

House Bill 543

By: Representatives Clark of the 147th, Gravley of the 67th, Tarvin of the 2nd, Clark of the 98th, Caldwell of the 20th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 3 of Title 12, Title 16, Title 27, and Part 2 of Article 10 of
2 Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to general
3 provisions regarding parks, historic areas, memorials, and recreation, crimes and offenses,
4 game and fish, and parking for persons with disabilities, respectively, so as to change
5 provisions relating to the weapons carry license and the carrying of weapons; to provide for
6 the carrying of weapons by certain persons and in certain places without a licensing
7 requirement; to provide for definitions; to render it a voluntary and administrative action for
8 certain persons to seek issuance of a weapons carry license for the lawful carrying of a
9 weapon; to provide for a short title; to provide for findings; to provide for related matters;
10 to provide for an effective date; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

SECTION 1-1.

14 This Act shall be known and may be cited as the "Georgia Constitutional Carry Act of 2015."

SECTION 1-2.

16 The General Assembly finds and determines that:

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

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

24 **PART II**

25 **SECTION 2-1.**

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

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

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

38 ~~(3)(2) It shall be unlawful for any person to use or possess in any park, historic site, or~~
 39 ~~recreational area any handgun without a valid weapons carry license issued pursuant to~~
 40 ~~Code Section 16-11-129 weapon or long gun unless such person is a lawful weapons~~
 41 ~~carrier.~~

42 ~~(4)(3) It shall be unlawful for any person to use or possess in any park, historic site, or~~
 43 ~~recreational area any bows and arrows, spring guns, air rifles, slingshots, or any other~~
 44 ~~device which discharges projectiles by any means, unless the device is unloaded and~~
 45 ~~stored so as not to be readily accessible or unless such use has been approved within~~
 46 ~~restricted areas by prior written permission of the commissioner of natural resources or~~
 47 ~~his or her authorized representative.~~

48 (4) As used in this subsection, the term:

49 (A) 'Lawful weapons carrier' shall have the same meaning as provided for in Code
 50 Section 16-11-125.1.

51 (B) 'Long gun' shall have the same meaning as provided for in Code Section
 52 16-11-125.1.

53 (C) 'Weapon' shall have the same meaning as provided for in Code Section
 54 16-11-125.1."

55 **PART III**

56 **SECTION 3-1.**

57 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
58 amended by revising Code Section 16-11-125.1, relating to definitions relative to carrying
59 and possession of firearms, as follows:

60 "16-11-125.1.

61 As used in this part, the term:

62 (1) 'Handgun' means a firearm of any description, loaded or unloaded, from which any
63 shot, bullet, or other missile can be discharged by an action of an explosive where the
64 length of the barrel, not including any revolving, detachable, or magazine breech, does
65 not exceed 12 inches; provided, however, that the term 'handgun' shall not include a gun
66 which discharges a single shot of .46 ~~centimeters~~ centimeter or less in diameter.

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

70 (2.1) 'Lawful weapons carrier' means those persons provided for under subsection (b) of
71 Code Section 16-11-126.

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

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

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

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

81 provided, however, that the term 'long gun' shall not include a gun which discharges a
82 single shot of .46 ~~centimeters~~ centimeter or less in diameter.

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

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

86 **SECTION 3-2.**

87 Said title is further amended by repealing in its entirety Code Section 16-11-126, relating to
88 having or carrying handguns, long guns, or other weapons, license requirements, exceptions

89 for homes, motor vehicles, and other locations and conditions, and penalties for violations,
90 and enacting a new Code Section 16-11-126 to read as follows:

91 "16-11-126.

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

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

95 (2) 'Convicted' means an adjudication of guilt. Such term shall not include an order of
96 discharge and exoneration pursuant to Article 3 of Chapter 8 of Title 42.

