

House Bill 875 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Jasperse of the 11th, Meadows of the 5th, Powell of the 32nd, Ballinger of the 23rd, Hightower of the 68th, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 8-3-202, Article 2 of Chapter 3, Article 4 of Chapter 11, and Part 2
 2 of Article 4 of Chapter 12 of Title 16, and Code Section 35-3-34 of the Official Code of
 3 Georgia Annotated, relating to unlawful practices in selling or renting dwellings and
 4 exceptions, justification and excuse, dangerous instrumentalities and practices, transportation
 5 passenger safety, and disclosure and dissemination of criminal records to private persons and
 6 businesses, resulting responsibility and liability of issuing center, and provision of certain
 7 information to the FBI in conjunction with the National Instant Criminal Background Check
 8 System, respectively, so as to change provisions relating to carrying weapons and the
 9 issuance of weapons carry licenses; to provide for a short title; to provide that persons who
 10 use threats, force, or deadly force in accordance with Code Section 16-3-21, 16-3-23,
 11 16-3-23.1, or 16-3-24 shall be immune from criminal prosecution under Part 3 of Article 4
 12 of Chapter 11 of Title 16; to change provisions relating to carrying weapons in unauthorized
 13 locations; to provide for and change definitions; to change provisions relating to carrying
 14 weapons within certain school safety zones and at school functions; to change provisions
 15 relating to exemptions for carrying weapons within school safety zones; to remove
 16 fingerprinting requirements for renewal licenses; to allow persons who have had their
 17 weapons carry licenses revoked to be eligible to be license holders under certain
 18 circumstances; to prohibit the creation or maintenance of data bases regarding persons issued
 19 weapons carry licenses; to provide for verification of weapons carry licenses; to provide for
 20 local boards of education to authorize personnel to carry weapons within school safety zones
 21 under certain circumstances; to provide for the offense of unlawfully carrying a weapon into
 22 a secure airport area; to provide for weapons carry licenses to be carried and exhibited on
 23 demand; to provide that defense of self or others is an absolute defense to any violation under
 24 Part 3 of Article 4 of Chapter 11 and Part 2 of Article 4 of Chapter 12 of Title 16; to change
 25 legislative findings; to change provisions relating to preemption of local regulations; to
 26 provide for the collection and dissemination of information pertinent to issuing weapons
 27 carry licenses; to amend Title 43 of the Official Code of Georgia Annotated, relating to
 28 professions and businesses, so as to repeal state laws regarding firearms dealers; to amend

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29 Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency
 30 management, so as to prohibit certain limitations regarding firearms during a declared state
 31 of emergency; to provide for definitions; to change provisions relating to emergency powers
 32 of the Governor; to amend Code Sections 16-5-21, 16-5-24, 16-12-1, 20-2-1180, 20-2-1185,
 33 and 43-38-10 of the Official Code of Georgia Annotated, relating to aggravated assault,
 34 aggravated battery, contributing to the delinquency, unruliness, or deprivation of a minor,
 35 loitering upon school premises or within a school safety zone, school safety plans, and
 36 private detectives and security agencies permits to carry firearms, respectively, so as to
 37 correct cross-references; to provide for related matters; to repeal conflicting laws; and for
 38 other purposes.

39 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

40 PART I
 41 SECTION 1-1.

42 This Act shall be known and may be cited as the "Safe Carry Protection Act."

43 SECTION 1-2.

44 Code Section 8-3-202 of the Official Code of Georgia Annotated, relating to unlawful
 45 practices in selling or renting dwellings and exceptions, is amended in subsection (a) by
 46 striking "or" at the end of subparagraph (a)(6)(C), by replacing the period with "; or" at the
 47 end of subparagraph (a)(7)(D), and by adding a new paragraph to read as follows:

48 "(8) To require, as a condition of tenancy in public housing, any prohibition or restriction
 49 of any lawful possession of a firearm within an individual dwelling unless required by
 50 federal law or regulation."

51 SECTION 1-3.

52 Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated, relating to
 53 justification and excuse, is amended by revising Code Section 16-3-24.2, relating to
 54 immunity from prosecution and exception, as follows:

55 "16-3-24.2.

