

HOUSE SUBSTITUTE TO SENATE BILL 270

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 4 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated,
2 relating to fraud and related offenses, so as to create an offense involving the fraudulent
3 representation of military service or award received due to military service; to provide for
4 definitions; to provide for penalties; to amend Article 2 of Chapter 10 of Title 16 of the
5 Official Code of Georgia Annotated, relating to obstruction of public administration and
6 related offenses, so as to revise provisions relating to transmitting a false public alarm; to
7 provide a definition; to revise penalty provisions; to amend Part 3 of Article 4 of Chapter 11
8 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of
9 firearms, so as to permit certain new residents to carry a weapon in this state for a limited
10 time without a weapons carry license; to provide an exception for a license holder carrying
11 in a place of worship; to allow the judge of the probate court to provide for printed
12 information on gun safety; to provide for the maintenance of gun safety information on the
13 website of the Department of Natural Resources; to clarify that certain active and retired law
14 enforcement officers shall be authorized to carry a handgun on or off duty anywhere within
15 this state; to authorize certain retired law enforcement officers to carry a handgun anywhere
16 within this state; to clarify the meaning of commercial service airport relative to the carrying
17 of a weapon or long gun; to amend Title 42 of the Official Code of Georgia Annotated,
18 relating to penal institutions, so as to authorize the chief of staff to the commissioner to issue
19 warrants for the arrest of an offender who has escaped from the custody of the department;
20 to provide for the retention of badges and weapons by certain employees of the State Board
21 of Pardons and Paroles; to revise the application fee paid to the Department of Community
22 Supervision or the State Board of Pardons and Paroles by nonindigent adult offenders when
23 applying to transfer supervision to any other state or territory; to amend Chapter 1 of Title
24 51 of the Official Code of Georgia Annotated, relating to general provisions regarding torts,
25 so as to provide for civil immunity of firearm instructors; to provide for related matters; to
26 provide for effective dates and applicability; to repeal conflicting laws; and for other
27 purposes.

28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

29 SECTION 1.

30 Article 4 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to fraud
31 and related offenses, is amended by adding a new Code section to read as follows:
32 "16-9-63.

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

34 (1) 'Armed forces of the United States' means the army, navy, air force, marine corps,
35 or coast guard and the reserve components thereof and the uniformed components of the
36 Public Health Service or the National Oceanic and Atmospheric Administration.

37 (2) 'Military decoration' means:

38 (A) A medal, decoration, badge, or ribbon authorized by law, executive order, or
39 regulation to be awarded to a member of the armed forces of the United States by the
40 President of the United States, Congress, the United States Department of Defense, or
41 the United States Department of Homeland Security;

42 (B) A medal, decoration, badge, or ribbon authorized by law, executive order, or
43 regulation to be awarded to members of the organized militia; or

44 (C) A rosette or metal lapel button depicting a medal, decoration, badge, or ribbon
45 described in subparagraph (A) or (B) of this paragraph which is authorized by law,
46 executive order, or regulation to be worn on civilian clothing.

47 (3) 'Military medal award' shall have the same meaning as provided for under Code
48 Section 40-2-85.1.

49 (4) 'Military veteran' means a current, former, or retired member of the armed forces of
50 the United States, the organized militia, or a state military force of another state.

51 (5) 'Organized militia' means the Army National Guard, the Air National Guard, the
52 Georgia Naval Militia, and the State Defense Force.

53 (6) 'Tangible benefit' means:

54 (A) A benefit, preference, service, or other thing of value offered to a military veteran
55 which is enhanced or offered at a reduced rate or free of charge by an agency of this
56 state, or any political subdivision or authority thereof, based on such military veteran's
57 service or the award of a military decoration;

58 (B) Employment or promotion in an individual's employment; or

59 (C) Election to public office.

60 (b) It shall be unlawful for any individual, with the intent to secure a tangible benefit for
61 himself or herself, to make a false, fictitious, or fraudulent statement or representation that
62 such individual is a military veteran or recipient of a military decoration.

63 (c) It shall be unlawful for any individual, with the intent to deceive, to appear in a court
 64 of this state while wearing:

65 (1) The uniform of the armed forces of the United States or of the organized militia of
 66 this state if such individual is not authorized to wear such uniform; or

67 (2) Any military decoration which such individual has not, in fact, been awarded.

68 (d) Any person who violates this Code section shall be guilty of a misdemeanor; provided,
 69 however, that if such violation involves a military medal award, such person shall be guilty
 70 of a misdemeanor of a high and aggravated nature.