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

98 (b) The following persons may carry a weapon or long gun:

99 (1) Any person who is not prohibited by law from carrying a weapon or long gun as
100 provided for in subsection (c) of this Code section;

101 (2) Any person who possesses a weapons carry license pursuant to Code Section
102 16-11-129 or issued a permit pursuant to Code Section 43-38-10; or

103 (3) Any person licensed or authorized to carry a weapon in any other state whose laws
104 recognize and give effect to a license issued pursuant to this part.

105 (c) The following persons shall be prohibited by law from carrying a weapon or long gun:

106 (1) Any person younger than 21 years of age unless he or she:

107 (A) Is at least 18 years of age;

108 (B) Has completed basic training in the armed forces of the United States; and

109 (C) Is actively serving in the armed forces of the United States or has been honorably
110 discharged from such service;

111 (2) Any person who has been convicted of a felony by a court of this state or any other
112 state or by a court of the United States, including its territories, possessions, and
113 dominions and has not been pardoned for such felony by the President of the United
114 States, the State Board of Pardons and Paroles, or the person or agency empowered to
115 grant pardons under the constitution or laws of such state or nation;

116 (3) Any person who is a fugitive from justice;

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

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

121 (6) Any person who has been convicted of carrying a weapon or long gun in an
122 unauthorized location in violation of Code Section 16-11-127 and has not been free of all
123 restraint or supervision in connection therewith and free of any other conviction for at
124 least five years;

125 (7) Any person who has been convicted of any misdemeanor involving the use or
 126 possession of a controlled substance and has not been free of all restraint or supervision
 127 in connection therewith or free of:

128 (A) A second conviction of any misdemeanor involving the use or possession of a
 129 controlled substance; or

130 (B) Any conviction under paragraph (5) or (6) of this subsection for five years;

131 (8) Except as provided for in subsection (d) of this Code section, any person who has
 132 been hospitalized as an inpatient in any mental hospital or alcohol or drug treatment
 133 center within five years;

134 (9) Except as provided for in subsection (d) of this Code section, any person who has
 135 been adjudicated mentally incompetent to stand trial; or

136 (10) Except as provided for in subsection (d) of this Code section, any person who has
 137 been adjudicated not guilty by reason of insanity at the time of the crime pursuant to Part
 138 2 of Article 6 of Chapter 7 of Title 17.

139 (d) Persons provided for under paragraphs (8), (9), and (10) of subsection (c) of this Code
 140 section may carry a weapon or long gun pursuant to the procedures and relief provided for
 141 under Code Section 16-11-129.

142 (e) A lawful weapons carrier is authorized to carry his or her weapon as provided for in
 143 subsection (c) of Code Section 16-11-127.

144 (f) Notwithstanding subsections (b) and (c) of this Code section and unless otherwise
 145 prohibited by law, any person on his or her property or inside his or her home, motor
 146 vehicle, or place of business may have or carry on his or her person a weapon or long gun.

147 (g) A person who carries a weapon in violation of this Code section commits the offense
 148 of illegally carrying a weapon and, upon conviction, shall be punished as follows:

149 (1) For the first offense, or for any subsequent offense which is not provided for under
 150 paragraph (2) of this subsection, he or she shall be guilty of a misdemeanor; and

151 (2) For the second offense within five years, as measured from the dates of previous
 152 arrests for which convictions were obtained to the date of the current arrest for which a
 153 conviction is obtained, and for any subsequent offense, he or she shall be guilty of a
 154 felony and, upon conviction thereof, shall be imprisoned for not less than two years and
 155 not more than five years."