56 A person who uses threats or force in accordance with Code Section 16-3-21, 16-3-23,
 57 16-3-23.1, or 16-3-24 shall be immune from criminal prosecution therefor unless in the use
 58 of deadly force, such person utilizes a weapon the carrying or possession of which is
 59 unlawful by such person under Part 2 ~~or~~ 3 of Article 4 of Chapter 11 of this title."

60 **SECTION 1-4.**

61 Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to
 62 dangerous instrumentalities and practices, is amended by revising subsection (d) of Code
 63 Section 16-11-126, relating to having or carrying handguns, long guns, or other weapons, as
 64 follows:

65 "(d) Any person who is not prohibited by law from possessing a handgun or long gun who
 66 is eligible for a weapons carry license may transport a handgun or long gun in any private
 67 passenger motor vehicle; provided, however, that private property owners or persons in
 68 legal control of private property through a lease, rental agreement, licensing agreement,
 69 contract, or any other agreement to control access to such private property shall have the
 70 right to ~~forbid~~ exclude or eject a person who is in possession of a weapon or long gun on
 71 their private property in accordance with paragraph (3) of subsection (b) of Code Section
 72 16-7-21, except as provided in Code Section 16-11-135."

73 **SECTION 1-5.**

74 Said article is further amended by revising Code Section 16-11-127, relating to carrying
 75 weapons in unauthorized locations and penalty, as follows:

76 "16-11-127.

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

78 ~~(1) 'Bar' means an establishment that is devoted to the serving of alcoholic beverages for~~
 79 ~~consumption by guests on the premises and in which the serving of food is only~~
 80 ~~incidental to the consumption of those beverages, including, but not limited to, taverns,~~
 81 ~~nightclubs, cocktail lounges, and cabarets.~~

82 ~~(2)~~(1) 'Courthouse' means a building occupied by judicial courts and containing rooms
 83 in which judicial proceedings are held.

84 ~~(3)~~(2) 'Government building' means:

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

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

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

92 ~~(4)~~(3) 'Government entity' means an office, agency, authority, department, commission,
 93 board, body, division, instrumentality, or institution of the state or any county, municipal
 94 corporation, consolidated government, or local board of education within this state.

95 ~~(5)~~(4) 'Parking facility' means real property owned or leased by a government entity,
 96 courthouse, jail, or prison, ~~place of worship, or bar~~ that has been designated by such
 97 government entity, courthouse, jail, or prison, ~~place of worship, or bar~~ for the parking of
 98 motor vehicles at a government building or at such courthouse, jail, or prison, ~~place of~~
 99 ~~worship, or bar.~~

100 (b) Except as provided in subsection (d) or (e) of this Code section, ~~A~~ person shall be
 101 guilty of carrying a weapon or long gun in an unauthorized location and punished as for a
 102 misdemeanor when he or she carries a weapon or long gun while:

103 (1) In a government building, except as provided in subsection (e) of this Code section;

104 (2) In a courthouse;

105 (3) In a jail or prison;

106 ~~(4) In a place of worship;~~

107 ~~(5)~~(4) In a state mental health facility as defined in Code Section 37-1-1 which admits
 108 individuals on an involuntary basis for treatment of mental illness, developmental
 109 disability, or addictive disease; provided, however, that carrying a weapon or long gun
 110 in such location in a manner in compliance with paragraph (3) of subsection (d) of this
 111 Code section shall not constitute a violation of this subsection;

112 ~~(6) In a bar, unless the owner of the bar permits the carrying of weapons or long guns by~~
 113 ~~license holders;~~

114 ~~(7)~~(5) On the premises of a nuclear power facility, except as provided in Code Section
 115 16-11-127.2, and the punishment provisions of Code Section 16-11-127.2 shall supersede
 116 the punishment provisions of this Code section; or

117 ~~(8)~~(6) Within 150 feet of any polling place, except as provided in subsection (i) of Code
 118 Section 21-2-413.

119 (c) Except as provided in Code Section 16-11-127.1, a license holder or person recognized
 120 under subsection (e) of Code Section 16-11-126 shall be authorized to carry a weapon as
 121 provided in Code Section 16-11-135 and in every location in this state not listed in
 122 subsection (b) or prohibited by subsection (e) of this Code section; provided, however, that
 123 private property owners or persons in legal control of private property through a lease,
 124 rental agreement, licensing agreement, contract, or any other agreement to control access
 125 to such private property shall have the right to ~~forbid~~ exclude or eject a person who is in
 126 possession of a weapon or long gun on their private property in accordance with
 127 paragraph (3) of subsection (b) of Code Section 16-7-21, except as provided in Code
 128 Section 16-11-135. A violation of subsection (b) of this Code section shall not create or
 129 give rise to a civil action for damages.

