

Senate Bill 319

By: Senators Anavitarte of the 31st, Payne of the 54th, Thompson of the 14th, Robertson of the 29th, Hickman of the 4th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding parks, historic areas, memorials, and recreation, so
3 as to revise provisions of law regarding the use or possession of any handgun in a park,
4 historic site, or recreational area; to amend Part 3 of Article 4 of Chapter 11 of Title 16 of the
5 Official Code of Georgia Annotated, relating to carrying and possession of firearms, so as
6 to provide a definition; to revise provisions of law regarding the carrying of firearms; to
7 amend Part 2 of Article 4 of Chapter 12 of Title 16 of the Official Code of Georgia
8 Annotated, relating to transportation passenger safety, so as to revise provisions of law
9 regarding the carrying of firearms; to amend Title 27 of the Official Code of Georgia
10 Annotated, relating to game and fish, so as to revise certain laws regarding the carrying of
11 firearms; to amend Part 2 of Article 10 of Chapter 6 of Title 40 of the Official Code of
12 Georgia Annotated, relating to parking for persons with disabilities, so as to revise certain
13 laws regarding the carrying of firearms; to provide for a short title; to provide for legislative
14 findings; to provide for related matters; to provide for an effective date; to repeal conflicting
15 laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

S. B. 319

- 1 -

17

SECTION 1.

18 This Act shall be known and may be cited as the "Georgia Constitutional Carry Act of 2021."

19

SECTION 2.

20 The Georgia General Assembly finds that:

21 (1) Our founding fathers, in the unanimous Declaration of Independence of the 13 United
22 States of America, acknowledged that the purpose of civil government is to secure
23 God-given rights;

24 (2) As such, civil governments are to punish the criminal acts that deprive their citizens
25 of their God-given rights to life, liberty, and property;

26 (3) The mere potential to deprive someone of life, liberty, or property should never be
27 considered a crime in a free and just society;

28 (4) Evil resides in the heart of the individual, not in material objects; and

29 (5) Since objects or instrumentalities in and of themselves are not dangerous or evil, in a
30 free and just society, the civil government should not ban or restrict their possession or use.

31

SECTION 3.

32 Article 1 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to
33 general provisions regarding parks, historic areas, memorials, and recreation, is amended by
34 revising subsection (o) of Code Section 12-3-10, relating to directing persons to leave parks,
35 historic sites, or recreational areas upon their refusal to observe rules and regulations and
36 prohibited acts generally, as follows:

37 "(o)(1) It shall be unlawful for any person to use or possess in any park, historic site, or
38 recreational area any fireworks, explosives, or firecrackers, unless stored so as not to be
39 readily accessible or unless such use has been approved by prior written permission of
40 the commissioner of natural resources or his or her authorized representative.

41 ~~(2) It shall be unlawful for any person to use or possess in any park, historic site, or~~
 42 ~~recreational area any firearms other than a handgun, as such term is defined in Code~~
 43 ~~Section 16-11-125.1.~~

44 ~~(3)~~(2) It shall be unlawful for any person to use or possess in any park, historic site, or
 45 recreational area any handgun without a valid weapons carry license issued pursuant to
 46 Code Section 16-11-129 weapon or long gun unless such person is a lawful weapons
 47 carrier. As used in this paragraph, the terms 'weapon,' 'long gun,' and 'lawful weapons
 48 carrier' shall have the same meanings as provided for in Code Section 16-11-125.1.

49 ~~(4)~~(3) It shall be unlawful for any person to use or possess in any park, historic site, or
 50 recreational area any bows and arrows, spring guns, air rifles, slingshots, or any other
 51 device which discharges projectiles by any means, unless the device is unloaded and
 52 stored so as not to be readily accessible or unless such use has been approved within
 53 restricted areas by prior written permission of the commissioner of natural resources or
 54 his or her authorized representative."

55

SECTION 4.

56 Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
 57 relating to carrying and possession of firearms, is amended by revising Code
 58 Section 16-11-125.1, relating to definitions, as follows:

59 "16-11-125.1.

60 As used in this part, the term:

61 (1) 'Handgun' means a firearm of any description, loaded or unloaded, from which any
 62 shot, bullet, or other missile can be discharged by an action of an explosive where the
 63 length of the barrel, not including any revolving, detachable, or magazine breech, does
 64 not exceed 12 inches; provided, however, that the term 'handgun' shall not include a gun
 65 which discharges a single shot of 0.46 centimeter or less in diameter.

66 (2) 'Knife' means a cutting instrument designed for the purpose of offense and defense
67 consisting of a blade that is greater than 12 inches in length which is fastened to a handle.

68 (2.1) 'Lawful weapons carrier' means any person who is not prohibited by law from
69 possessing a weapon or long gun, any person who is licensed pursuant to Code
70 Section 16-11-129, or any person licensed to carry a weapon in any other state whose
71 laws recognize and give effect to a license issued pursuant to this part.

72 (3) 'License holder' means a person who holds a valid weapons carry license.

73 (4) 'Long gun' means a firearm with a barrel length of at least 18 inches and overall
74 length of at least 26 inches designed or made and intended to be fired from the shoulder
75 and designed or made to use the energy of the explosive in a fixed:

76 (A) Shotgun shell to fire through a smooth bore either a number of ball shot or a single
77 projectile for each single pull of the trigger or from which any shot, bullet, or other
78 missile can be discharged; or

79 (B) Metallic cartridge to fire only a single projectile through a rifle bore for each single
80 pull of the trigger;

81 provided, however, that the term 'long gun' shall not include a gun which discharges a
82 single shot of 0.46 centimeter or less in diameter.