156 **SECTION 3-3.**

157 Said title is further amended by revising subsections (c), (d), and (e) of Code Section
 158 16-11-127, relating to carrying weapons in unauthorized locations, as follows:

159 ~~"(c) A license holder or person recognized under subsection (e) of Code Section 16-11-126~~
 160 A lawful weapons carrier shall be authorized to carry a weapon as provided in Code

161 Section 16-11-135 and in every location in this state not listed in subsection (b) or
 162 prohibited by subsection (e) of this Code section or Code Section 16-11-127.1; provided,
 163 however, that private property owners or persons in legal control of private property
 164 through a lease, rental agreement, licensing agreement, contract, or any other agreement
 165 to control access to such private property shall have the right to exclude or eject a person
 166 who is in possession of a weapon or long gun on their private property in accordance with
 167 paragraph (3) of subsection (b) of Code Section 16-7-21, except as provided in Code
 168 Section 16-11-135. A violation of subsection (b) of this Code section shall not create or
 169 give rise to a civil action for damages.

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

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

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

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

183 (e)(1) ~~A license holder~~ A lawful weapons carrier shall be authorized to carry a weapon
 184 in a government building when the government building is open for business and where
 185 ingress into such building is not restricted or screened by security personnel. ~~A license~~
 186 ~~holder~~ A lawful weapons carrier who enters or attempts to enter a government building
 187 carrying a weapon where ingress is restricted or screened by security personnel shall be
 188 guilty of a misdemeanor if at least one member of such security personnel is certified as
 189 a peace officer pursuant to Chapter 8 of Title 35; provided, however, that ~~a license holder~~
 190 a lawful weapons carrier who immediately exits such building or immediately leaves such
 191 location upon notification of his or her failure to clear security due to the carrying of a
 192 weapon shall not be guilty of violating this subsection or paragraph (1) of subsection (b)
 193 of this Code section. A person who is not a ~~license holder~~ lawful weapons carrier and
 194 who attempts to enter a government building carrying a weapon shall be guilty of a
 195 misdemeanor.

196 (2) Any ~~license holder~~ lawful weapons carrier who violates subsection (b) of this Code
 197 section in a place of worship shall not be arrested but shall be fined not more than

198 \$100.00. Any person who is not a ~~license holder~~ lawful weapons carrier who violates
 199 subsection (b) of this Code section in a place of worship shall be punished as for a
 200 misdemeanor."

201 **SECTION 3-4.**

202 Said title is further amended by revising paragraph (2) of subsection (b) and paragraphs (7)
 203 and (8) of subsection (c) of Code Section 16-11-127.1, relating to carrying weapons within
 204 school safety zones, at school functions, or on school property, as follows:

205 "(2) Any ~~license holder~~ lawful weapons carrier who violates this subsection shall be
 206 guilty of a misdemeanor. Any person who is not a ~~license holder~~ lawful weapons carrier
 207 who violates this subsection shall be guilty of a felony and, upon conviction thereof, be
 208 punished by a fine of not more than \$10,000.00, by imprisonment for not less than two
 209 nor more than ten years, or both."

210 "(7) A person who is a lawful weapons carrier ~~licensed in accordance with Code Section~~
 211 ~~16-11-129₁~~, or issued a permit pursuant to ~~Code Section 43-38-10~~, when such person
 212 carries or picks up a student within a school safety zone, at a school function, or on a bus
 213 or other transportation furnished by a school or a person who is a lawful weapons carrier
 214 ~~licensed in accordance with Code Section 16-11-129₁~~, or issued a permit pursuant to ~~Code~~
 215 ~~Section 43-38-10~~ when he or she has any weapon legally kept within a vehicle when such
 216 vehicle is parked within a school safety zone or is in transit through a designated school
 217 safety zone;

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

228 **SECTION 3-5.**

229 Said part is further amended by revising subsections (a), (b), (b.1), and (e) of Code Section
 230 16-11-129, relating to weapons carry licenses, temporary renewal permit, and mandamus,
 231 as follows:

