

Senate Bill 529

By: Senators Mullis of the 53rd and Brass of the 28th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia
2 Annotated, relating to carrying and possession of firearms, so as to provide for lifetime
3 weapons carry licenses; to provide for and revise fees; to provide for background check
4 reviews of lifetime weapons carry license holders; to provide for a definition; to provide for
5 related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

8 Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
9 relating to carrying and possession of firearms, is amended by revising subsections (a), (b),
10 (c), and (d) of Code Section 16-11-129, relating to weapons carry license, gun safety
11 information, temporary renewal permit, mandamus, and verification of license, to read as
12 follows:

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

14 (1)(A) Except as provided for under subparagraph (B) of this paragraph, the ~~The~~ judge
15 of the probate court of each county shall, on application under oath, on payment of a
16 fee of ~~\$30.00~~ \$200.00, and on investigation of the applicant pursuant to subsections (b)
17 and (d) of this Code section, issue a weapons carry license or renewal license valid for
18 ~~a period of five years~~ the life of the applicant to any person whose domicile is in that
19 county or who is on active duty with the United States armed forces and who is not a
20 domiciliary of this state but who either resides in that county or on a military
21 reservation located in whole or in part in that county at the time of such application;
22 provided, however, that every five years from the date of the issuance of such license,
23 the license holder shall submit an application for a background check review pursuant
24 to subsections (c) and (d) of this Code section; provided, further, that failure to submit
25 an application for a background check review shall render the license suspended until
26 such application for a background check review is submitted. Such license or renewal

27 license shall authorize that person to carry any weapon in any county of this state
 28 notwithstanding any change in that person's county of residence or state of domicile.

29 (B) The fee provided for under subparagraph (A) of this paragraph shall be \$100.00
 30 for:

31 (i) Persons provided for under paragraphs (3), (5), (12), (12.1), and (12.2) of
 32 subsection (a) of Code Section 16-11-130;

33 (ii) Persons provided for under subparagraphs (c)(2)(A) through (c)(2)(D) of Code
 34 Section 16-11-130; and

35 (iii) Active or retired emergency medical technicians. As used in this division,
 36 'emergency medical technician' shall have the same meaning as provided for under
 37 Code Section 45-9-81.

38 ~~(2)(A) As used in this paragraph, the term 'service member' means an active duty~~
 39 ~~member of the regular or reserve component of the United States Army, United States~~
 40 ~~Navy, United States Marine Corps, United States Coast Guard, United States Air Force,~~
 41 ~~United States National Guard, Georgia Army National Guard, or Georgia Air National~~
 42 ~~Guard.~~

43 ~~(B) Any service member whose weapons carry license or renewal license expired while~~
 44 ~~such service member was serving on active duty outside this state shall be authorized~~
 45 ~~to carry any weapon in accordance with such expired license for a period of six months~~
 46 ~~from the date of his or her discharge from active duty or reassignment to a location~~
 47 ~~within this state. When carrying a weapon pursuant to Code Section 16-11-137, the~~
 48 ~~service member shall also have in his or her immediate possession a copy of the official~~
 49 ~~military orders or a written verification signed by such service member's commanding~~
 50 ~~officer which shall evidence that such service member is authorized to carry any~~
 51 ~~weapon in accordance with such expired license for a period of six months from the~~
 52 ~~date of his or her discharge from active duty or reassignment to a location within this~~
 53 ~~state.~~

54 ~~(3)(A)(2) Applicants shall submit the application for a weapons carry license or renewal~~
 55 ~~license to the judge of the probate court on forms prescribed and furnished free of charge~~
 56 ~~to persons wishing to apply for the license or renewal license.~~

57 ~~(B)(i) An application shall be considered to be for a renewal license if the applicant~~
 58 ~~has a weapons carry license or renewal license with 90 or fewer days remaining~~
 59 ~~before the expiration of such weapons carry license or renewal license or 30 or fewer~~
 60 ~~days since the expiration of such weapons carry license or renewal license regardless~~
 61 ~~of the county of issuance of the applicant's expired or expiring weapons carry license~~
 62 ~~or renewal license.~~

~~(ii) An application of any service member whose weapons carry license or renewal license expired while such service member was serving on active duty outside this state shall be considered to be for a renewal license if such service member applies within six months from the date of his or her discharge from active duty or reassignment to a location within this state as provided for in a copy of such service member's official military orders or a written verification signed by such service member's commanding officer as provided by the service member.~~

