

House Bill 1060 (AS PASSED HOUSE AND SENATE)

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

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated,  
2 relating to deceptive or unfair practices, so as to prohibit the discriminatory refusal to provide  
3 credit or financial services to those persons engaged in the lawful commerce of firearms or  
4 ammunition products; to provide for a short title; to provide definitions; to provide for civil  
5 causes of action; to provide for action by the Attorney General; to amend Code Section  
6 15-9-123 of the Official Code of Georgia Annotated, relating to appeal, so as to provide that  
7 appeals regarding petitions for relief pursuant to Code Section 35-3-34 from probate courts  
8 as provided for under Article 6 of Chapter 9 of Title 15 shall be by de novo review to the  
9 superior courts; to amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code  
10 of Georgia Annotated, relating to carrying and possession of firearms, so as to permit certain  
11 new residents to carry a weapon in this state for a limited time without a weapons carry  
12 license; to provide for definitions; to provide an exception for a license holder carrying in a  
13 place of worship; to revise provisions relating to carrying weapons within school safety  
14 zones, at school functions, or on a bus or other transportation furnished by a school; to allow  
15 the judge of the probate court to provide for printed information on gun safety; to provide for  
16 the maintenance of gun safety information on the website of the Department of Natural  
17 Resources; to revise and clarify the determinations to be made and the procedures to be  
18 followed by law enforcement agencies and the judge of the probate court in the issuance of  
19 a weapons carry license; to provide for replacement weapons carry licenses for persons who  
20 have a legal name change or address change; to clarify that certain active and retired law  
21 enforcement officers shall be authorized to carry a handgun on or off duty anywhere within  
22 this state; to authorize certain retired law enforcement officers to carry a handgun anywhere  
23 within this state; to revise carrying by certain persons with a courthouse; to clarify the  
24 meaning of commercial service airport relative to the carrying of a weapon or long gun; to  
25 amend Code Section 35-3-34 of the Official Code of Georgia Annotated, relating to  
26 disclosure and dissemination of criminal records to private persons and businesses, resulting  
27 responsibility and liability of issuing center, and provision of certain information to the FBI  
28 in conjunction with the National Instant Criminal Background Check System, so as to allow

29 for the preservation of a person's involuntary hospitalization information received by the  
 30 Georgia Crime Information Center; to correct references; to provide for exceptions; to  
 31 provide for a judicial procedure for purging a person's involuntary hospitalization  
 32 information received by the Georgia Crime Information Center; to amend Chapter 1 of Title  
 33 51 of the Official Code of Georgia Annotated, relating to general provisions regarding torts,  
 34 so as to provide for civil immunity of firearm instructors; to provide for related matters; to  
 35 repeal conflicting laws; and for other purposes.

36 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

37 **SECTION 1.**

38 Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to  
 39 deceptive or unfair practices, is amended by adding a new part to read as follows:

40 "Part 7

41 10-1-439.

42 This part shall be known and may be cited as the 'Georgia Firearms Industry  
 43 Nondiscrimination Act.'

44 10-1-439.1.

45 As used in this part, the term:

46 (1) 'Financial services' means any service or product offered to the consumer or business  
 47 market by a bank, trust company, credit union as defined by Code Section 7-1-4, any  
 48 merchant acquirer limited purpose bank as defined in paragraph (7) of Code Section  
 49 7-9-2, or a federally chartered banking institution that accepts state deposits.

50 (2) 'Person' means one or more individuals, partnerships, associations, limited liability  
 51 companies, corporations, unincorporated organizations, mutual companies, joint stock  
 52 companies, trusts, agents, legal representatives, trustees, trustees in bankruptcy, receivers,  
 53 labor organizations, public bodies, and public corporations and the State of Georgia and  
 54 all political subdivisions and agencies thereof. Such term shall include federally  
 55 chartered banking institutions that accept state deposits.

56 (3) 'Trade association' means any corporation, unincorporated association, federation,  
 57 business league, or professional or business organization not organized or operated for  
 58 profit and no part of the net earnings of which inures to the benefit of any private  
 59 shareholder or individual; that is an organization described in Section 501(c)(6) of  
 60 Title 26 of the United States Code and exempt from tax under Section 501(a) of such

61 title; and two or more members of which are manufacturers or sellers of a qualified  
62 product as defined by Section 7903(4) of Title 15 of the United States Code.