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

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

134 (2) To a license holder who approaches security or management personnel upon arrival
 135 at a location described in subsection (b) of this Code section and notifies such security
 136 or management personnel of the presence of the weapon or long gun and explicitly
 137 follows the security or management personnel's direction for removing, securing, storing,
 138 or temporarily surrendering such weapon or long gun; and

139 (3) To a weapon or long gun possessed by a license holder which is under the possessor's
 140 control in a motor vehicle or is in a locked compartment of a motor vehicle or one which
 141 is in a locked container in or a locked firearms rack which is on a motor vehicle and such
 142 vehicle is parked in a parking facility.

143 (e) A license holder shall be authorized to carry a weapon in a government building where
 144 ingress into such building is not restricted or screened by security personnel during the
 145 hours the government building is open for business. A person who is not a license holder
 146 and who attempts to enter a government building carrying a weapon shall be guilty of a
 147 misdemeanor. A license holder who enters or attempts to enter a government building
 148 carrying a weapon where ingress is restricted or screened by security personnel shall be
 149 guilty of a misdemeanor; provided, however, that:

150 (1) A license holder who immediately exits such building or immediately leaves such
 151 location upon notification of his or her failure to clear security due to the carrying of a
 152 weapon shall not be guilty of violating this subsection or paragraph (1) of subsection (b)
 153 of this Code section; and

154 (2) A license holder shall not be guilty of violating this subsection or paragraph (1) of
 155 subsection (b) of this Code section if no member of the security personnel restricting or
 156 screening ingress is certified as a peace officer pursuant to Chapter 8 of Title 35 and the
 157 license holder immediately exits such building or immediately leaves such location upon
 158 request by the security personnel due to the carrying of the weapon."

159 **SECTION 1-6.**

160 Said article is further amended by revising subsection (a), paragraphs (1) and (2) of
 161 subsection (b), and subsections (c) through (f) of Code Section 16-11-127.1, relating to
 162 carrying weapons within school safety zones, at school functions, or on school property, as
 163 follows:

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

165 (1) 'Bus or other transportation furnished by a school' means a bus or other transportation
 166 furnished by a public or private elementary or secondary school.

167 (2) 'School function' means a school function or related activity that occurs outside of a
 168 school safety zone and is for a public or private elementary or secondary school.

169 ~~(1)~~(3) 'School safety zone' means in or on any real property or building owned by or
 170 leased to:

171 (A) Any any public or private elementary school, secondary school, or school local
 172 board of education and used for elementary or secondary education; and in or on the
 173 campus of any

174 (B) Any public or private technical school, vocational school, college, university, or
 175 other institution of postsecondary education.

176 ~~(2)~~(4) 'Weapon' means and includes any pistol, revolver, or any weapon designed or
 177 intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife,
 178 ballistic knife, any other knife having a blade of two or more inches, straight-edge razor,
 179 razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or
 180 other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any
 181 flailing instrument consisting of two or more rigid parts connected in such a manner as
 182 to allow them to swing freely, which may be known as a nun chahka, nun chuck,
 183 nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at
 184 least two points or pointed blades which is designed to be thrown or propelled and which
 185 may be known as a throwing star or oriental dart, or any weapon of like kind, and any
 186 stun gun or taser as defined in subsection (a) of Code Section 16-11-106. This paragraph
 187 excludes any of these instruments used for classroom work authorized by the teacher.

188 (b)(1) Except as otherwise provided in subsection (c) of this Code section, it shall be
 189 unlawful for any person to carry to or to possess or have under such person's control
 190 while within a school safety zone or at a school building, school function, or school
 191 property or on a bus or other transportation furnished by the a school any weapon or
 192 explosive compound, other than fireworks the possession of which is regulated by
 193 Chapter 10 of Title 25.

194 (2)(A) Any license holder who violates this subsection in or on any real property
 195 owned by or leased to any public or private elementary or secondary school or school
 196 board and used for elementary or secondary education or in or on the campus of any
 197 private technical school, vocational school, college, university, or other institution of
 198 postsecondary education shall be guilty of a misdemeanor.

