

The House Committee on Public Safety and Homeland Security offers the following substitute to SB 270:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated,
2 relating to obstruction of public administration and related offenses, so as to revise provisions
3 relating to transmitting a false public alarm; to provide a definition; to revise penalty
4 provisions; to amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of
5 Georgia Annotated, relating to carrying and possession of firearms, so as to permit certain
6 new residents to carry a weapon in this state for a limited time without a weapons carry
7 license; to provide an exception for a license holder carrying in a place of worship; to allow
8 the judge of the probate court to provide for printed information on gun safety; to provide for
9 the maintenance of gun safety information on the website of the Department of Natural
10 Resources; to clarify that certain active and retired law enforcement officers shall be
11 authorized to carry a handgun on or off duty anywhere within this state; to authorize certain
12 retired law enforcement officers to carry a handgun anywhere within this state; to clarify the
13 meaning of commercial service airport relative to the carrying of a weapon or long gun; to
14 amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general
15 provisions regarding torts, so as to provide for civil immunity of firearm instructors; to
16 provide for related matters; to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to
20 obstruction of public administration and related offenses, is amended by revising Code
21 Section 16-10-28, relating to transmitting a false public alarm and restitution, as follows:

22 "16-10-28.

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

24 (1) 'Critical infrastructure' means any building, place of assembly, or facility that is
25 located in this state and necessary for national or public security, education, or public
26 safety.

27 (2) 'Destructive device' means a destructive device as such term is defined by Code
28 Section 16-7-80.

29 ~~(2)~~(3) 'Hazardous substance' means a hazardous substance as such term is defined by
30 Code Section 12-8-92.

31 ~~(b) A person who transmits in any manner a false alarm to the effect that a destructive~~
32 ~~device or hazardous substance of any nature is concealed in such place that its explosion,~~
33 ~~detonation, or release would endanger human life or cause injury or damage to property,~~
34 ~~knowing at the time that there is no reasonable ground for believing that such a destructive~~
35 ~~device or hazardous substance is concealed in such place, commits the offense of~~
36 ~~transmitting a false public alarm and, upon conviction thereof, shall be punished by~~
37 ~~imprisonment for not less than one nor more than five years or by a fine of not less than~~
38 ~~\$1,000.00, or both. A person commits the offense of transmitting a false public alarm~~
39 ~~when he or she knowingly and intentionally transmits in any manner a report or warning~~
40 ~~knowing at the time of the transmission that there is no reasonable ground for believing~~
41 ~~such report or warning and when the report or warning relates to:~~

42 (1) A destructive device or hazardous substance is located in such a place that its
43 explosion, detonation, or release would endanger human life or cause injury or damage
44 to property; or

45 (2) An individual who has caused or threatened to cause physical harm to himself or
46 herself or another individual by using a deadly weapon or with any object, device, or
47 instrument which, when used offensively against a person, is likely to result in serious
48 bodily injury.

49 (c)(1) Except as provided in paragraph (2) of this subsection, a person convicted of a
50 violation of subsection (b) of this Code section shall be punished as for a misdemeanor
51 of a high and aggravated nature and upon conviction for a second or subsequent violation
52 of subsection (b) of this Code section shall be guilty of a felony and punished by
53 imprisonment for not less than one nor more than ten years, by a fine of not less than
54 \$5,000.00, or both.

55 (2) If the location of the violation of paragraph (1) of subsection (b) of this Code section
56 is critical infrastructure, such person shall be guilty of a felony and upon conviction shall
57 be punished by imprisonment for not less than five nor more than ten years, a fine of not
58 more than \$100,000.00, or both.

59 ~~(e)~~(d) In addition to any other penalty imposed by law for a violation of this Code section,
60 the court may require the defendant to make restitution to any affected public or private
61 entity for the reasonable costs or damages associated with the offense including, without
62 limitation, the actual value of any goods, services, or income lost as a result of such
63 violation. Restitution made pursuant to this subsection shall not preclude any party from

64 obtaining any other civil or criminal remedy available under any other provision of law.
 65 The restitution authorized by this subsection is supplemental and not exclusive."

66 **SECTION 2.**

67 Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
 68 relating to carrying and possession of firearms, is amended by revising subsections (e) and
 69 (f) of Code Section 16-11-126, relating to having or carrying handguns, long guns, or other
 70 weapons, license requirement, exceptions for homes, motor vehicles, private property, and
 71 other locations and conditions, as follows:

72 "(e)(1) Any person licensed to carry a handgun or weapon in any other state whose laws
 73 recognize and give effect to a license issued pursuant to this part shall be authorized to
 74 carry a weapon in this state, but only while the licensee is not a resident of this state;
 75 provided, however, that such licensee shall carry the weapon in compliance with the laws
 76 of this state.

