

Senate Bill 332

By: Senators Kennedy of the 18th, VanNess of the 43rd, Dugan of the 30th, Cowser of the 46th, Walker III of the 20th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-11-130 of the Official Code of Georgia Annotated, relating to
2 exemptions from Code Sections 16-11-126 through 16-11-127.2, so as to clarify the judges
3 and Justices who are exempt from various weapons carry laws and prohibitions; to amend
4 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,
5 so as to provide for the issuance of personal identification cards to certain judges and Justices
6 of the federal and state judiciary who are exempt from various weapons carry laws and
7 prohibitions; to provide for rules and regulations; to provide for fees; to provide for related
8 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Code Section 16-11-130 of the Official Code of Georgia Annotated, relating to exemptions
12 from Code Sections 16-11-126 through 16-11-127.2, is amended by revising paragraphs (12),
13 (12.1), and (12.2) of subsection (a) as follows:

14 "~~(12) State and federal judges, judges of~~ Federal judges, Justices of the Supreme Court,
15 Judges of the Court of Appeals, judges of superior, state, probate, juvenile, and magistrate
16 courts, full-time judges of municipal and city courts, and permanent part-time judges of
17 municipal and city courts, and administrative law judges;

18 (12.1) ~~Former state and federal judges, judges of~~ federal judges, Justices of the Supreme
19 Court, Judges of the Court of Appeals, judges of superior, state, probate, juvenile, and
20 magistrate courts, full-time judges of municipal and city courts, and permanent part-time
21 judges of municipal courts, and administrative law judges who are retired from their
22 respective offices, provided that such judge or Justice would otherwise be qualified to be
23 issued a weapons carry license;

24 (12.2) ~~Former state and federal judges, judges of~~ federal judges, Justices of the Supreme
25 Court, Judges of the Court of Appeals, judges of superior, state, probate, juvenile, and
26 magistrate courts, full-time judges of municipal and city courts, and permanent part-time
27 judges of municipal courts, and administrative law judges who are no longer serving in

28 their respective office, provided that he or she served as such judge or Justice for more
 29 than 24 months; and provided, further, that such judge or Justice would otherwise be
 30 qualified to be issued a weapons carry license;"

31 **SECTION 2.**

32 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses,
 33 is amended by adding a new article to read as follows:

34 "ARTICLE 9

35 40-5-190.

36 Nothing in this article shall be construed to grant any additional privileges under the law,
 37 including, but not limited to, for the carrying of firearms. The issuance of a personal
 38 identification card under this article shall be construed as a representation of rights and
 39 privileges which exist elsewhere in the law.

40 40-5-191.

41 (a)(1) The department shall issue personal identification cards to each judge or Justice
 42 as provided for under paragraphs (12), (12.1), and (12.2) of subsection (a) of Code
 43 Section 16-11-130 who makes application to the department in accordance with rules and
 44 regulations prescribed by the commissioner; provided, however, that it shall be
 45 permissible for a person elected or appointed as such judge or Justice to make application
 46 to the department upon his or her election or appointment but prior to his or her taking
 47 an oath; provided, further, that such federal judges are residents of this state. The
 48 department may work with judicial offices of the federal courts, the clerk of the Supreme
 49 Court, the clerk of the Court of Appeals, and the various councils of court judges as
 50 provided for under Title 15 to facilitate the submission of applications or the surrender
 51 of personal identification cards under this article.

52 (2) When a judge or Justice is required to otherwise be qualified to be issued a weapons
 53 carry license for the exemptions of Code Section 16-11-130 to apply to such judge or
 54 Justice, the application of such judge or Justice to the department under this article shall
 55 be accompanied by an advisory finding from The Council of Probate Court Judges of
 56 Georgia indicating whether such person is otherwise qualified to be issued a weapons
 57 carry license. The Council of Probate Court Judges of Georgia shall promulgate rules
 58 and regulations for the issuance of advisory findings under this paragraph.