63 10-1-439.2.

64 Unless otherwise precluded by law, regulation, or membership eligibility, it shall be an  
65 unlawful discriminatory practice for any person to refuse to provide financial services of  
66 any kind to, to refrain from continuing to provide existing financial services to, to terminate  
67 existing financial services with, or to otherwise discriminate in the provision of financial  
68 services against a person or trade association solely because such person or trade  
69 association is engaged in the lawful commerce of firearms or ammunition products and is  
70 licensed pursuant to Chapter 44 of Title 18 of the United States Code or is a trade  
71 association.

72 10-1-439.3.

73 Whenever the Attorney General has reason to believe that any person is engaging, has  
74 engaged, or is about to engage in any act or practice declared unlawful by this part, the  
75 Attorney General shall, upon written request or by his or her own initiative, investigate and,  
76 upon finding a probable violation of this part, bring an action in the name of the state  
77 against such person:

78 (1) To obtain a declaratory judgment that the act or practice violates the provisions of  
79 this part;

80 (2) To enjoin any act or practice that violates the provisions of this part by issuance of  
81 a temporary restraining order or preliminary or permanent injunction, without bond, upon  
82 the giving of appropriate notice; and

83 (3) To recover civil penalties of up to \$10,000.00 per violation of this part or any  
84 injunction, judgment, or consent order issued or entered into under the provisions of this  
85 chapter and reasonable expenses, investigative costs, and attorney's fees.

86 10-1-439.4.

87 The provisions of this part shall not apply to any bank, trust company, credit union, or  
88 merchant acquirer limited purpose bank that is chartered under the laws of this state or any  
89 other state to the extent that federal law precludes or preempts or has been determined to  
90 preclude or preempt the application of the provisions of this part to any federally chartered  
91 bank, trust company, credit union, or merchant acquirer limited purpose bank."



127 **SECTION 4.**

128 Said part is further amended by revising paragraph (2) of subsection (e) of Code Section  
 129 16-11-127, relating to carrying weapons in unauthorized locations, as follows:

130 "(2) Any license holder who violates subsection (b) of this Code section in a place of  
 131 worship shall not be arrested but shall be fined not more than \$100.00; provided,  
 132 however, that a license holder shall not be in violation of subsection (b) or (c) of this  
 133 Code section if such license holder immediately leaves such place of worship while  
 134 carrying a weapon or long gun upon personal notification by such place of worship that  
 135 he or she is carrying a weapon or long gun in a place of worship which does not permit  
 136 the carrying of a weapon or long gun. Any person who is not a license holder who  
 137 violates subsection (b) of this Code section in a place of worship shall be punished as for  
 138 a misdemeanor."

139 **SECTION 5.**

140 Said part is further amended by revising paragraph (5) of subsection (c) of Code Section  
 141 16-11-127.1, relating to carrying weapons within school safety zones, at school functions,  
 142 or on a bus or other transportation furnished by a school, as follows:

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

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

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

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

148 (D) An employee of the Department of Corrections or a correctional facility operated  
 149 by a political subdivision of this state or the United States who is authorized by the  
 150 head of such department or correctional agency or facility to carry a firearm;

151 (E) An employee of the Department of Community Supervision who is authorized by  
 152 the commissioner of community supervision to carry a firearm;

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

155 (G) Medical examiners, coroners, and their investigators who are employed by the state  
 156 or any political subdivision thereof;

157 provided, however, that this Code section shall not apply to any extent to persons who  
 158 are provided for under Code Section 16-11-130;"

159 **SECTION 6.**

160 Said part is further amended in Code Section 16-11-129, relating to weapons carry permit,  
 161 temporary renewal permit, and terms, by adding a new subsection, by revising paragraph (4)

162 of subsection (d) and paragraph (2) of subsection (e), and by adding a new paragraph to  
 163 subsection (e) to read as follows:

164 "(a.1) Gun safety information.