199 (B) Any license holder who violates this subsection in or on the campus of any public
 200 technical school, vocational school, college, university, or other institution of
 201 postsecondary education shall not be arrested but shall be fined not more than \$100.00.
 202 Such fine shall be remitted to the local jurisdiction where the offense occurred.

203 (C) Any person who is not a license holder who violates this subsection shall be guilty
 204 of a felony and, upon conviction thereof, be punished by a fine of not more than
 205 \$10,000.00, by imprisonment for not less than two nor more than ten years, or both."

206 "(c) The provisions of this Code section shall not apply to:

207 (1) Baseball bats, hockey sticks, or other sports equipment possessed by competitors for
 208 legitimate athletic purposes;

209 (2) Participants in organized sport shooting events or firearm training courses;

210 (3) Persons participating in military training programs conducted by or on behalf of the
 211 armed forces of the United States or the Georgia Department of Defense;

212 (4) Persons participating in law enforcement training conducted by a police academy
 213 certified by the Georgia Peace Officer Standards and Training Council or by a law
 214 enforcement agency of the state or the United States or any political subdivision thereof;

215 (5) The following persons, when acting in the performance of their official duties or
 216 when en route to or from their official duties:

217 (A) A peace officer as defined by Code Section 35-8-2;

218 (B) A law enforcement officer of the United States government;

219 (C) A prosecuting attorney of this state or of the United States;

220 (D) An employee of the Georgia Department of Corrections or a correctional facility
 221 operated by a political subdivision of this state or the United States who is authorized
 222 by the head of such correctional agency or facility to carry a firearm;

223 (E) A person employed as a campus police officer or school security officer who is
 224 authorized to carry a weapon in accordance with Chapter 8 of Title 20; and

225 (F) Medical examiners, coroners, and their investigators who are employed by the state
 226 or any political subdivision thereof;

227 (6) A person who has been authorized in writing by a duly authorized official of ~~the~~
 228 ~~school~~ a public or private elementary or secondary school or a public or private technical
 229 school, vocational school, college, university, or other institution of postsecondary
 230 education or a local board of education as provided in Code Section 16-11-130.1 to have

231 in such person's possession or use ~~as part of any activity being conducted at a school~~
 232 ~~building, school property, or within a school safety zone, at a school function, or on a bus~~
 233 or other transportation furnished by a school a weapon which would otherwise be

234 prohibited by this Code section. Such authorization shall specify the weapon or weapons
 235 which have been authorized and the time period during which the authorization is valid;

236 (7) A person who is licensed in accordance with Code Section 16-11-129 or issued a
 237 permit pursuant to Code Section 43-38-10, when such person carries or picks up a student
 238 ~~at a school building, within a school safety zone, at a school function, or school property~~
 239 or on a bus or other transportation furnished by ~~the~~ a school or a person who is licensed

240 in accordance with Code Section 16-11-129 or issued a permit pursuant to Code
 241 Section 43-38-10 when he or she has any weapon legally kept within a vehicle when such
 242 vehicle is parked ~~at such school property~~ within a school safety zone or is in transit
 243 through a designated school safety zone;

244 (8) A weapon possessed by a license holder which is under the possessor's control in a
 245 motor vehicle or which is in a locked compartment of a motor vehicle or one which is in
 246 a locked container in or a locked firearms rack which is on a motor vehicle which is being
 247 used by an adult over 21 years of age to bring to or pick up a student ~~at a school building,~~
 248 within a school safety zone, at a school function, or school property or on a bus or other
 249 transportation furnished by ~~the~~ a school, or when such vehicle is used to transport
 250 someone to an activity being conducted ~~on school property~~ within a school safety zone
 251 which has been authorized by a duly authorized official ~~of the school or local board of~~
 252 education as provided by paragraph (6) of this subsection; provided, however, that this
 253 exception shall not apply to a student attending ~~such~~ a public or private elementary or
 254 secondary school;

255 (9) Persons employed in fulfilling defense contracts with the government of the United
 256 States or agencies thereof when possession of the weapon is necessary for manufacture,
 257 transport, installation, and testing under the requirements of such contract;

258 (10) Those employees of the State Board of Pardons and Paroles when specifically
 259 designated and authorized in writing by the members of the State Board of Pardons and
 260 Paroles to carry a weapon;

261 (11) The Attorney General and those members of his or her staff whom he or she
 262 specifically authorizes in writing to carry a weapon;