83 (5) 'Weapon' means a knife or handgun.

84 (6) 'Weapons carry license' or 'license' means a license issued pursuant to Code
85 Section 16-11-129."

86 **SECTION 5.**

87 Said part is further amended by revising Code Section 16-11-126, relating to having or
88 carrying handguns, long guns, or other weapons, license requirement, and exceptions for
89 homes, motor vehicles, private property, and other locations and conditions, as follows:

90 "16-11-126.

91 ~~(a) Any person who is not prohibited by law from possessing a handgun or long gun may~~
92 ~~have or carry on his or her person a weapon or long gun on his or her property or inside his~~
93 ~~or her home, motor vehicle, or place of business without a valid weapons carry license.~~

94 ~~(b) Any person who is not prohibited by law from possessing a handgun or long gun may~~
95 ~~have or carry on his or her person a long gun without a valid weapons carry license,~~
96 ~~provided that if the long gun is loaded, it shall only be carried in an open and fully exposed~~
97 ~~manner.~~

98 ~~(c) Any person who is not prohibited by law from possessing a handgun or long gun may~~
99 ~~have or carry any handgun provided that it is enclosed in a case and unloaded.~~

100 ~~(d) Any person who is not prohibited by law from possessing a handgun or long gun who~~
101 ~~is eligible for a weapons carry license may transport a handgun or long gun in any private~~
102 ~~passenger motor vehicle; provided, however, that private property owners or persons in~~
103 ~~legal control of private property through a lease, rental agreement, licensing agreement,~~
104 ~~contract, or any other agreement to control access to such private property shall have the~~
105 ~~right to exclude or eject a person who is in possession of a weapon or long gun on their~~
106 ~~private property in accordance with paragraph (3) of subsection (b) of Code~~
107 ~~Section 16-7-21, except as provided in Code Section 16-11-135.~~

108 ~~(e)(1)(A) Any person licensed to carry a weapon in any other state whose laws~~
109 ~~recognize and give effect to a license issued pursuant to this part shall be authorized to~~
110 ~~carry a weapon in this state, but only while the licensee is not a resident of this state;~~
111 ~~provided, however, that:~~

112 ~~(i) Such licensee licensed to carry a weapon in any other state shall carry the weapon~~
113 ~~in compliance with the laws of this state; and~~

114 ~~(ii) No other state shall be required to recognize and give effect to a license issued~~
115 ~~pursuant to this part that is held by a person who is younger than 21 years of age.~~

116 ~~(B) The Attorney General shall create and maintain on the Department of Law's~~
117 ~~website a list of states whose laws recognize and give effect to a license issued pursuant~~
118 ~~to this part.~~

119 ~~(2) Any person who is not a weapons carry license holder in this state and who is~~
120 ~~licensed to carry a weapon in any other state whose laws recognize and give effect to a~~
121 ~~license issued pursuant to this part shall be authorized to carry a weapon in this state for~~
122 ~~90 days after he or she becomes a resident of this state; provided, however, that such~~
123 ~~person shall carry the weapon in compliance with the laws of this state, shall as soon as~~
124 ~~practicable submit a weapons carry license application as provided for under Code~~
125 ~~Section 16-11-129, and shall remain licensed in such other state for the duration of time~~
126 ~~that he or she is a resident of this state but not a weapons carry license holder in this state.~~

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

133 ~~(2) Any person with a valid hunting or fishing license on his or her person, or any person~~
134 ~~not required by law to have a hunting or fishing license, who is otherwise engaged in~~
135 ~~legal hunting, fishing, or sport shooting on recreational or wildlife management areas~~
136 ~~owned by this state may have or carry on his or her person a knife without a valid~~
137 ~~weapons carry license while engaging in such hunting, fishing, or sport shooting.~~

138 ~~(g) Notwithstanding Code Sections 12-3-10, 27-3-1.1, 27-3-6, and 16-12-122~~
139 ~~through 16-12-127, any person with a valid weapons carry license may carry a weapon in~~
140 ~~all parks, historic sites, or recreational areas, as such term is defined in Code~~
141 ~~Section 12-3-10, including all publicly owned buildings located in such parks, historic~~
142 ~~sites, and recreational areas, in wildlife management areas, and on public transportation;~~

143 ~~provided, however, that a person shall not carry a handgun into a place where it is~~
144 ~~prohibited by federal law.~~

145 ~~(h)(1) No person shall carry a weapon without a valid weapons carry license unless he~~
146 ~~or she meets one of the exceptions to having such license as provided in subsections (a)~~
147 ~~through (g) of this Code section.~~

148 ~~(2) A person commits the offense of carrying a weapon without a license when he or she~~
149 ~~violates the provisions of paragraph (1) of this subsection.~~

150 ~~(f) Upon conviction of the offense of carrying a weapon without a valid weapons carry~~
151 ~~license, a person shall be punished as follows:~~

152 ~~(1) For the first offense, he or she shall be guilty of a misdemeanor; and~~

153 ~~(2) For the second offense within five years, as measured from the dates of previous~~
154 ~~arrests for which convictions were obtained to the date of the current arrest for which a~~
155 ~~conviction is obtained, and for any subsequent offense, he or she shall be guilty of a~~
156 ~~felony and, upon conviction thereof, shall be imprisoned for not less than two years and~~
157 ~~not more than five years.~~

158 ~~(j) Nothing in this Code section shall in any way operate or be construed to affect, repeal,~~
159 ~~or limit the exemptions provided for under Code Section 16-11-130 Reserved.~~"

160

SECTION 6.