165 (1) Upon receipt of an application for a weapons carry license or renewal license, the  
 166 judge of the probate court may provide applicants printed information on gun safety that  
 167 is produced by any person or organization that, in the discretion of the judge of the  
 168 probate court, offers practical advice for gun safety. The source of such printed  
 169 information shall be prominently displayed on such printed information.

170 (2) The Department of Natural Resources shall maintain on its principal, public website  
 171 information, or a hyperlink to information, which provides resources for information on  
 172 hunter education and classes and courses in this state that render instruction in gun safety.  
 173 No person shall be required to take such classes or courses for purposes of this Code  
 174 section where such information shall be provided solely for the convenience of the  
 175 citizens of this state.

176 (3) Neither the judge of the probate court nor the Department of Natural Resources shall  
 177 be liable to any person for personal injuries or damage to property arising from  
 178 conformance to this Code section."

179 "(4) The law enforcement agency shall report to the judge of the probate court within 30  
 180 days, by telephone and in writing, of any findings relating to the applicant which may  
 181 bear on his or her eligibility for a weapons carry license or renewal license under the  
 182 terms of this Code section. When no derogatory information is found on the applicant  
 183 bearing on his or her eligibility to obtain a license or renewal license, a report shall not  
 184 be required. The law enforcement agency shall return the application directly to the  
 185 judge of the probate court within such time period. Not later than ten days after the judge  
 186 of the probate court receives the report from the law enforcement agency concerning the  
 187 suitability of the applicant for a license, the judge of the probate court shall issue such  
 188 applicant a license or renewal license to carry any weapon unless facts establishing  
 189 ineligibility have been reported or unless the judge determines such applicant has not met  
 190 all the qualifications, is not of good moral character, or has failed to comply with any of  
 191 the requirements contained in this Code section. The judge of the probate court shall date  
 192 stamp the report from the law enforcement agency to show the date on which the report  
 193 was received by the judge of the probate court. The judge of the probate court shall not  
 194 suspend the processing of the application or extend, delay, or avoid any time  
 195 requirements provided for under this paragraph."

196 "(2) If a person is convicted of any crime or involved in any matter otherwise adjudicated  
 197 in a matter which would make the maintenance of a weapons carry license by such person  
 198 unlawful pursuant to subsection (b) of this Code section, the judge of the superior court

199 or state court hearing such case or presiding over such matter shall inquire whether such  
 200 person is the holder of a weapons carry license. If such person is the holder of a weapons  
 201 carry license, then the judge of the superior court or state court shall inquire of such  
 202 person the county of the probate court which issued such weapons carry license, or if  
 203 such person has ever had his or her weapons carry license renewed, then of the county  
 204 of the probate court which most recently issued such person a renewal license. The judge  
 205 of the superior court or state court shall notify the judge of the probate court of such  
 206 county of the matter which makes the maintenance of a weapons carry license by such  
 207 person to be unlawful pursuant to subsection (b) of this Code section. The Council of  
 208 Superior Court Judges of Georgia and The Council of State Court Judges of Georgia shall  
 209 provide by rule for the procedures which judges of the superior court and the judges of  
 210 the state courts, respectively, are to follow for the purposes of this paragraph."

211 "(4) Any person, upon petition to the judge of the probate court, who has a weapons carry  
 212 license or renewal license with more than 90 days remaining before the expiration of such  
 213 weapons carry license or renewal license and who has had a legal name change,  
 214 including, but not limited to, on account of marriage or divorce, or an address change  
 215 shall be issued a replacement weapons carry license for the same time period of the  
 216 weapons carry license or renewal license being replaced. Upon issuance and receipt of  
 217 such replacement weapons carry license, the license holder shall surrender the weapons  
 218 carry license being replaced to the judge of the probate court and such judge shall take  
 219 custody of and destroy the weapons carry license being replaced. The judge of the  
 220 probate court shall provide for the updating of any records as necessary to account for the  
 221 license holder's change of name or address. The judge of the probate court shall charge  
 222 the fee specified in paragraph (13) of subsection (k) of Code Section 15-9-60 for services  
 223 provided under this paragraph."