71 (e) Any violation of this Code section shall be considered a separate offense and shall not
 72 merge with any other offense. If an individual is convicted of a violation of Code Section
 73 16-10-20 and this Code section arising out of the same incident, any penalty imposed for
 74 a violation of this Code section shall be served consecutively to any sentence that may be
 75 imposed for a violation of Code Section 16-10-20."

76 **SECTION 2.**

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

80 "16-10-28.

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

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

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

87 ~~(2)~~(3) 'Hazardous substance' means a hazardous substance as such term is defined by
 88 Code Section 12-8-92.

89 ~~(b) A person who transmits in any manner a false alarm to the effect that a destructive~~
 90 ~~device or hazardous substance of any nature is concealed in such place that its explosion,~~
 91 ~~detonation, or release would endanger human life or cause injury or damage to property,~~
 92 ~~knowing at the time that there is no reasonable ground for believing that such a destructive~~
 93 ~~device or hazardous substance is concealed in such place, commits the offense of~~
 94 ~~transmitting a false public alarm and, upon conviction thereof, shall be punished by~~
 95 ~~imprisonment for not less than one nor more than five years or by a fine of not less than~~
 96 ~~\$1,000.00, or both. A person commits the offense of transmitting a false public alarm~~
 97 ~~when he or she knowingly and intentionally transmits in any manner a report or warning~~

98 knowing at the time of the transmission that there is no reasonable ground for believing
 99 such report or warning and when the report or warning relates to:

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

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

107 (c)(1) Except as provided in paragraph (2) of this subsection, a person convicted of a
 108 violation of subsection (b) of this Code section shall be punished as for a misdemeanor
 109 of a high and aggravated nature and upon conviction for a second or subsequent violation
 110 of subsection (b) of this Code section shall be guilty of a felony and punished by
 111 imprisonment for not less than one nor more than ten years, by a fine of not less than
 112 \$5,000.00, or both.

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

117 ~~(e)~~(d) In addition to any other penalty imposed by law for a violation of this Code section,
 118 the court may require the defendant to make restitution to any affected public or private
 119 entity for the reasonable costs or damages associated with the offense including, without
 120 limitation, the actual value of any goods, services, or income lost as a result of such
 121 violation. Restitution made pursuant to this subsection shall not preclude any party from
 122 obtaining any other civil or criminal remedy available under any other provision of law.
 123 The restitution authorized by this subsection is supplemental and not exclusive."

124 **SECTION 3.**

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

130 "(e)(1) Any person licensed to carry a handgun or weapon in any other state whose laws
 131 recognize and give effect to a license issued pursuant to this part shall be authorized to
 132 carry a weapon in this state, but only while the licensee is not a resident of this state;

133 provided, however, that such licensee shall carry the weapon in compliance with the laws
134 of this state.

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

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

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

154 **SECTION 4.**

155 Said part is further amended by revising paragraph (2) of subsection (e) of Code Section
156 16-11-127, relating to carrying weapons in unauthorized locations, as follows:

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; provided,
159 however, that a license holder shall not be in violation of subsection (b) or (c) of this
160 Code section if such license holder immediately leaves such place of worship while
161 carrying a weapon or long gun upon personal notification by such place of worship that
162 he or she is carrying a weapon or long gun in a place of worship which does not permit
163 the carrying of a weapon or long gun. Any person who is not a license holder who
164 violates subsection (b) of this Code section in a place of worship shall be punished as for
165 a misdemeanor."

166 **SECTION 5.**

167 Said part is further amended by adding a new subsection to Code Section 16-11-129, relating
168 to weapons carry permit, temporary renewal permit, and terms, to read as follows:

169 **“(a.1) Gun safety information.**

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

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

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

184 **SECTION 6.**

185 Said part is further amended by revising subsection (c) of Code Section 16-11-130, relating
186 to exemptions from Code Sections 16-11-126 through 16-11-127.2, as follows:

187 **“(c) Code Sections 16-11-126 through 16-11-127.2 shall not apply to or affect any:**

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

193 (2) Member of the Georgia State Patrol, ~~or~~ agent of the Georgia Bureau of Investigation,
194 ~~or~~ retired member of the Georgia State Patrol, ~~or~~ retired agent of the Georgia Bureau of
195 Investigation if such retired member or agent is receiving benefits under the Employees'
196 Retirement System;

197 (3) Full-time law enforcement chief executive engaging in the management of a county,
198 municipal, state, state authority, or federal law enforcement agency in the State of
199 Georgia, including any college or university law enforcement chief executive ~~that~~ who
200 is registered or certified by the Georgia Peace Officer Standards and Training Council;
201 or retired law enforcement chief executive ~~that~~ who formerly managed a county,