161 Said part is further amended by revising Code Section 16-11-127, relating to carrying
162 weapons in unauthorized locations, as follows:

163 "16-11-127.

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

165 (1) 'Courthouse' means a building occupied by judicial courts and containing rooms in
166 which judicial proceedings are held.

167 (2) 'Government building' means:

168 (A) The building in which a government entity is housed;

169 (B) The building where a government entity meets in its official capacity; provided,
170 however, that if such building is not a publicly owned building, such building shall be
171 considered a government building for the purposes of this Code section only during the
172 time such government entity is meeting at such building; or

173 (C) The portion of any building that is not a publicly owned building that is occupied
174 by a government entity.

175 (3) 'Government entity' means an office, agency, authority, department, commission,
176 board, body, division, instrumentality, or institution of the state or any county, municipal
177 corporation, consolidated government, or local board of education within this state.

178 (4) 'Parking facility' means real property owned or leased by a government entity,
179 courthouse, jail, prison, or place of worship that has been designated by such government
180 entity, courthouse, jail, prison, or place of worship for the parking of motor vehicles at
181 a government building or at such courthouse, jail, prison, or place of worship.

182 (b) Except as provided in Code Section 16-11-127.1 and subsection (d) or (e) of this Code
183 section, a person shall be guilty of carrying a weapon or long gun in an unauthorized
184 location and punished as for a misdemeanor when he or she carries a weapon or long gun
185 while:

186 (1) In a government building ~~as a nonlicense holder~~ without being a lawful weapons
187 carrier;

188 (2) In a courthouse;

189 (3) In a jail or prison;

190 (4) In a place of worship, unless the governing body or authority of the place of worship
191 permits the carrying of weapons or long guns by ~~license holders~~ persons who are lawful
192 weapons carriers;

193 (5) In a state mental health facility as defined in Code Section 37-1-1 which admits
194 individuals on an involuntary basis for treatment of mental illness, developmental
195 disability, or addictive disease; provided, however, that carrying a weapon or long gun

196 in such location in a manner in compliance with paragraph (3) of subsection (d) of this
197 Code section shall not constitute a violation of this subsection;

198 (6) On the premises of a nuclear power facility, except as provided in Code
199 Section 16-11-127.2, and the punishment provisions of Code Section 16-11-127.2 shall
200 supersede the punishment provisions of this Code section; or

201 (7) Within 150 feet of any polling place when elections are being conducted and such
202 polling place is being used as a polling place as provided for in paragraph (27) of Code
203 Section 21-2-2, except as provided in subsection (I) of Code Section 21-2-413.

204 (c) ~~A license holder or person recognized under subsection (e) of Code Section 16-11-126~~
205 Any lawful weapons carrier shall be authorized to carry a weapon as provided in Code
206 Section 16-11-135 and in every location in this state not listed in subsection (b) or
207 prohibited by subsection (e) of this Code section; provided, however, that private property
208 owners or persons in legal control of private property through a lease, rental agreement,
209 licensing agreement, contract, or any other agreement to control access to such private
210 property shall have the right to exclude or eject a person who is in possession of a weapon
211 or long gun on ~~their~~ his or her private property in accordance with paragraph (3) of
212 subsection (b) of Code Section 16-7-21, except as provided in Code Section 16-11-135.
213 A violation of subsection (b) of this Code section shall not create or give rise to a civil
214 action for damages.

215 (d) Subsection (b) of this Code section shall not apply:

216 (1) To the use of weapons or long guns as exhibits in a legal proceeding, provided that
217 such weapons or long guns are secured and handled as directed by the personnel
218 providing courtroom security or the judge hearing the case;

219 (2) To a ~~license holder~~ lawful weapons carrier who approaches security or management
220 personnel upon arrival at a location described in subsection (b) of this Code section and
221 notifies such security or management personnel of the presence of the weapon or long

222 gun and explicitly follows the security or management personnel's direction for removing,
223 securing, storing, or temporarily surrendering such weapon or long gun; and

224 (3) To a weapon or long gun possessed by a ~~license holder~~ lawful weapons carrier which
225 is under the possessor's control in a motor vehicle or is in a locked compartment of a
226 motor vehicle or one which is in a locked container in or a locked firearms rack which
227 is on a motor vehicle and such vehicle is parked in a parking facility.

228 (e)(1) A ~~license holder~~ lawful weapons carrier shall be authorized to carry a weapon in
229 a government building when the government building is open for business and where
230 ingress into such building is not restricted or screened by security personnel. A ~~license~~
231 ~~holder~~ lawful weapons carrier who enters or attempts to enter a government building
232 carrying a weapon where ingress is restricted or screened by security personnel shall be
233 guilty of a misdemeanor if at least one member of such security personnel is certified as
234 a peace officer pursuant to Chapter 8 of Title 35; provided, however, that a ~~license holder~~
235 lawful weapons carrier who immediately exits such building or immediately leaves such
236 location upon notification of his or her failure to clear security due to the carrying of a
237 weapon shall not be guilty of violating this subsection or paragraph (1) of subsection (b)
238 of this Code section. A person who is not a ~~license holder~~ lawful weapons carrier and
239 who attempts to enter a government building carrying a weapon shall be guilty of a
240 misdemeanor.

