entitled to reasonable attorney's fees and expenses of litigation and may recover or obtain
 791 against the person who caused such damages any of the following:

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

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

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

796 **SECTION 1-12.**

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

800 "16-12-129.

801 Defense of self or others, as contemplated by and provided for under Article 2 of Chapter
 802 3 of Title 16, shall be an absolute defense to any violation under this part."

803 **SECTION 1-13.**

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

809 "(3)(A) The records of the center shall include information as to whether a person has
 810 been involuntarily hospitalized. In order to carry out the provisions of Code Section
 811 16-11-129, the center shall be provided such information and no other mental health
 812 information from the records of the probate and superior courts ordering persons to be
 813 involuntarily hospitalized. With respect to probate court records, such information shall
 814 be provided in a manner agreed upon by the Probate Judges Training Council and the
 815 bureau. With respect to superior court records, such information shall be provided in
 816 a manner agreed upon by The Council of Superior Court Clerks of Georgia and the
 817 bureau. Such records shall be provided in a manner so as to preserve the confidentiality
 818 of patients' rights in all other respects.

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

825 **SECTION 1-14.**

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

829 **PART II**830 **SECTION 2-1.**

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

832 **SECTION 2-2.**

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

835 "38-3-37.

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

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

839 (2) 'License holder' shall have the same meaning as set forth in Code Section
 840 16-11-125.1.

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

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

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

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

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

856 or

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

858 **SECTION 2-3.**

859 Said chapter is further amended by revising paragraph (8) of subsection (d) of Code Section
860 38-3-51, relating to emergency powers of the Governor, as follows:

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

868 **PART III**869 **SECTION 3-1.**

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

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

877 **SECTION 3-2.**

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

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

884 **SECTION 3-3.**

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

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

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

893 **SECTION 3-4.**

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

897 "(a) It shall be unlawful for any person to remain upon the premises or within the school
898 safety zone as defined in ~~paragraph (1) of subsection (a) of Code Section 16-11-127.1 of~~
899 any public or private school in this state or to remain upon such premises or within such
900 school safety zone when that person does not have a legitimate cause or need to be present
901 thereon. Each principal or designee of each public or private school in this state shall have
902 the authority to exercise such control over the buildings and grounds upon which a school
903 is located so as to prohibit any person who does not have a legitimate need or cause to be
904 present thereon from loitering upon such premises. Each principal or designee of each
905 public or private school in this state shall notify the appropriate law enforcement agency
906 to prohibit any person who does not have a legitimate need or cause to be present therein
907 from loitering within the school safety zone."

908 **SECTION 3-5.**

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

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

916 **SECTION 3-6.**

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

920 "(a) The board may grant a permit to carry a pistol, revolver, or other firearm to any person
921 who ~~is at least 21 years of age and~~ is a license holder as defined in Code Section
922 16-11-125.1, who is licensed or registered in accordance with this chapter, and who meets
923 the qualifications and training requirements set forth in this Code section and such other
924 qualifications and training requirements as the board by rule may establish. The board

925 shall have the authority to establish limits on type and caliber of such weapons by rule.
926 Application for such permit and for renewal thereof shall be made on forms provided by
927 the division director. No weapons permit issued under this Code section shall be
928 transferable to another individual."

929

PART IV

930

SECTION 4-1.

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