202 municipal, state, state authority, or federal law enforcement agency in the State of
 203 Georgia, including any college or university law enforcement chief executive ~~that~~ who
 204 was registered or certified at the time of his or her retirement by the Georgia Peace
 205 Officer Standards and Training Council, if such retired law enforcement chief executive
 206 is receiving benefits under the Peace Officers' Annuity and Benefit Fund provided under
 207 Chapter 17 of Title 47 or is retired in good standing and receiving benefits from a county,
 208 municipal, State of Georgia, state authority, or federal retirement system; ~~or~~

209 (4) Police officer of any county, municipal, state, state authority, or federal law
 210 enforcement agency in the State of Georgia, including any college or university police
 211 officer ~~that~~ who is registered or certified by the Georgia Peace Officer Standards and
 212 Training Council, or retired police officer of any county, municipal, state, state authority,
 213 or federal law enforcement agency in the State of Georgia, including any college or
 214 university police officer ~~that~~ who was registered or certified at the time of his or her
 215 retirement by the Georgia Peace Officer Standards and Training Council, if such retired
 216 ~~employee~~ police officer is receiving benefits under the Peace Officers' Annuity and
 217 Benefit Fund provided under Chapter 17 of Title 47 or is retired in good standing and
 218 receiving benefits from a county, municipal, State of Georgia, state authority, or federal
 219 retirement system; or

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

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

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

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

232 In addition, any such sheriff, retired sheriff, deputy sheriff, retired deputy sheriff, member
 233 of the Georgia State Patrol, retired member of the Georgia State Patrol, agent of the
 234 Georgia Bureau of Investigation, retired agent of the Georgia Bureau of Investigation,
 235 active or retired law enforcement chief executive, person who is a retired law enforcement
 236 officer as provided for in paragraph (5) of this subsection, or other law enforcement officer
 237 referred to in this subsection shall be authorized to carry a handgun on or off duty

238 anywhere within ~~the~~ this state and the provisions of Code Sections 16-11-126 through
239 16-11-127.2 shall not apply to the carrying of such firearms."

240 **SECTION 7.**

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

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

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

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

248 **SECTION 8.**

249 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended
250 by revising subsection (c) of Code Section 42-2-8, relating to additional duties of the
251 commissioner of corrections, as follows:

252 "(c) The commissioner and any person designated and serving in the position of his or her
253 chief of staff shall be authorized to issue a warrant for the arrest of an offender who has
254 escaped from the custody of the department upon probable cause to believe the offender
255 has violated Code Section 16-10-52, relating to escape from lawful confinement."

256 **SECTION 9.**

257 Said title is further amended by revising Code Section 42-9-9, relating to board employees,
258 as follows:

259 "42-9-9.

260 (a) The board may appoint such clerical, stenographic, supervisory, and expert assistants
261 and may establish such qualifications for its employees as it deems necessary. In its
262 discretion, the board may discharge such employees.

263 (b) An employee leaving the service of the board under honorable conditions who has
264 accumulated 20 or more years of service with the board, or 20 or more years of combined
265 service as a parole officer with the board, a probation officer or supervisor with the
266 Department of Corrections, or a community supervision officer with the department, shall
267 be entitled as part of such employee's compensation to retain his or her board issued
268 weapon and badge.

269 (c)(1) As used in this subsection, the term 'disability' means a disability that prevents an
270 individual from working as a parole officer.

271 (2) When a parole officer leaves the employment of the board as a result of a disability
 272 arising in the line of duty, such parole officer shall be entitled as part of such parole
 273 officer's compensation to retain his or her weapon and badge in accordance with rules and
 274 regulations promulgated by the board.

275 (d) A parole officer killed in the line of duty shall be entitled to have his or her board
 276 issued badge given to a surviving family member.

277 (e) The board shall be authorized to promulgate rules and regulations for the
 278 implementation of this Code section."

279 **SECTION 10.**

280 Said title is further amended by revising subsection (b) of Code Section 42-9-90, relating to
 281 application fee required for transfer consideration, as follows:

282 "(b) The department and the State Board of Pardons and Paroles shall be authorized to
 283 require any nonindigent adult offender to pay a ~~\$25.00~~ \$100.00 application fee when
 284 applying to transfer his or her supervision from Georgia to any other state or territory
 285 pursuant to the provisions of Articles 3 and 4 of this chapter."

286 **SECTION 11.**

287 Section 7 of this Act shall become effective on July 1, 2016, and shall apply to offenses
 288 committed on or after such date. All other sections of this Act shall become effective upon
 289 its approval by the Governor or its becoming law without such approval.

290 **SECTION 12.**

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

293 "51-1-55.

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

295 (1) 'Dangerous weapon' shall have the same meaning as provided for under Code Section
 296 16-11-121.

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

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

303

SECTION 13.

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