224

#### SECTION 7.

225 Said part is further amended in Code Section 16-11-130, relating to exemptions from Code  
 226 Sections 16-11-126 through 16-11-127.2, by revising the introductory language of subsection  
 227 (a), subsections (b) and (c), and by adding a new subsection to read as follows:

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

232 "(b) Except to the extent provided for in subsection (c.1) of this Code section, Code  
 233 Sections 16-11-126 through 16-11-127.2 shall not apply to or affect persons who at the  
 234 time of their retirement from service with the Department of Community Supervision were

235 community supervision officers, when specifically designated and authorized in writing by  
 236 the commissioner of community supervision.

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

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

244 (2) Member of the Georgia State Patrol, ~~or~~ agent of the Georgia Bureau of Investigation,  
 245 ~~or~~ retired member of the Georgia State Patrol, or retired agent of the Georgia Bureau of  
 246 Investigation if such retired member or agent is receiving benefits under the Employees'  
 247 Retirement System;

248 (3) Full-time law enforcement chief executive engaging in the management of a county,  
 249 municipal, state, state authority, or federal law enforcement agency in the State of  
 250 Georgia, including any college or university law enforcement chief executive ~~that~~ who  
 251 is registered or certified by the Georgia Peace Officer Standards and Training Council;  
 252 or retired law enforcement chief executive ~~that~~ who formerly managed a county,  
 253 municipal, state, state authority, or federal law enforcement agency in the State of  
 254 Georgia, including any college or university law enforcement chief executive ~~that~~ who  
 255 was registered or certified at the time of his or her retirement by the Georgia Peace  
 256 Officer Standards and Training Council, if such retired law enforcement chief executive  
 257 is receiving benefits under the Peace Officers' Annuity and Benefit Fund provided under  
 258 Chapter 17 of Title 47 or is retired in good standing and receiving benefits from a county,  
 259 municipal, State of Georgia, state authority, or federal retirement system; ~~or~~

260 (4) Police officer of any county, municipal, state, state authority, or federal law  
 261 enforcement agency in the State of Georgia, including any college or university police  
 262 officer ~~that~~ who is registered or certified by the Georgia Peace Officer Standards and  
 263 Training Council, or retired police officer of any county, municipal, state, state authority,  
 264 or federal law enforcement agency in the State of Georgia, including any college or  
 265 university police officer ~~that~~ who was registered or certified at the time of his or her  
 266 retirement by the Georgia Peace Officer Standards and Training Council, if such retired  
 267 ~~employee~~ police officer is receiving benefits under the Peace Officers' Annuity and  
 268 Benefit Fund provided under Chapter 17 of Title 47 or is retired in good standing and  
 269 receiving benefits from a county, municipal, State of Georgia, state authority, or federal  
 270 retirement system; or

271 (5) Person who is a citizen of this state and:

272 (A) Has retired with at least ten years of aggregate service as a law enforcement officer  
 273 with powers of arrest under the laws of any state of the United States or of the United  
 274 States;

275 (B) Separated from service in good standing, as determined by criteria established by  
 276 the Georgia Peace Officer Standards and Training Council, from employment with his  
 277 or her most recent law enforcement agency; and

278 (C) Possesses on his or her person an identification card for retired law enforcement  
 279 officers as issued by the Georgia Peace Officer Standards and Training Council;  
 280 provided, however, that such person meets the standards for the issuance of such card  
 281 as provided for by the council, including, but not limited to, maintenance of  
 282 qualification in firearms training.

283 In addition, any such sheriff, retired sheriff, deputy sheriff, retired deputy sheriff, member  
 284 of the Georgia State Patrol, retired member of the Georgia State Patrol, agent of the  
 285 Georgia Bureau of Investigation, retired agent of the Georgia Bureau of Investigation,  
 286 active or retired law enforcement chief executive, person who is a retired law enforcement  
 287 officer as provided for in paragraph (5) of this subsection, or other law enforcement officer  
 288 referred to in this subsection shall be authorized to carry a handgun on or off duty  
 289 anywhere within the this state, including, but not limited to, in a courthouse except to the  
 290 extent provided for in subsection (c.1) of this Code section, and the provisions of Code  
 291 Sections 16-11-126 through 16-11-127.2 shall not apply to the carrying of such firearms.