232 **"(a) Application for weapons carry license or renewal license; term.**

233 (1) The judge of the probate court of each county may, on application under oath and on
 234 payment of a fee of \$30.00, issue a weapons carry license or renewal license valid for a
 235 period of five years to any person who is provided for in paragraph (2) of this subsection
 236 or who is not prohibited by law from possessing a weapon or long gun pursuant to Code
 237 Section 16-11-126 and whose domicile is in that county or who is on active duty with the
 238 United States armed forces and who is not a domiciliary of this state but who either
 239 resides in that county or on a military reservation located in whole or in part in that
 240 county at the time of such application. Such license or renewal license shall, in the case
 241 of a person who is provided for in paragraph (2) of this subsection, authorize that person
 242 to carry any weapon in any county of this state notwithstanding any change in that
 243 person's county of residence or state of domicile and shall, in the case of all other persons,
 244 serve as administrative confirmation of the person's right to carry any weapon in any
 245 county of this state notwithstanding any change in that person's county of residence and
 246 authorize such person to carry any weapon in any county of this state notwithstanding any
 247 change in that person's state of domicile. Applicants shall submit the application for a
 248 weapons carry license or renewal license to the judge of the probate court on forms
 249 prescribed and furnished free of charge to persons wishing to apply for the license or
 250 renewal license. An applicant who is not a United States citizen shall provide sufficient
 251 personal identifying data, including without limitation his or her place of birth and United
 252 States issued alien or admission number, as the Georgia Bureau of Investigation may
 253 prescribe by rule or regulation. An applicant who is in nonimmigrant status shall provide
 254 proof of his or her qualifications for an exception to the federal firearm prohibition
 255 pursuant to 18 U.S.C. Section 922(y). Forms shall be designed to elicit information from
 256 the applicant pertinent to his or her eligibility under this Code section, including
 257 citizenship, but shall not require data which is nonpertinent or irrelevant, such as serial
 258 numbers or other identification capable of being used as a de facto registration of firearms
 259 owned by the applicant. The Department of Public Safety shall furnish application forms
 260 and license forms required by this Code section. The forms shall be furnished to each
 261 judge of each probate court within this state at no cost.

262 (2) Persons provided for under paragraphs (9), (10), and (11) of subsection (c) of Code
 263 Section 16-11-126 shall be prohibited from carrying a weapon or long gun unless such
 264 persons possess a weapons carry license as provided for by this Code section.

265 ~~(b) Licensing exceptions:~~

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

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

- 269 ~~(B) 'Convicted' means an adjudication of guilt. Such term shall not include an order~~
 270 ~~of discharge and exoneration pursuant to Article 3 of Chapter 8 of Title 42.~~
- 271 ~~(C) 'Dangerous drug' means any drug defined as such in Code Section 16-13-71.~~
- 272 ~~(2) No weapons carry license shall be issued to:~~
- 273 ~~(A) Any person younger than 21 years of age unless he or she:~~
- 274 ~~(i) Is at least 18 years of age;~~
- 275 ~~(ii) Provides proof that he or she has completed basic training in the armed forces of~~
 276 ~~the United States; and~~
- 277 ~~(iii) Provides proof that he or she is actively serving in the armed forces of the United~~
 278 ~~States or has been honorably discharged from such service;~~
- 279 ~~(B) Any person who has been convicted of a felony by a court of this state or any other~~
 280 ~~state; by a court of the United States, including its territories, possessions, and~~
 281 ~~dominions; or by a court of any foreign nation and has not been pardoned for such~~
 282 ~~felony by the President of the United States, the State Board of Pardons and Paroles,~~
 283 ~~or the person or agency empowered to grant pardons under the constitution or laws of~~
 284 ~~such state or nation;~~
- 285 ~~(C) Any person against whom proceedings are pending for any felony;~~
- 286 ~~(D) Any person who is a fugitive from justice;~~
- 287 ~~(E) Any person who is prohibited from possessing or shipping a firearm in interstate~~
 288 ~~commerce pursuant to subsections (g) and (n) of 18 U.S.C. Section 922;~~
- 289 ~~(F) Any person who has been convicted of an offense arising out of the unlawful~~
 290 ~~manufacture or distribution of a controlled substance or other dangerous drug;~~
- 291 ~~(G) Any person who has had his or her weapons carry license revoked pursuant to~~
 292 ~~subsection (e) of this Code section within three years of the date of his or her~~
 293 ~~application;~~
- 294 ~~(H) Any person who has been convicted of any of the following:~~
- 295 ~~(i) Carrying a weapon without a weapons carry license in violation of Code Section~~
 296 ~~16-11-126; or~~
- 297 ~~(ii) Carrying a weapon or long gun in an unauthorized location in violation of Code~~
 298 ~~Section 16-11-127~~
- 299 ~~and has not been free of all restraint or supervision in connection therewith and free of~~
 300 ~~any other conviction for at least five years immediately preceding the date of the~~
 301 ~~application;~~
- 302 ~~(I) Any person who has been convicted of any misdemeanor involving the use or~~
 303 ~~possession of a controlled substance and has not been free of all restraint or supervision~~
 304 ~~in connection therewith or free of:~~