59 (3) Every personal identification card issued under this article shall be similar in form
 60 but distinguishable in color from motor vehicle drivers' licenses; shall contain the great

61 seal of the State of Georgia, the same security features as are present on other personal
 62 identification cards issued by the department, and a recent photograph of the applicant;
 63 and shall include the following information on the front of such identification card:

64 (A) Full legal name;

65 (B) Address of residence;

66 (C) Birth date;

67 (D) Date such identification card was issued;

68 (E) Sex;

69 (F) Height;

70 (G) Weight;

71 (H) Eye color;

72 (I) Signature of person identified or facsimile thereof; and

73 (J) The term 'FEDERAL COURT JUDGE', 'FORMER FEDERAL COURT JUDGE',

74 'SUPREME COURT JUSTICE', 'FORMER SUPREME COURT JUSTICE', 'COURT

75 OF APPEALS JUDGE', 'FORMER COURT OF APPEALS JUDGE', 'SUPERIOR

76 COURT JUDGE', 'FORMER SUPERIOR COURT JUDGE', 'STATE COURT

77 JUDGE', 'FORMER STATE COURT JUDGE', 'PROBATE COURT JUDGE',

78 'FORMER PROBATE COURT JUDGE', 'JUVENILE COURT JUDGE', 'FORMER

79 JUVENILE COURT JUDGE', 'MAGISTRATE COURT JUDGE', 'FORMER

80 MAGISTRATE COURT JUDGE', 'MUNICIPAL COURT JUDGE', 'FORMER

81 MUNICIPAL COURT JUDGE', 'CITY COURT JUDGE', 'FORMER CITY COURT

82 JUDGE', 'ADMINISTRATIVE LAW JUDGE', or 'FORMER ADMINISTRATIVE

83 LAW JUDGE', or a coherent abbreviation of such terms, respectively, as the case may

84 be, in distinctive, bold font.

85 The back of such identification card shall include the following: 'Pursuant to O.C.G.A.

86 Section 16-11-130, the provisions of Code Sections 16-11-126 through 16-11-127.2

87 pertaining to carrying a weapon and weapons offenses DO NOT apply to or affect the

88 judge or Justice whose name, photograph, and signature appear upon the obverse of this

89 card.'

90 (b) Every personal identification card issued under this article shall bear the signatures of

91 the commissioner and the Governor and shall bear an identification card number which

92 shall not be the same as the cardholder's social security number.

93 (c) Every personal identification card issued under this article shall be valid for a period

94 of four years and shall be renewable for as long as such person meets the qualifications of

95 paragraph (12), (12.1), or (12.2) of subsection (a) of Code Section 16-11-130; provided,

96 however, that upon such person becoming a former judge or Justice, he or she shall

97 surrender the personal identification card that designates him or her as a judge or Justice

98 and may submit an application for a personal identification card which shall reflect his or
99 her status as a former judge or Justice.

100 (d) Nothing in this subsection shall be construed to prevent a judge or Justice from
101 possessing a driver's license or other identification card issued under this chapter. A
102 personal identification card issued under this article shall not take the place of a driver's
103 license.

104 (e) The commissioner shall by rules and regulations require appropriate documentation
105 from judges or Justices, and provide for any further design of the personal identification
106 card under this article, such that such personal identification card shall be of equal dignity
107 to a driver's license or other identification card issued under this chapter.

108 (f) The commissioner shall by rules and regulations require appropriate documentation
109 from judges or Justices, and provide for any further design of the personal identification
110 card under this article, such that, to the extent practicable while meeting requirements
111 under this article, such personal identification card may meet the requirements of
112 acceptable identification by the Transportation Security Administration of the United States
113 Department of Homeland Security.

114 40-5-192.

115 The commissioner shall promulgate rules and regulations under which this article shall be
116 implemented and administered.

117 40-5-193.

118 (a) The department shall collect a fee as determined by the commissioner for any issuance
119 of a personal identification card under this article; provided, however, that such fee shall
120 not be less than the cost to the department of producing such personal identification cards;
121 provided, further, that such fee shall be deposited in the state treasury in the same manner
122 as other motor vehicle driver's license fees.

123 (b)(1) Every personal identification card issued under this article shall be renewed on or
124 before its expiration upon application and payment of the required fee as provided for
125 under subsection (a) of this Code section.

126 (2) Any replacement of a personal identification card issued under this article for any
127 purpose, including, but not limited to, loss or change of the cardholder's name or address,
128 shall be subject to the payment of the required fee as provided for under subsection (a)
129 of this Code section; provided, however, that such replacement of a personal
130 identification card shall be valid only for the remaining period for which the personal
131 identification card being replaced was originally issued."

132 **SECTION 3.**

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

135 **SECTION 4.**

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