241 (2) Any ~~license holder~~ lawful weapons carrier who violates subsection (b) of this Code
242 section in a place of worship shall not be arrested but shall be fined not more
243 than \$100.00. Any person who is not a ~~license holder~~ lawful weapons carrier who
244 violates subsection (b) of this Code section in a place of worship shall be punished as for
245 a misdemeanor.

246 (f) Nothing in this Code section shall in any way operate or be construed to affect, repeal,
247 or limit the exemptions provided for under Code Section 16-11-130."

248

SECTION 7.

249 Said part is further amended by revising paragraph (2) of subsection (b) and paragraphs (7),
250 (8), and (20) of subsection (c) of Code Section 16-11-127.1, relating to carrying weapons
251 within school safety zones, at school functions, or on a bus or other transportation furnished
252 by a school, as follows:

253 "(2) Except as provided for in paragraph (20) of subsection (c) of this Code section, any
254 ~~license holder~~ lawful weapons carrier who violates this subsection shall be guilty of a
255 misdemeanor. Any person who is not a ~~license holder~~ lawful weapons carrier who
256 violates this subsection shall be guilty of a felony and, upon conviction thereof, be
257 punished by a fine of not more than \$10,000.00, by imprisonment for not less than two
258 nor more than ten years, or both."

259 "~~(7) A person who is licensed in accordance with Code Section 16-11-129 or issued a~~
260 ~~permit pursuant to Code Section 43-38-10;~~ lawful weapons carrier when such person
261 carries or picks up a student within a school safety zone, at a school function, or on a bus
262 or other transportation furnished by a school or a ~~person who is licensed in accordance~~
263 ~~with Code Section 16-11-129 or issued a permit pursuant to Code Section 43-38-10~~
264 lawful weapons carrier when he or she has any weapon legally kept within a vehicle
265 when such vehicle is parked within a school safety zone or is in transit through a
266 designated school safety zone;

267 (8) A weapon possessed by a ~~license holder~~ lawful weapons carrier which is under the
268 possessor's control in a motor vehicle or which is in a locked compartment of a motor
269 vehicle or one which is in a locked container in or a locked firearms rack which is on a
270 motor vehicle which is being used by an adult over 21 years of age to bring to or pick up
271 a student within a school safety zone, at a school function, or on a bus or other
272 transportation furnished by a school, or when such vehicle is used to transport someone
273 to an activity being conducted within a school safety zone which has been authorized by
274 a duly authorized official or local board of education as provided by paragraph (6) of this

275 subsection; provided, however, that this exception shall not apply to a student attending
276 a public or private elementary or secondary school;"

277 "(20)(A) Any ~~weapons carry license holder~~ lawful weapons carrier when he or she is
278 in any building or on real property owned by or leased to any public technical school,
279 vocational school, college, or university, or other public institution of postsecondary
280 education; provided, however, that such exception shall:

281 (I) Not apply to buildings or property used for athletic sporting events or student
282 housing, including, but not limited to, fraternity and sorority houses;

283 (ii) Not apply to any preschool or childcare space located within such buildings or
284 real property;

285 (iii) Not apply to any room or space being used for classes related to a college and
286 career academy or other specialized school as provided for under Code
287 Section 20-4-37;

288 (iv) Not apply to any room or space being used for classes in which high school
289 students are enrolled through a dual enrollment program, including, but not limited
290 to, classes related to the 'Dual Enrollment Act' as provided for under Code
291 Section 20-2-161.3;

292 (v) Not apply to faculty, staff, or administrative offices or rooms where disciplinary
293 proceedings are conducted; and

294 (vi) ~~Only apply to the carrying of handguns which a licensee is licensed to carry~~
295 ~~pursuant to subsection (e) of Code Section 16-11-126 and pursuant to Code~~
296 ~~Section 16-11-129; and~~

297 (vii) Only apply to the carrying of handguns which are concealed.

298 (B) Any ~~weapons carry license holder~~ lawful weapons carrier who carries a handgun
299 in a manner or in a building, property, room, or space in violation of this paragraph
300 shall be guilty of a misdemeanor; provided, however, that for a conviction of a first

301 offense, such ~~weapons carry license holder~~ lawful weapons carrier shall be punished
 302 by a fine of \$25.00 and not be sentenced to serve any term of confinement.

303 (C) As used in this paragraph, the term:

304 (I) 'Concealed' means carried in such a fashion that does not actively solicit the
 305 attention of others and is not prominently, openly, and intentionally displayed except
 306 for purposes of defense of self or others. Such term shall include, but not be limited
 307 to, carrying on one's person while such handgun is substantially, but not necessarily
 308 completely, covered by an article of clothing which is worn by such person, carrying
 309 within a bag of a nondescript nature which is being carried about by such person, or
 310 carrying in any other fashion as to not be clearly discernible by the passive
 311 observation of others.