305 ~~(i) A second conviction of any misdemeanor involving the use or possession of a~~
 306 ~~controlled substance; or~~

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

309 ~~(J) Except as provided for in subsection (b.1) of this Code section, any person who has~~
 310 ~~been hospitalized as an inpatient in any mental hospital or alcohol or drug treatment~~
 311 ~~center within the five years immediately preceding the application.~~

312 (3) The judge of the probate court may require any applicant to sign a waiver authorizing
 313 any mental hospital or treatment center to inform the judge whether or not the applicant
 314 has been an inpatient in any such facility in the last five years and authorizing the
 315 superintendent of such facility to make to the judge a recommendation regarding whether
 316 the applicant is a threat to the safety of others and whether a license to carry a weapon
 317 should be issued. When such a waiver is required by the judge, the applicant shall pay
 318 a fee of \$3.00 for reimbursement of the cost of making such a report by the mental health
 319 hospital, alcohol or drug treatment center, or the Department of Behavioral Health and
 320 Developmental Disabilities, which the judge shall remit to the hospital, center, or
 321 department. The judge shall keep any such hospitalization or treatment information
 322 confidential. It shall be at the discretion of the judge, considering the circumstances
 323 surrounding the hospitalization and the recommendation of the superintendent of the
 324 hospital or treatment center where the individual was a patient, to issue the weapons carry
 325 license or renewal license;

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

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

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

332 (1) Persons provided for under subparagraphs ~~(b)(2)(J), (b)(2)(K), and (b)(2)(L)~~ of this
 333 ~~Code section~~ paragraphs (9), (10), and (11) of subsection (c) of Code Section 16-11-126
 334 may petition the court in which such adjudication, hospitalization, or treatment
 335 proceedings, if any, under Chapter 3 or 7 of Title 37 occurred for relief. A copy of such
 336 petition for relief shall be served as notice upon the opposing civil party or the
 337 prosecuting attorney for the state, as the case may be, or their successors, who appeared
 338 in the underlying case. Within 30 days of the receipt of such petition, such court shall
 339 hold a hearing on such petition for relief. Such prosecuting attorney for the state may
 340 represent the interests of the state at such hearing.

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

343 (A) The circumstances which caused the person to be subject to ~~subparagraph (b)(2)(J),~~
 344 ~~(b)(2)(K), or (b)(2)(L) of this Code section paragraphs (9), (10), and (11) of subsection~~
 345 (c) of Code Section 16-11-126;

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

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

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

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

360 (3) The court shall grant the petition for relief if such court finds by a preponderance of
 361 the evidence that the person will not likely act in a manner dangerous to public safety in
 362 carrying a weapon and that granting the relief will not be contrary to the public interest.
 363 A record shall be kept of the hearing; provided, however, that such records shall remain
 364 confidential and be disclosed only to a court or to the parties in the event of an appeal.
 365 Any appeal of the court's ruling on the petition for relief shall be de novo review.