263 (12) Probation supervisors employed by and under the authority of the Department of
 264 Corrections pursuant to Article 2 of Chapter 8 of Title 42, known as the 'State-wide
 265 Probation Act,' when specifically designated and authorized in writing by the director of
 266 the Division of Probation;

267 (13) Public safety directors of municipal corporations;

268 (14) State and federal trial and appellate judges;

269 (15) United States attorneys and assistant United States attorneys;

270 (16) Clerks of the superior courts;

271 (17) Teachers and other ~~school~~ personnel who are otherwise authorized to possess or
 272 carry weapons, provided that any such weapon is in a locked compartment of a motor
 273 vehicle or one which is in a locked container in or a locked firearms rack which is on a
 274 motor vehicle; or

275 (18) Constables of any county of this state.

276 (d)(1) This Code section shall not prohibit any person who resides or works in a business
 277 or is in the ordinary course transacting lawful business or any person who is a visitor of
 278 such resident located within a school safety zone from carrying, possessing, or having
 279 under such person's control a weapon within a school safety zone; provided, however,
 280 that it shall be unlawful for any such person to carry, possess, or have under such person's
 281 control while at a ~~school building or school function or on school property, a school bus,~~
 282 a bus or other transportation furnished by ~~the~~ a school any weapon or explosive
 283 compound, other than fireworks the possession of which is regulated by Chapter 10 of
 284 Title 25.

285 (2) Any person who violates this subsection shall be subject to the penalties specified in
 286 subsection (b) of this Code section.

287 ~~(3) This subsection shall not be construed to waive or alter any legal requirement for~~
 288 ~~possession of weapons or firearms otherwise required by law.~~

289 (e) It shall be no defense to a prosecution for a violation of this Code section that:

290 (1) School was or was not in session at the time of the offense;

291 (2) The real property was being used for other purposes besides school purposes at the
 292 time of the offense; or

293 (3) The offense took place on a bus or other transportation furnished by a school vehicle.

294 (f) In a prosecution under this Code section, a map produced or reproduced by any
 295 municipal or county agency or department for the purpose of depicting the location and
 296 boundaries of the area of the real property of a school board or a private or public
 297 elementary or secondary school that is used for school purposes or the area of any campus
 298 ~~of any~~ public or private technical school, vocational school, college, university, or other
 299 institution of postsecondary education, or a true copy of the map, shall, if certified as a true
 300 copy by the custodian of the record, be admissible and shall constitute prima-facie evidence
 301 of the location and boundaries of the area, if the governing body of the municipality or
 302 county has approved the map as an official record of the location and boundaries of the
 303 area. A map approved under this Code section may be revised from time to time by the
 304 governing body of the municipality or county. The original of every map approved or
 305 revised under this subsection or a true copy of such original map shall be filed with the
 306 municipality or county and shall be maintained as an official record of the municipality or
 307 county. This subsection shall not preclude the prosecution from introducing or relying
 308 upon any other evidence or testimony to establish any element of this offense. This
 309 subsection shall not preclude the use or admissibility of a map or diagram other than the
 310 one which has been approved by the municipality or county."

311 **SECTION 1-7.**

312 Said article is further amended by revising Code Section 16-11-129, relating to license to
 313 carry weapons, as follows:

314 "16-11-129.

315 (a) **Application for weapons carry license or renewal license; term.** The judge of the
 316 probate court of each county may, on application under oath and on payment of a fee of
 317 \$30.00, issue a weapons carry license or renewal license valid for a period of five years to
 318 any person whose domicile is in that county or who is on active duty with the United States
 319 armed forces and who is not a domiciliary of this state but who either resides in that county
 320 or on a military reservation located in whole or in part in that county at the time of such
 321 application. Such license or renewal license shall authorize that person to carry any
 322 weapon in any county of this state notwithstanding any change in that person's county of
 323 residence or state of domicile. Applicants shall submit the application for a weapons carry
 324 license or renewal license to the judge of the probate court on forms prescribed and
 325 furnished free of charge to persons wishing to apply for the license or renewal license. An
 326 applicant who is not a United States citizen shall provide sufficient personal identifying
 327 data, including without limitation his or her place of birth and United States issued alien
 328 or admission number, as the Georgia Bureau of Investigation may prescribe by rule or
 329 regulation. An applicant who is in nonimmigrant status shall provide proof of his or her
 330 qualifications for an exception to the federal firearm prohibition pursuant to 18 U.S.C.
 331 Section 922(y). Forms shall be designed to elicit information from the applicant pertinent
 332 to his or her eligibility under this Code section, including citizenship, but shall not require
 333 data which is nonpertinent or irrelevant, such as serial numbers or other identification
 334 capable of being used as a de facto registration of firearms owned by the applicant. The
 335 Department of Public Safety shall furnish application forms and license forms required by
 336 this Code section. The forms shall be furnished to each judge of each probate court within
 337 ~~the~~ this state at no cost.