312 (ii) 'Preschool or childcare space' means any room or continuous collection of rooms
 313 or any enclosed outdoor facilities which are separated from other spaces by an
 314 electronic mechanism or human-staffed point of controlled access and designated for
 315 the provision of preschool or childcare services, including, but not limited to,
 316 preschool or childcare services licensed or regulated under Article 1 of Chapter 1A
 317 of Title 20."

318 **SECTION 8.**

319 Said part is further amended by revising subparagraph (b)(2)(H) of Code Section 16-11-129,
 320 relating to weapons carry license, gun safety information, temporary renewal permit,
 321 mandamus, and verification of license, as follows:

322 "(H) Any person who has been convicted of ~~any of the following:~~

323 ~~(i) Carrying a weapon without a weapons carry license in violation of Code~~
 324 ~~Section 16-11-126; or~~

325 ~~(ii) Carrying~~ carrying a weapon or long gun in an unauthorized location in violation
 326 of Code Section 16-11-127

327 and has not been free of all restraint or supervision in connection therewith and free of
328 any other conviction for at least five years immediately preceding the date of the
329 application;"

330

SECTION 9.

331 Said part is further amended by revising Code Section 16-11-130, relating to exemptions
332 from Code Sections 16-11-126 through 16-11-127.2, as follows:

333 "16-11-130.

334 (a) Except to the extent provided for in subsection (c.1) of this Code section, Code
335 Sections ~~16-11-126~~ 16-11-127 through 16-11-127.2 shall not apply to or affect any of the
336 following persons if such persons are employed in the offices listed below or when
337 authorized by federal or state law, regulations, or order:

338 (1) Peace officers, as such term is defined in paragraph (11) of Code Section 16-1-3, and
339 retired peace officers so long as they remain certified whether employed by the state or
340 a political subdivision of the state or another state or a political subdivision of another
341 state but only if such other state provides a similar privilege for the peace officers of this
342 state;

343 (2) Wardens, superintendents, and keepers of correctional institutions, jails, or other
344 institutions for the detention of persons accused or convicted of an offense;

345 (3) Persons in the military service of the state or of the United States;

346 (4) Persons employed in fulfilling defense contracts with the government of the United
347 States or agencies thereof when possession of the weapon or long gun is necessary for
348 manufacture, transport, installation, and testing under the requirements of such contract;

349 (5) District attorneys, investigators employed by and assigned to a district attorney's
350 office, assistant district attorneys, attorneys or investigators employed by the Prosecuting
351 Attorneys' Council of the State of Georgia, and any retired district attorney, assistant
352 district attorney, district attorney's investigator, or attorney or investigator retired from

353 the Prosecuting Attorneys' Council of the State of Georgia, if such employee is retired in
354 good standing and is receiving benefits under Title 47 or is retired in good standing and
355 receiving benefits from a county or municipal retirement system;

356 (6) State court solicitors-general; investigators employed by and assigned to a state court
357 solicitor-general's office; assistant state court solicitors-general; the corresponding
358 personnel of any city court expressly continued in existence as a city court pursuant to
359 Article VI, Section X, Paragraph I, subparagraph (5) of the Constitution; and the
360 corresponding personnel of any civil court expressly continued as a civil court pursuant
361 to said provision of the Constitution;

362 (7) Those employees of the State Board of Pardons and Paroles when specifically
363 designated and authorized in writing by the members of the State Board of Pardons and
364 Paroles to carry a weapon or long gun;

365 (8) The Attorney General and those members of his or her staff whom he or she
366 specifically authorizes in writing to carry a weapon or long gun;

367 (9) Community supervision officers employed by and under the authority of the
368 Department of Community Supervision when specifically designated and authorized in
369 writing by the commissioner of community supervision;

370 (10) Public safety directors of municipal corporations;

371 (11) Explosive ordnance disposal technicians, as such term is defined by Code
372 Section 16-7-80, and persons certified as provided in Code Section ~~35-8-13~~ 35-8-25 to
373 handle animals trained to detect explosives, while in the performance of their duties;

374 (12) Federal judges, Justices of the Supreme Court, Judges of the Court of Appeals,
375 judges of superior, state, probate, juvenile, and magistrate courts, full-time judges of
376 municipal and city courts, permanent part-time judges of municipal and city courts, and
377 administrative law judges;

378 (12.1) Former federal judges, Justices of the Supreme Court, Judges of the Court of
379 Appeals, judges of superior, state, probate, juvenile, and magistrate courts, full-time

380 judges of municipal and city courts, permanent part-time judges of municipal courts, and
381 administrative law judges who are retired from their respective offices, provided that such
382 judge or Justice would otherwise be qualified to be issued a weapons carry license;

383 (12.2) Former federal judges, Justices of the Supreme Court, Judges of the Court of
384 Appeals, judges of superior, state, probate, juvenile, and magistrate courts, full-time
385 judges of municipal and city courts, permanent part-time judges of municipal courts, and
386 administrative law judges who are no longer serving in their respective office, provided
387 that he or she served as such judge or Justice for more than 24 months; and provided,
388 further, that such judge or Justice would otherwise be qualified to be issued a weapons
389 carry license;

390 (13) United States Attorneys and Assistant United States Attorneys;

391 (14) County medical examiners and coroners and their sworn officers employed by
392 county government;

393 (15) Clerks of the superior courts; and

394 (16) Constables employed by a magistrate court of this state.