366 (4) If the court grants such person's petition for relief, the applicable ~~subparagraph~~
 367 ~~(b)(2)(J), (b)(2)(K), or (b)(2)(L) of this Code section paragraphs (9), (10), and (11) of~~
 368 subsection (c) of Code Section 16-11-126 shall not apply to such person in his or her
 369 application for a weapons carry license or renewal; provided, however, that such person
 370 shall comply with all other requirements for the issuance of a weapons carry license or
 371 renewal license. The clerk of such court shall report such order to the Georgia Crime
 372 Information Center immediately, but in no case later than ten business days after the date
 373 of such order.

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

377 "(e) **Revocation, loss, or damage to license.** If, at any time during the period for which
 378 the weapons carry license was issued, the judge of the probate court of the county in which
 379 the license was issued shall learn or have brought to his or her attention in any manner any
 380 reasonable ground to believe the licensee is not eligible to retain the license, the judge may,
 381 after notice and hearing, revoke the license of the person upon a finding that such person
 382 is not eligible for a weapons carry license pursuant to ~~subsection (b) of this Code section~~
 383 subsection (c) of Code Section 16-11-126 or an adjudication of falsification of application,
 384 mental incompetency, or chronic alcohol or narcotic usage. It shall be unlawful for any
 385 person to possess a license which has been revoked, and any person found in possession
 386 of any such revoked license, except in the performance of his or her official duties, shall
 387 be guilty of a misdemeanor. Loss of any license issued in accordance with this Code
 388 section or damage to the license in any manner which shall render it illegible shall be
 389 reported to the judge of the probate court of the county in which it was issued within 48
 390 hours of the time the loss or damage becomes known to the license holder. The judge of
 391 the probate court shall thereupon issue a replacement for and shall take custody of and
 392 destroy a damaged license; and in any case in which a license has been lost, he or she shall
 393 issue a cancellation order and notify by telephone and in writing each of the law
 394 enforcement agencies whose records were checked before issuance of the original license.
 395 The judge shall charge the fee specified in subsection (k) of Code Section 15-9-60 for such
 396 services."

397 **SECTION 3-6.**

398 Said title is further amended by revising paragraphs (12.1) and (12.2) of subsection (a) of
 399 Code Section 16-11-130, relating to exemptions from Code Section 16-11-126 through
 400 16-11-127.2, as follows:

401 "(12.1) Former state and federal judges, judges of probate, juvenile, and magistrate
 402 courts, full-time judges of municipal and city courts, and permanent part-time judges of
 403 municipal courts who are retired from their respective offices, provided that such judge
 404 ~~would otherwise be qualified to be issued a weapons carry license~~ qualifies as a lawful
 405 weapons carrier;

406 (12.2) Former state and federal judges, judges of probate, juvenile, and magistrate courts,
 407 full-time judges of municipal and city courts, and permanent part-time judges of
 408 municipal courts who are no longer serving in their respective office, provided that he or
 409 she served as such judge for more than 24 months and provided, further, that such judge
 410 ~~would otherwise be qualified to be issued a weapons carry license~~ qualifies as a lawful
 411 weapons carrier;"

412 **SECTION 3-7.**

413 Said title is further amended by revising subsection (b) of Code Section 16-11-130.2, relating
 414 to carrying a weapon or long gun at a commercial service airport, as follows:

415 "(b) A person who is not a lawful weapons carrier or license holder and who violates this
 416 Code section shall be guilty of a misdemeanor. A lawful weapons carrier or license holder
 417 who violates this Code section shall be guilty of a misdemeanor; provided, however, that
 418 a lawful weapons carrier or license holder who is notified at the screening checkpoint for
 419 the restricted access area that he or she is in possession of a weapon or long gun and who
 420 immediately leaves the restricted access area following such notification and completion
 421 of federally required transportation security screening procedures shall not be guilty of
 422 violating this Code section."