338 (b) **Licensing exceptions.**

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

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

342 (B) 'Convicted' means ~~a plea of guilty or a finding of guilt by a court of competent~~
 343 ~~jurisdiction or the acceptance of a plea of nolo contendere, irrespective of the pendency~~
 344 ~~or availability of an appeal or an application for collateral relief~~ an adjudication of guilt.
 345 Such term shall not include an order of discharge and exoneration pursuant to Article
 346 3 of Chapter 8 of Title 42.

347 (C) 'Dangerous drug' means any drug defined as such in Code Section 16-13-71.

- 348 (2) No weapons carry license shall be issued to:
- 349 (A) Any person ~~under~~ younger than 21 years of age unless he or she:
- 350 (i) Is at least 18 years of age;
- 351 (ii) Provides proof that he or she has completed basic training in the armed forces of
- 352 the United States; and
- 353 (iii) Provides proof that he or she is actively serving in the armed forces of the United
- 354 States or has been honorably discharged from such service;
- 355 (B) Any person who has been convicted of a felony by a court of this state or any other
- 356 state; by a court of the United States, including its territories, possessions, and
- 357 dominions; or by a court of any foreign nation and has not been pardoned for such
- 358 felony by the President of the United States, the State Board of Pardons and Paroles,
- 359 or the person or agency empowered to grant pardons under the constitution or laws of
- 360 such state or nation;
- 361 (C) Any person against whom proceedings are pending for any felony;
- 362 (D) Any person who is a fugitive from justice;
- 363 (E) Any person who is prohibited from possessing or shipping a firearm in interstate
- 364 commerce pursuant to subsections (g) and (n) of 18 U.S.C. Section 922;
- 365 (F) Any person who has been convicted of an offense arising out of the unlawful
- 366 manufacture or distribution of a controlled substance or other dangerous drug;
- 367 (G) Any person who has had his or her weapons carry license revoked pursuant to
- 368 subsection (e) of this Code section within three years of the date of his or her
- 369 application;
- 370 (H) Any person who has been convicted of any of the following:
- 371 (i) ~~Pointing a gun or a pistol at another in violation of Code Section 16-11-102;~~
- 372 (ii) Carrying a weapon without a weapons carry license in violation of Code Section
- 373 16-11-126; or
- 374 (iii)~~(ii)~~ Carrying a weapon or long gun in an unauthorized location in violation of
- 375 Code Section 16-11-127
- 376 and has not been free of all restraint or supervision in connection therewith and free of
- 377 any other conviction for at least five years immediately preceding the date of the
- 378 application;
- 379 (I) Any person who has been convicted of any misdemeanor involving the use or
- 380 possession of a controlled substance and has not been free of all restraint or supervision
- 381 in connection therewith or free of:
- 382 (i) A second conviction of any misdemeanor involving the use or possession of a
- 383 controlled substance; or
- 384 (ii) Any conviction under subparagraphs (E) through (G) of this paragraph

385 for at least five years immediately preceding the date of the application; ~~or~~
 386 (J) Any person who has been hospitalized as an inpatient in any mental hospital or
 387 alcohol or drug treatment center within the five years immediately preceding the
 388 application. The judge of the probate court may require any applicant to sign a waiver
 389 authorizing any mental hospital or treatment center to inform the judge whether or not
 390 the applicant has been an inpatient in any such facility in the last five years and
 391 authorizing the superintendent of such facility to make to the judge a recommendation
 392 regarding whether the applicant is a threat to the safety of others and whether a license
 393 to carry a weapon should be issued. When such a waiver is required by the judge, the
 394 applicant shall pay a fee of \$3.00 for reimbursement of the cost of making such a report
 395 by the mental health hospital, alcohol or drug treatment center, or the Department of
 396 Behavioral Health and Developmental Disabilities, which the judge shall remit to the
 397 hospital, center, or department. The judge shall keep any such hospitalization or
 398 treatment information confidential. It shall be at the discretion of the judge, considering
 399 the circumstances surrounding the hospitalization and the recommendation of the
 400 superintendent of the hospital or treatment center where the individual was a patient,
 401 to issue the weapons carry license or renewal license;