395 (b) Except to the extent provided for in subsection (c.1) of this Code section, Code
396 Sections ~~16-11-126~~ 16-11-127 through 16-11-127.2 shall not apply to or affect persons
397 who at the time of their retirement from service with the Department of Community
398 Supervision were community supervision officers, when specifically designated and
399 authorized in writing by the commissioner of community supervision.

400 (c)(1) As used in this subsection, the term 'courthouse' means a building or annex
401 occupied by judicial courts and containing rooms in which judicial proceedings are held.

402 (2) Except to the extent provided for in subsection (c.1) of this Code section, Code
403 Sections ~~16-11-126~~ 16-11-127 through 16-11-127.2 shall not apply to or affect any:

404 (A) Sheriff, retired sheriff, deputy sheriff, or retired deputy sheriff if such retired
405 sheriff or deputy sheriff is eligible to receive or is receiving benefits under the Peace
406 Officers' Annuity and Benefit Fund provided under Chapter 17 of Title 47, the Sheriffs'

407 Retirement Fund of Georgia provided under Chapter 16 of Title 47, or any other public
408 retirement system established under the laws of this state for service as a law
409 enforcement officer;

410 (B) Member of the Georgia State Patrol, agent of the Georgia Bureau of Investigation,
411 retired member of the Georgia State Patrol, or retired agent of the Georgia Bureau of
412 Investigation if such retired member or agent is receiving benefits under the Employees'
413 Retirement System;

414 (C) Full-time law enforcement chief executive engaging in the management of a
415 county, municipal, state, state authority, or federal law enforcement agency in the State
416 of Georgia, including any college or university law enforcement chief executive who
417 is registered or certified by the Georgia Peace Officer Standards and Training Council;
418 or retired law enforcement chief executive who formerly managed a county, municipal,
419 state, state authority, or federal law enforcement agency in the State of Georgia,
420 including any college or university law enforcement chief executive who was registered
421 or certified at the time of his or her retirement by the Georgia Peace Officer Standards
422 and Training Council, if such retired law enforcement chief executive is receiving
423 benefits under the Peace Officers' Annuity and Benefit Fund provided under Chapter 17
424 of Title 47 or is retired in good standing and receiving benefits from a county,
425 municipal, State of Georgia, state authority, or federal retirement system;

426 (D) Police officer of any county, municipal, state, state authority, or federal law
427 enforcement agency in the State of Georgia, including any college or university police
428 officer who is registered or certified by the Georgia Peace Officer Standards and
429 Training Council, or retired police officer of any county, municipal, state, state
430 authority, or federal law enforcement agency in the State of Georgia, including any
431 college or university police officer who was registered or certified at the time of his or
432 her retirement by the Georgia Peace Officer Standards and Training Council, if such
433 retired police officer is receiving benefits under the Peace Officers' Annuity and Benefit

434 Fund provided under Chapter 17 of Title 47 or is retired in good standing and receiving
 435 benefits from a county, municipal, State of Georgia, state authority, or federal
 436 retirement system; or

437 (E) Person who is a citizen of this state and:

438 (I) Has retired with at least ten years of aggregate service as a law enforcement
 439 officer with powers of arrest under the laws of any state of the United States or of the
 440 United States;

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

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

449 In addition, any such sheriff, retired sheriff, deputy sheriff, retired deputy sheriff, member
 450 or retired member of the Georgia State Patrol, agent or retired agent of the Georgia
 451 Bureau of Investigation, officer or retired officer of the Department of Natural Resources,
 452 active or retired law enforcement chief executive, person who is a retired law
 453 enforcement officer as provided for in paragraph (2) of this subsection, or other law
 454 enforcement officer referred to in this subsection shall be authorized to carry a handgun
 455 on or off duty anywhere within this state, including, but not limited to, in a courthouse
 456 except to the extent provided for in subsection (c.1) of this Code section, and Code
 457 Sections ~~16-11-126~~ 16-11-127 through 16-11-127.2 shall not apply to the carrying of
 458 such firearms.

459 (c.1)(1) As used in the subsection, the term:

460 (A) 'Active' means nonretired.

461 (B) 'Courthouse' means a building or annex occupied by judicial courts and containing
462 rooms in which judicial proceedings are held.

463 (C) 'Law enforcement agency' means sheriffs or any unit, organ, or department of this
464 state, or a subdivision or municipality thereof, whose functions by law include the
465 enforcement of criminal or traffic laws; the preservation of public order; the protection
466 of life and property; the prevention, detection, or investigation of crime; or court
467 security that is providing security for a courthouse.

468 (D) 'Law enforcement personnel' means sheriffs or deputy sheriffs or peace officers
469 employed by a law enforcement agency.

470 (2)(A) Pursuant to a security plan implemented by law enforcement personnel,
471 including as provided for under a comprehensive plan as provided for in subsection (a)
472 of Code Section 15-16-10, the law enforcement agency with jurisdiction over a
473 courthouse may provide for facilities or the means for the holding of weapons carried
474 by persons enumerated under this Code section, except as provided for in paragraph (3)
475 of this subsection, provided that ingress to such courthouse is actively restricted or
476 screened by law enforcement personnel and such facilities or means are located in the
477 immediate proximity of the area which is restricted or screened by such law
478 enforcement personnel.