423 **SECTION 3-8.**

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

427 "(b) Except as provided in this Code section, no private or public employer, including the
 428 state and its political subdivisions, shall condition employment upon any agreement by a
 429 prospective employee that prohibits an employee from entering the parking lot and access
 430 thereto when the employee's privately owned motor vehicle contains a firearm that is
 431 locked out of sight within the trunk, glove box, or other enclosed compartment or area
 432 within such privately owned motor vehicle, provided that any applicable employees
 433 ~~possess a Georgia weapons carry license~~ are lawful weapons carriers."

434 **SECTION 3-9.**

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

438 "16-11-137.

439 (a) Every license holder who is required to have a license pursuant to paragraph (2) of
 440 subsection (a) of Code Section 16-11-129 shall have his or her valid weapons carry license
 441 in his or her immediate possession at all times when carrying a weapon, ~~or if such person~~
 442 ~~is exempt from having a weapons carry license pursuant to Code Section 16-11-130 or~~
 443 ~~subsection (c) of Code Section 16-11-127.1, he or she shall have proof of his or her~~
 444 ~~exemption in his or her immediate possession at all times when carrying a weapon, and his~~
 445 ~~or her failure to do so shall be prima-facie evidence of a violation of the applicable~~
 446 ~~provision of Code Sections 16-11-126 through 16-11-127.2.~~

447 (b) A person carrying a weapon shall not be subject to detention for the sole purpose of
 448 investigating whether such person ~~has a weapons carry license~~ is a lawful weapons carrier.

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

453 **SECTION 3-10.**

454 Said title is further amended by revising subsection (b) of Code Section 16-12-123, relating
 455 to bus or rail vehicle hijacking, boarding with concealed weapon, and company use of
 456 reasonable security measures, as follows:

457 "(b)(1) Any person who boards or attempts to board an aircraft, bus, or rail vehicle with
 458 any explosive, destructive device, or hoax device as such term is defined in Code
 459 Section 16-7-80; firearm weapon or long gun for which such person ~~does not have on his~~
 460 ~~or her person a valid weapons carry license issued pursuant to Code Section 16-11-129~~ is
 461 not a lawful weapons carrier unless possessing such firearm weapon or long gun is
 462 prohibited by federal law; hazardous substance as defined by Code Section 12-8-92; ~~or~~
 463 ~~knife~~ or other device designed or modified for the purpose of offense and defense
 464 concealed on or about his or her person or property which is or would be accessible to such
 465 person while on the aircraft, bus, or rail vehicle shall be guilty of a felony and, upon
 466 conviction thereof, shall be sentenced to imprisonment for not less than one nor more than
 467 ten years. The prohibition of this subsection shall not apply to any law enforcement
 468 officer, peace officer retired from a state or federal law enforcement agency, person in the
 469 military service of the state or of the United States, or commercial security personnel
 470 employed by the transportation company who is in possession of weapons used within the
 471 course and scope of employment; nor shall the prohibition apply to persons transporting
 472 weapons contained in baggage which is not accessible to passengers if the presence of such
 473 weapons has been declared to the transportation company and such weapons have been
 474 secured in a manner prescribed by state or federal law or regulation for the purpose of
 475 transportation or shipment. The provisions of this subsection shall not apply to any
 476 privately owned aircraft, bus, or rail vehicle if the owner of such aircraft or vehicle has
 477 given his or her express permission to board the aircraft or vehicle with the item.

478 (2) As used in this subsection, the term:

479 (A) 'Lawful weapons carrier' shall have the same meaning as provided for in Code
 480 Section 16-11-125.1.

481 (B) 'Long gun' shall have the same meaning as provided for in Code Section
 482 16-11-125.1.

483 (C) 'Weapon' shall have the same meaning as provided for in Code Section
 484 16-11-125.1."