77 (2) Any person who is not a weapons carry license holder in this state and who is
 78 licensed to carry a handgun or weapon in any other state whose laws recognize and give
 79 effect to a license issued pursuant to this part shall be authorized to carry a weapon in this
 80 state for 90 days after he or she becomes a resident of this state; provided, however, that
 81 such person shall carry the weapon in compliance with the laws of this state, shall as soon
 82 as practicable submit a weapons carry license application as provided for under Code
 83 Section 16-11-129, and shall remain licensed in such other state for the duration of time
 84 that he or she is a resident of this state but not a weapons carry license holder in this state.

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

91 (2) Any person with a valid hunting or fishing license on his or her person, or any person
 92 not required by law to have a hunting or fishing license, who is otherwise engaged in
 93 legal hunting, fishing, or sport shooting on recreational or wildlife management areas
 94 owned by this state may have or carry on his or her person a knife without a valid
 95 weapons carry license while engaging in such hunting, fishing, or sport shooting."

96 **SECTION 3.**

97 Said part is further amended by revising paragraph (2) of subsection (e) of Code Section
 98 16-11-127, relating to carrying weapons in unauthorized locations, as follows:

133 Fund of Georgia provided under Chapter 16 of Title 47, or any other public retirement
 134 system established under the laws of this state for service as a law enforcement officer;
 135 (2) Member of the Georgia State Patrol, ~~or~~ agent of the Georgia Bureau of Investigation,
 136 ~~or~~ retired member of the Georgia State Patrol, or retired agent of the Georgia Bureau of
 137 Investigation if such retired member or agent is receiving benefits under the Employees'
 138 Retirement System;

139 (3) Full-time law enforcement chief executive engaging in the management of a county,
 140 municipal, state, state authority, or federal law enforcement agency in the State of
 141 Georgia, including any college or university law enforcement chief executive ~~that~~ who
 142 is registered or certified by the Georgia Peace Officer Standards and Training Council;
 143 or retired law enforcement chief executive ~~that~~ who formerly managed a county,
 144 municipal, state, state authority, or federal law enforcement agency in the State of
 145 Georgia, including any college or university law enforcement chief executive ~~that~~ who
 146 was registered or certified at the time of his or her retirement by the Georgia Peace
 147 Officer Standards and Training Council, if such retired law enforcement chief executive
 148 is receiving benefits under the Peace Officers' Annuity and Benefit Fund provided under
 149 Chapter 17 of Title 47 or is retired in good standing and receiving benefits from a county,
 150 municipal, State of Georgia, state authority, or federal retirement system; ~~or~~

151 (4) Police officer of any county, municipal, state, state authority, or federal law
 152 enforcement agency in the State of Georgia, including any college or university police
 153 officer ~~that~~ who is registered or certified by the Georgia Peace Officer Standards and
 154 Training Council, or retired police officer of any county, municipal, state, state authority,
 155 or federal law enforcement agency in the State of Georgia, including any college or
 156 university police officer ~~that~~ who was registered or certified at the time of his or her
 157 retirement by the Georgia Peace Officer Standards and Training Council, if such retired
 158 ~~employee~~ police officer is receiving benefits under the Peace Officers' Annuity and
 159 Benefit Fund provided under Chapter 17 of Title 47 or is retired in good standing and
 160 receiving benefits from a county, municipal, State of Georgia, state authority, or federal
 161 retirement system; or

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

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

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

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

174 In addition, any such sheriff, retired sheriff, deputy sheriff, retired deputy sheriff, member
 175 of the Georgia State Patrol, retired member of the Georgia State Patrol, agent of the
 176 Georgia Bureau of Investigation, retired agent of the Georgia Bureau of Investigation,
 177 active or retired law enforcement chief executive, person who is a retired law enforcement
 178 officer as provided for in paragraph (5) of this subsection, or other law enforcement officer
 179 referred to in this subsection shall be authorized to carry a handgun on or off duty
 180 anywhere within ~~the~~ this state and the provisions of Code Sections 16-11-126 through
 181 16-11-127.2 shall not apply to the carrying of such firearms."

182 SECTION 6.

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

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

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

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

190 SECTION 7.

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

193 "51-1-55.

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

195 (1) 'Dangerous weapon' shall have the same meaning as provided for under Code Section
 196 16-11-121.

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

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

203

SECTION 8.

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