479 (B) If the requirements of this paragraph are met, the persons enumerated under this
480 Code section shall, except as provided for in paragraph (3) of this subsection, upon
481 request of law enforcement personnel place his or her weapons in such holding with
482 law enforcement personnel while such persons are within the restricted or screened
483 area. Upon request of any person enumerated under this Code section, in preparation
484 for his or her exit from the restricted or screened area, law enforcement personnel shall
485 immediately provide for the return of the person's weapons which are in holding.

486 (3) Notwithstanding a security plan implemented by law enforcement personnel,
487 including as provided for under a comprehensive plan as provided for in subsection (a)

488 of Code Section 15-16-10, active law enforcement officers referred to in subsection (c)
489 of this Code section shall be authorized to carry their service ~~handguns and~~ weapons in
490 any courthouse if they are wearing the assigned uniform of their law enforcement office
491 or have the official badge and identification credentials issued to them by their law
492 enforcement office displayed and plainly visible on their person while in the performance
493 of their official duties.

494 (d) A prosecution based upon a violation of Code Section ~~16-11-126 or~~ 16-11-127 need
495 not negative any exemptions."

496 **SECTION 10.**

497 Said part is further amended by revising subsection (b) of Code Section 16-11-135, relating
498 to public or private employer's parking lots, right of privacy in vehicles in employer's parking
499 lot or invited guests on lot, severability, and rights of action, as follows:

500 "(b) Except as provided in this Code section, no private or public employer, including the
501 state and its political subdivisions, shall condition employment upon any agreement by a
502 prospective employee that prohibits an employee from entering the parking lot and access
503 thereto when the employee's privately owned motor vehicle contains a firearm or
504 ammunition, or both, that is locked out of sight within the trunk, glove box, or other
505 enclosed compartment or area within such privately owned motor vehicle, provided that
506 any ~~applicable employees possess a Georgia weapons carry license~~ such prospective
507 employee is a lawful weapons carrier."

508 **SECTION 11.**

509 Said part is further amended by revising Code Section 16-11-137, relating to required
510 possession of weapons carry license or proof of exemption when carrying a weapon and
511 detention for investigation of carrying permit, as follows:

512 "16-11-137.

513 ~~(a) Every license holder shall have his or her valid weapons carry license in his or her~~
514 ~~immediate possession at all times when carrying a weapon, or if such person is exempt~~
515 ~~from having a weapons carry license pursuant to Code Section 16-11-130 or subsection (c)~~
516 ~~of Code Section 16-11-127.1, he or she shall have proof of his or her exemption in his or~~
517 ~~her immediate possession at all times when carrying a weapon, and his or her failure to do~~
518 ~~so shall be prima-facie evidence of a violation of the applicable provision of Code~~
519 ~~Sections 16-11-126 through 16-11-127.2.~~

520 ~~(b) A person carrying a weapon shall not be subject to detention for the sole purpose of~~
521 ~~investigating whether such person has a weapons carry license, whether such person is~~
522 ~~exempt from having a weapons carry license pursuant to Code Section 16-11-130 or~~
523 ~~subsection (c) of Code Section 16-11-127.1, or whether such person is a lawful weapons~~
524 ~~carrier as defined in Code Section 16-11-125.1.~~

525 ~~(c) A person convicted of a violation of this Code section shall be fined not more than~~
526 ~~\$10.00 if he or she produces in court his or her weapons carry license, provided that it was~~
527 ~~valid at the time of his or her arrest, or produces proof of his or her exemption."~~

528

SECTION 12.

529 Part 2 of Article 4 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,
530 relating to transportation passenger safety, is amended by revising subsection (b) of Code
531 Section 16-12-123, relating to bus or rail vehicle hijacking, boarding with concealed weapon,
532 and company use of reasonable security measures, as follows:

533 "(b) Any person who boards or attempts to board an aircraft, bus, or rail vehicle with any
534 explosive, destructive device, or hoax device as such ~~term is~~ terms are defined in Code
535 Section 16-7-80; ~~firearm for which~~ weapon or long gun as such terms are defined in Code
536 Section 16-11-125.1 if such person ~~does not have on his or her person a valid weapons~~
537 ~~carry license issued pursuant to Code Section 16-11-129 unless possessing such firearm is~~

538 ~~prohibited by federal law~~ is not a lawful weapons carrier as defined in Code
539 Section 16-11-125.1; hazardous substance as defined by Code Section 12-8-92; ~~or knife~~
540 or other device designed or modified for the purpose of offense and defense concealed on
541 or about his or her person or property which is or would be accessible to such person while
542 on the aircraft, bus, or rail vehicle shall be guilty of a felony and, upon conviction thereof,
543 shall be sentenced to imprisonment for not less than one nor more than ten years. The
544 prohibition of this subsection shall not apply to any law enforcement officer, peace officer
545 retired from a state or federal law enforcement agency, person in the military service of the
546 state or of the United States, or commercial security personnel employed by the
547 transportation company who is in possession of weapons used within the course and scope
548 of employment; nor shall the prohibition apply to persons transporting weapons contained
549 in baggage which is not accessible to passengers if the presence of such weapons has been
550 declared to the transportation company and such weapons have been secured in a manner
551 prescribed by state or federal law or regulation for the purpose of transportation or
552 shipment. The provisions of this subsection shall not apply to any privately owned aircraft,
553 bus, or rail vehicle if the owner of such aircraft or vehicle has given his or her express
554 permission to board the aircraft or vehicle with the item."