485 **SECTION 3-11.**

486 Said title is further amended in Code Section 16-12-127, relating to prohibition on firearms,
 487 hazardous substances, knives, or other devices; penalty; and affirmative defenses, by revising
 488 subsection (a) and adding a new subsection as follows:

489 "(a) It shall be unlawful for any person, with the intention of avoiding or interfering with
 490 a security measure or of introducing into a terminal any explosive, destructive device, or
 491 hoax device as defined in Code Section 16-7-80; ~~firearm~~ weapon or long gun for which
 492 such person ~~does not have on his or her person a valid weapons carry license issued~~
 493 ~~pursuant to Code Section 16-11-129~~ is not a lawful weapons carrier unless possessing such
 494 ~~firearm~~ weapon or long gun is prohibited by federal law; hazardous substance as defined
 495 by Code Section 12-8-92; ~~or knife~~ or other device designed or modified for the purpose of
 496 offense and defense, to:

- 497 (1) Have any such item on or about his or her person, or
 498 (2) Place or cause to be placed or attempt to place or cause to be placed any such item:
 499 (A) In a container or freight of a transportation company;
 500 (B) In the baggage or possessions of any person or any transportation company without
 501 the knowledge of the passenger or transportation company; or
 502 (C) Aboard such aircraft, bus, or rail vehicle."

503 "(d) As used in this Code section, the term:

- 504 (1) 'Lawful weapons carrier' shall have the same meaning as provided for in Code
 505 Section 16-11-125.1.
 506 (2) 'Long gun' shall have the same meaning as provided for in Code Section 16-11-125.1.
 507 (3) 'Weapon' shall have the same meaning as provided for in Code Section 16-11-125.1."

508 **PART IV**

509 **SECTION 4-1.**

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

513 "(1) To possess a firearm other than a handgun, as such term is defined in Code
 514 Section 16-11-125.1, during a closed hunting season for that area unless such firearm is
 515 unloaded and stored in a motor vehicle so as not to be readily accessible ~~or to possess a~~

516 ~~handgun during a closed hunting season for that area unless such person possesses a valid~~
 517 ~~weapons carry license issued pursuant to Code Section 16-11-129;~~
 518 (2) To possess a loaded firearm other than a handgun, as such term is defined in Code
 519 Section 16-11-125.1, in a motor vehicle during a legal open hunting season for that area
 520 ~~or to possess a loaded handgun in a motor vehicle during a legal open hunting season for~~
 521 ~~that area unless such person possesses a valid weapons carry license issued pursuant to~~
 522 ~~Code Section 16-11-129;"~~

523 **SECTION 4-2.**

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

526 "27-3-6.

527 It shall be unlawful for any person to possess any center-fire or rimfire firearm other than
 528 a handgun, as such term is defined in Code Section 16-11-125.1, while hunting with a bow
 529 and arrow during archery or primitive weapons season for deer or while hunting with a
 530 muzzleloading firearm during a primitive weapons season for deer ~~or to possess a loaded~~
 531 ~~handgun while hunting with a bow and arrow during archery or primitive weapons season~~
 532 ~~for deer or while hunting with a muzzleloading firearm during primitive weapons season~~
 533 ~~for deer unless such person possesses a valid weapons carry license issued pursuant to~~
 534 ~~Code Section 16-11-129."~~

535 **SECTION 4-3.**

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

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

544 (2) To possess a loaded firearm other than a handgun, as such term is defined in Code
 545 Section 16-11-125.1, in a motor vehicle during a legal open hunting season for that area
 546 ~~or to possess a loaded handgun in a motor vehicle during a legal open hunting season for~~
 547 ~~that area unless such person possesses a valid weapons carry license issued pursuant to~~
 548 ~~Code Section 16-11-129; or"~~

549

PART V

550

SECTION 5-1.

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

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

561

PART VI

562

SECTION 6-1.

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

565

SECTION 6-2.

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