292 (c.1)(1)(A) Pursuant to a comprehensive plan for the security of the county courthouse  
 293 and any courthouse annex as provided for in subsection (a) of Code Section 15-16-10,  
 294 the sheriff with jurisdiction over such county courthouse or courthouse annex may  
 295 provide for facilities or the means for the holding of weapons carried by persons  
 296 enumerated under this Code section, except as provided for in paragraph (2) of this  
 297 subsection; provided, however, that ingress to such courthouse or courthouse annex is  
 298 actively restricted or screened by the sheriff or his or her deputy sheriffs, and such  
 299 facilities or means are located near the area which is restricted or screened by the sheriff  
 300 or his or her deputy sheriffs.

301 (B) If the requirements of this paragraph are met, the persons enumerated under this  
 302 Code section shall, except as provided for in paragraph (2) of this subsection, upon  
 303 request of the sheriff, place their weapons in such holding with the sheriff or his or her  
 304 deputy sheriffs pursuant to the comprehensive plan while such persons are within the  
 305 restricted or screened area. Upon request of any person enumerated under this Code  
 306 section, in preparation for his or her exit from the restricted or screened area, the sheriff

307 or his or her deputy sheriffs shall immediately provide for the return of the person's  
 308 weapons which are in holding.

309 (2) Notwithstanding a comprehensive plan for the security of the county courthouse and  
 310 any courthouse annex as provided for in subsection (a) of Code Section 15-16-10, active  
 311 law enforcement officers referred to in subsection (c) of this Code section shall be  
 312 authorized in the performance of their duties to carry handguns in a level 3 holster in any  
 313 courthouse or courthouse annex if they are wearing the Class A uniform of their law  
 314 enforcement agency or have the official badge issued to them by their law enforcement  
 315 agency displayed and plainly visible on their person.

316 (3) As used in this subsection, the term 'weapon' shall have the same meaning as  
 317 provided for in Code Section 16-11-125.1; provided, however, that such term shall  
 318 additionally mean any firearm."

319 **SECTION 8.**

320 Said part is further amended by adding a new subsection to Code Section 16-11-130.2,  
 321 relating to carrying a weapon or long gun at a commercial service airport, to read as follows:

322 "(a.1) As used in this Code section, the term:

323 (1) 'Commercial service airport' means an airport that receives scheduled passenger  
 324 aircraft service from any major airline carrier.

325 (2) 'Major airline carrier' means an airline that has more than \$1 billion in annual  
 326 operating revenue during a fiscal year."

327 **SECTION 9.**

328 Code Section 35-3-34 of the Official Code of Georgia Annotated, relating to disclosure and  
 329 dissemination of criminal records to private persons and businesses, resulting responsibility  
 330 and liability of issuing center, and provision of certain information to the FBI in conjunction  
 331 with the National Instant Criminal Background Check System, is amended by revising  
 332 paragraph (2) of subsection (e) as follows:

333 "(2)(A) The records of the Georgia Crime Information Center shall include information  
 334 as to whether a person has been involuntarily hospitalized. Notwithstanding any other  
 335 provisions of law and in order to carry out the provisions of this Code section and Code  
 336 Section 16-11-172, the Georgia Crime Information Center shall be provided such  
 337 information and no other mental health information from the involuntary hospitalization  
 338 records of the probate courts concerning persons involuntarily hospitalized after  
 339 March 22, 1995, in a manner agreed upon by ~~the Probate Judges Training Council~~ The  
 340 Council of Probate Court Judges of Georgia and the Georgia Bureau of Investigation  
 341 to preserve the confidentiality of patients' rights in all other respects. Further,