(iii)(3) An applicant who is not a United States citizen shall provide sufficient personal identifying data, including without limitation his or her place of birth and United States issued alien or admission number, as the Georgia Bureau of Investigation may prescribe by rule or regulation. An applicant who is in nonimmigrant status shall provide proof of his or her qualifications for an exception to the federal firearm prohibition pursuant to 18 U.S.C. Section 922(y). Forms shall be designed to elicit information from the applicant pertinent to his or her eligibility under this Code section, including citizenship, but shall not require data which is nonpertinent or irrelevant, such as serial numbers or other identification capable of being used as a de facto registration of firearms owned by the applicant. The Department of Public Safety shall furnish application forms and license forms required by this Code section. The forms shall be furnished to each judge of each probate court within this state at no cost."

"(b) Licensing exceptions.

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

(A) 'Armed forces' means active duty or a reserve component of the United States Army, United States Navy, United States Marine Corps, United States Coast Guard, United States Air Force, United States National Guard, Georgia Army National Guard, or Georgia Air National Guard.

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

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

(D) 'Dangerous drug' means any drug defined as such in Code Section ~~16-13-71~~ 16-13-21.

(2) No weapons carry license shall be issued to or maintained by:

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

(i) Is at least 18 years of age;

(ii) Provides proof that he or she has completed basic training in the armed forces of the United States; and

- 99 (iii) Provides proof that he or she is actively serving in the armed forces of the United
100 States or has been honorably discharged from such service;
- 101 (B) Any person who has been convicted of a felony by a court of this state or any other
102 state; by a court of the United States, including its territories, possessions, and
103 dominions; or by a court of any foreign nation and has not been pardoned for such
104 felony by the President of the United States, the State Board of Pardons and Paroles,
105 or the person or agency empowered to grant pardons under the constitution or laws of
106 such state or nation;
- 107 (C) Any person against whom proceedings are pending for any felony;
- 108 (D) Any person who is a fugitive from justice;
- 109 (E) Any person who is prohibited from possessing or shipping a firearm in interstate
110 commerce pursuant to subsections (g) and (n) of 18 U.S.C. Section 922;
- 111 (F) Any person who has been convicted of an offense arising out of the unlawful
112 manufacture or distribution of a controlled substance or other dangerous drug;
- 113 (G) Any person who has had his or her weapons carry license revoked pursuant to
114 subsection (e) of this Code section within three years of the date of his or her
115 application;
- 116 (H) Any person who has been convicted of any of the following:
- 117 (i) Carrying a weapon without a weapons carry license in violation of Code
118 Section 16-11-126; or
- 119 (ii) Carrying a weapon or long gun in an unauthorized location in violation of Code
120 Section 16-11-127
- 121 and has not been free of all restraint or supervision in connection therewith and free of
122 any other conviction for at least five years immediately preceding the date of the
123 application;
- 124 (I) Any person who has been convicted of any misdemeanor involving the use or
125 possession of a controlled substance and has not been free of all restraint or supervision
126 in connection therewith or free of:
- 127 (i) A second conviction of any misdemeanor involving the use or possession of a
128 controlled substance; or
- 129 (ii) Any conviction under subparagraphs (E) through (G) of this paragraph
130 for at least five years immediately preceding the date of the application;
- 131 (J) Except as provided for in subsection (b.1) 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 the five years immediately preceding the application. The judge of the
134 probate court may require any applicant to sign a waiver authorizing any mental
135 hospital or treatment center to inform the judge whether or not the applicant has been

136 an inpatient in any such facility in the last five years and authorizing the superintendent
 137 of such facility to make to the judge a recommendation regarding whether the applicant
 138 is a threat to the safety of others and whether a license to carry a weapon should be
 139 issued. When such a waiver is required by the judge, the applicant shall pay a fee of
 140 \$3.00 for reimbursement of the cost of making such a report by the mental health
 141 hospital, alcohol or drug treatment center, or the Department of Behavioral Health and
 142 Developmental Disabilities, which the judge shall remit to the hospital, center, or
 143 department. The judge shall keep any such hospitalization or treatment information
 144 confidential. It shall be at the discretion of the judge, considering the circumstances
 145 surrounding the hospitalization and the recommendation of the superintendent of the
 146 hospital or treatment center where the individual was a patient, to issue the weapons
 147 carry license or renewal license;

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

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

153 "(c) **Fingerprinting.** Following completion of the application for a weapons carry license
 154 or an application for a background check review, the judge of the probate court shall
 155 require the applicant to proceed to an appropriate law enforcement agency in the county
 156 or to any vendor approved by the Georgia Bureau of Investigation for fingerprint
 157 submission services with the completed application so that such agency or vendor can
 158 capture the fingerprints of the applicant. The law enforcement agency shall be entitled to
 159 a fee of \$5.00 from the applicant for its services in connection with fingerprinting and
 160 processing of an application and the probate court shall be entitled to a fee of \$20.00 from
 161 the applicant for an application for a background check review. Fingerprinting shall not
 162 be required for applicants seeking temporary renewal licenses or renewal licenses.