555

SECTION 13.

556 Said part is further amended by revising subsection (a) of Code Section 16-12-127, relating
557 to prohibition on firearms, hazardous substances, knives, or other devices, penalty, and
558 affirmative defenses, as follows:

559 "(a) It shall be unlawful for any person, with the intention of avoiding or interfering with
560 a security measure or of introducing into a terminal any explosive, destructive device, or
561 hoax device as such terms are defined in Code Section 16-7-80; ~~firearm for which such~~
562 ~~person does not have on his or her person a valid weapons carry license issued pursuant to~~
563 ~~Code Section 16-11-129 unless possessing such firearm is prohibited by federal law~~

564 weapon or long gun as such terms are defined in Code Section 16-11-125.1 if such person
 565 is not a lawful weapons carrier as defined in Code Section 16-11-125.1; hazardous
 566 substance as defined by Code Section 12-8-92; or knife or other device designed or
 567 modified for the purpose of offense and defense, to:

- 568 (1) Have any such item on or about his or her person; or
 569 (2) Place or cause to be placed or attempt to place or cause to be placed any such item:
 570 (A) In a container or freight of a transportation company;
 571 (B) In the baggage or possessions of any person or any transportation company without
 572 the knowledge of the passenger or transportation company; or
 573 (C) Aboard such aircraft, bus, or rail vehicle."

574 **SECTION 14.**

575 Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by
 576 revising paragraphs (1) and (2) of Code Section 27-3-1.1, relating to acts prohibited on
 577 wildlife management areas, as follows:

- 578 "(1) To possess a firearm other than a handgun, as such term is defined in Code
 579 Section 16-11-125.1, during a closed hunting season for that area unless such firearm is
 580 unloaded and stored in a motor vehicle so as not to be readily accessible or to possess a
 581 handgun during a closed hunting season for that area unless such person ~~possesses a valid~~
 582 ~~weapons carry license issued pursuant to Code Section 16-11-129~~ is a lawful weapons
 583 carrier as defined in Code Section 16-11-125.1;
 584 (2) To possess a loaded firearm other than a handgun, as such term is defined in Code
 585 Section 16-11-125.1, in a motor vehicle during a legal open hunting season for that area
 586 or to possess a loaded handgun in a motor vehicle during a legal open hunting season for
 587 that area unless such person ~~possesses a valid weapons carry license issued pursuant to~~
 588 ~~Code Section 16-11-129~~ is a lawful weapons carrier as defined in Code Section
 589 16-11-125.1;".

590

SECTION 15.

591 Said title is further amended by revising Code Section 27-3-6, relating to possession of
592 firearm while hunting with bow and arrow, as follows:

593 "27-3-6.

594 It shall be unlawful for any person to possess any center-fire or rimfire firearm other than
595 a handgun, as such term is defined in Code Section 16-11-125.1, while hunting with a bow
596 and arrow during archery or primitive weapons season for deer or while hunting with a
597 muzzleloading firearm during a primitive weapons season for deer or to possess a loaded
598 handgun while hunting with a bow and arrow during archery or primitive weapons season
599 for deer or while hunting with a muzzleloading firearm during primitive weapons season
600 for deer unless such person ~~possesses a valid weapons carry license issued pursuant to~~
601 ~~Code Section 16-11-129~~ is a lawful weapons carrier as defined in Code
602 Section 16-11-125.1."

603

SECTION 16.

604 Said title is further amended by revising paragraphs (1) and (2) of subsection (a) of Code
605 Section 27-4-11.1, relating to possession of firearms and intoxication on public fishing areas,
606 fishing in closed fishing areas, and other restrictions in public fishing areas, as follows:

607 "(1) To possess a firearm other than a handgun, as such term is defined in Code
608 Section 16-11-125.1, during a closed hunting season for that area unless such firearm is
609 unloaded and stored in a motor vehicle so as not to be readily accessible or to possess a
610 handgun during a closed hunting season for that area unless such person ~~possesses a valid~~
611 ~~weapons carry license issued pursuant to Code Section 16-11-129~~ is a lawful weapons
612 carrier as defined in Code Section 16-11-125.1;

613 (2) To possess a loaded firearm other than a handgun, as such term is defined in Code
614 Section 16-11-125.1, in a motor vehicle during a legal open hunting season for that area
615 or to possess a loaded handgun in a motor vehicle during a legal open hunting season for

616 that area unless such person ~~possesses a valid weapons carry license issued pursuant to~~
617 ~~Code Section 16-11-129~~ is a lawful weapons carrier as defined in Code Section
618 16-11-125.1; or".

619 **SECTION 17.**

620 Part 2 of Article 10 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,
621 relating to parking for persons with disabilities, is amended by revising paragraph (4) of
622 subsection (b) of Code Section 40-6-228, relating to enforcement of parking for persons with
623 disabilities, as follows:

624 "(4) Have the power to possess and carry firearms and other weapons for the purpose of
625 enforcing the parking laws for persons with disabilities; provided, however, that a person
626 who ~~possesses a valid weapons carry license issued under Code Section 16-11-129 and~~
627 ~~who carries such weapon in a manner permitted under Code Section 16-11-126~~ is a
628 lawful weapons carrier as defined in Code Section 16-11-125.1 shall not be in violation
629 of this paragraph; or".

630 **SECTION 18.**

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

633 **SECTION 19.**

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