342 notwithstanding any other provisions of law and in order to carry out the provisions of  
 343 this Code section and Code Section 16-11-172, the center shall be provided information  
 344 as to whether a person has been adjudicated mentally incompetent to stand trial or not  
 345 guilty by reason of insanity at the time of the crime, has been involuntarily hospitalized,  
 346 or both from the records of the clerks of the superior courts concerning persons  
 347 involuntarily hospitalized after March 22, 1995, in a manner agreed upon by The  
 348 Council of Superior Court Clerks of Georgia and the Georgia Bureau of Investigation  
 349 to preserve the confidentiality of patients' rights in all other respects. ~~After five years~~  
 350 ~~have elapsed from the date that a person's involuntary hospitalization information has~~  
 351 ~~been received by the Georgia Crime Information Center, the center shall purge its~~  
 352 ~~records of such information as soon as practicable and in any event purge such records~~  
 353 ~~within 30 days after the expiration of such five-year period~~ Pursuant to this Code  
 354 section, such person may petition the court in which such hospitalization proceedings  
 355 occurred for relief. A copy of such petition for relief shall be served as notice upon the  
 356 opposing civil party or the prosecuting attorney for the state, as the case may be, or  
 357 their successors, who appeared in the underlying case. Within 60 days of the receipt  
 358 of such petition for relief by the interested parties, such court shall hold a hearing on  
 359 such petition for relief; provided, however, that such time may be extended for good  
 360 cause as determined by the court. Such prosecuting attorney for the state may represent  
 361 the interests of the state at such hearing.

362 (B) At the hearing provided for under subparagraph (A) of this paragraph, the court  
 363 shall receive and consider evidence in a proceeding concerning:

- 364 (i) The circumstances which caused the person to be subject to such hospitalization;
- 365 (ii) The person's mental health and criminal history records, if any. The judge of  
 366 such court shall require any such person to sign a waiver authorizing the  
 367 superintendent or medical head of any mental hospital or treatment center to make to  
 368 the judge and the parties a recommendation regarding whether such person is a threat  
 369 to the safety of himself or herself or others;
- 370 (iii) The person's reputation, which shall be established through character witness  
 371 statements, testimony, or other character evidence; and
- 372 (iv) Changes in the person's condition or circumstances since such hospitalization.

373 (C)(i) The court shall issue a written order of its decision on the petition for relief  
 374 provided for under subparagraph (A) of this paragraph no later than 30 days after the  
 375 hearing.

376 (ii) The court shall grant the petition for relief if such court finds by a preponderance  
 377 of the evidence that the person will not likely act in a manner dangerous to himself  
 378 or herself or public safety and that granting the relief is otherwise consistent with the

379 standards for the issuance of a weapons carry license as provided for in  
 380 subsection (b.1) of Code Section 16-11-129. A record shall be kept of the hearing;  
 381 provided, however, that such record shall remain confidential and be disclosed only  
 382 to a court or to the parties in the event of an appeal. Any appeal of the court's ruling  
 383 on the petition shall be as provided for by laws governing the appeal of decisions  
 384 from such court; provided, however, that any such appeal from a probate court as  
 385 provided for under Article 6 of Chapter 9 of Title 15 shall be by de novo review to the  
 386 superior court.

387 (iii) If the court grants such person's petition for relief, the clerk of such court shall  
 388 report such order to the Georgia Crime Information Center immediately, but in no  
 389 case later than ten business days after the date of such order, and the center shall  
 390 purge such record that is the subject of the order as soon as practicable but not later  
 391 than 30 days after receipt of such order.

392 (D) A person may petition for relief under this paragraph not more than once every two  
 393 years. In the case of a person who has been hospitalized, such person shall not petition  
 394 for relief prior to being discharged from such hospitalization. A first petition for relief  
 395 may be made only after 12 months from the date on which a person's involuntary  
 396 hospitalization commenced.

397 (E) Information received by the prosecuting attorney for the state pursuant to this  
 398 paragraph shall not be used against the petitioner in any other case or context unless  
 399 such information is usable in such other case or context by other rules of evidence or  
 400 discovery."

#### 401 **SECTION 10.**

402 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general  
 403 provisions regarding torts, is amended by adding a new Code section to read as follows:

404 "51-1-55.

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

406 (1) 'Dangerous weapon' shall have the same meaning as provided for under Code Section  
 407 16-11-121.

408 (2) 'Firearm' means any handgun, rifle, shotgun, or other weapon which will or can be  
 409 converted to expel a projectile by the action of an explosive or electrical charge and  
 410 which is not a dangerous weapon.

411 (b) Any instructor who lawfully instructs, educates, or trains a person in the safe, proper,  
 412 or technical use of a firearm shall be immune from civil liability for any injuries caused by  
 413 the failure of such person to use such firearm properly or lawfully."

414

**SECTION 11.**

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