163 (d) **Investigation of applicant; issuance of weapons carry license; renewal.**

164 (1)(A) For weapons carry license applications and applications for a background check
 165 review, the judge of the probate court shall within five business days following the
 166 receipt of the application or request direct the law enforcement agency to request a
 167 fingerprint based criminal history records check from the Georgia Crime Information
 168 Center and Federal Bureau of Investigation for purposes of determining the suitability
 169 of the applicant and return an appropriate report to the judge of the probate court.
 170 Fingerprints shall be in such form and of such quality as prescribed by the Georgia
 171 Crime Information Center and under standards adopted by the Federal Bureau of

172 Investigation. The Georgia Bureau of Investigation may charge such fee as is necessary
173 to cover the cost of the records search.

174 (B) For requests for license renewals or applications for background check reviews, the
175 presentation of a weapons carry license issued by any probate judge in this state shall
176 be evidence to the judge of the probate court to whom a request for license renewal or
177 application for background check review is made that the fingerprints of the weapons
178 carry license holder are on file with the judge of the probate court who issued the
179 weapons carry license, and the judge of the probate court to whom a request for license
180 renewal or application for background check review is made shall, within five business
181 days following the receipt of the request, direct the law enforcement agency to request
182 a nonfingerprint based criminal history records check from the Georgia Crime
183 Information Center and Federal Bureau of Investigation for purposes of determining the
184 suitability of the applicant and return an appropriate report to the judge of the probate
185 court to whom a request for license renewal or application for background check review
186 is made.

187 (2) For ~~both~~ weapons carry license applications, ~~and~~ requests for license renewals, and
188 applications for background check reviews, the judge of the probate court shall within
189 five business days following the receipt of the application or request also direct the law
190 enforcement agency, in the same manner as provided for in subparagraph (B) of
191 paragraph (1) of this subsection, to conduct a background check using the Federal Bureau
192 of Investigation's National Instant Criminal Background Check System and return an
193 appropriate report to the probate judge.

194 (3) When a person who is not a United States citizen applies for a weapons carry license
195 or renewal of a license or submits an application for background check review under this
196 Code section, the judge of the probate court shall direct the law enforcement agency to
197 conduct a search of the records maintained by United States Immigration and Customs
198 Enforcement and return an appropriate report to the probate judge. As a condition to the
199 issuance of a license, ~~or~~ the renewal of a license, or background check review, an
200 applicant who is in nonimmigrant status shall provide proof of his or her qualifications
201 for an exception to the federal firearm prohibition pursuant to 18 U.S.C. Section 922(y).

202 (4) The law enforcement agency shall report to the judge of the probate court within 20
203 days, by telephone and in writing, of any findings relating to the applicant which may
204 bear on his or her background check review, eligibility for a weapons carry license, ~~or~~
205 renewal license under the terms of this Code section. When no derogatory information
206 is found on the applicant bearing on his or her background check review, eligibility to
207 obtain a license, ~~or~~ renewal license, a report shall not be required. The law enforcement
208 agency shall return the application directly to the judge of the probate court within such

209 time period. Not later than ten days after the judge of the probate court receives the
210 report from the law enforcement agency concerning the suitability of the applicant for a
211 license or maintaining a license, the judge of the probate court shall issue such applicant
212 a license or renewal license to carry any weapon unless facts establishing ineligibility
213 have been reported or unless the judge determines such applicant has not met all the
214 qualifications, is not of good moral character, or has failed to comply with any of the
215 requirements contained in this Code section. The judge of the probate court shall date
216 stamp the report from the law enforcement agency to show the date on which the report
217 was received by the judge of the probate court. The judge of the probate court shall not
218 suspend the processing of the application or extend, delay, or avoid any time
219 requirements provided for under this paragraph."

220

SECTION 2.

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