402 (K) Any person who has been adjudicated mentally incompetent to stand trial; or

403 (L) Any person who has been adjudicated not guilty by reason of insanity at the time
 404 of the crime pursuant to Part 2 of Article 6 of Chapter 7 of Title 17.

405 ~~(3) If first offender treatment without adjudication of guilt for a conviction contained in~~
 406 ~~subparagraph (F) or (I) of paragraph (2) of this subsection was entered and such sentence~~
 407 ~~was successfully completed and such person has not had any other conviction since the~~
 408 ~~completion of such sentence and for at least five years immediately preceding the date~~
 409 ~~of the application, he or she shall be eligible for a weapons carry license provided that no~~
 410 ~~other license exception applies.~~

411 (c) **Fingerprinting.** Following completion of the application for a weapons carry license
 412 ~~or the renewal of a license~~, the judge of the probate court shall require the applicant to
 413 proceed to an appropriate law enforcement agency in the county or to any vendor approved
 414 by the Georgia Bureau of Investigation for fingerprint submission services with the
 415 completed application. ~~The appropriate local law enforcement agency in each county shall~~
 416 ~~then so that such agency or vendor can~~ capture the fingerprints of the applicant for a
 417 ~~weapons carry license or renewal license and place the name of the applicant on the blank~~
 418 ~~license form. The appropriate local law enforcement agency shall place the fingerprint on~~
 419 ~~a blank license form which has been furnished to the law enforcement agency by the judge~~
 420 ~~of the probate court if a fingerprint is required to be furnished by subsection (f) of this~~
 421 ~~Code section.~~ The law enforcement agency shall be entitled to a fee of \$5.00 from the

422 applicant for its services in connection with ~~the~~ fingerprinting and processing of an
423 application. Fingerprinting shall not be required for applicants seeking temporary renewal
424 licenses or renewal licenses.

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

426 (1) For both weapons carry license applications and requests for license renewals, the
427 judge of the probate court shall within five business days following the receipt of the
428 application or request direct the law enforcement agency to request a fingerprint based
429 criminal history records check from the Georgia Crime Information Center and Federal
430 Bureau of Investigation for purposes of determining the suitability of the applicant and
431 return an appropriate report to the judge of the probate court. Fingerprints shall be in
432 such form and of such quality as prescribed by the Georgia Crime Information Center and
433 under standards adopted by the Federal Bureau of Investigation. The Georgia Bureau of
434 Investigation may charge such fee as is necessary to cover the cost of the records search.

435 (2) For both weapons carry license applications and requests for license renewals, the
436 judge of the probate court shall within five business days following the receipt of the
437 application or request also direct the law enforcement agency to conduct a background
438 check using the Federal Bureau of Investigation's National Instant Criminal Background
439 Check System and return an appropriate report to the probate judge.

440 (3) When a person who is not a United States citizen applies for a weapons carry license
441 or renewal of a license under this Code section, the judge of the probate court shall direct
442 the law enforcement agency to conduct a search of the records maintained by United
443 States Immigration and Customs Enforcement and return an appropriate report to the
444 probate judge. As a condition to the issuance of a license or the renewal of a license, an
445 applicant who is in nonimmigrant status shall provide proof of his or her qualifications
446 for an exception to the federal firearm prohibition pursuant to 18 U.S.C. Section 922(y).

447 (4) The law enforcement agency shall report to the judge of the probate court within 30
448 days, by telephone and in writing, of any findings relating to the applicant which may
449 bear on his or her eligibility for a weapons carry license or renewal license under the
450 terms of this Code section. When no derogatory information is found on the applicant
451 bearing on his or her eligibility to obtain a license or renewal license, a report shall not
452 be required. The law enforcement agency shall return the application ~~and the blank~~
453 ~~license form with the fingerprint thereon~~ directly to the judge of the probate court within
454 such time period. Not later than ten days after the judge of the probate court receives the
455 report from the law enforcement agency concerning the suitability of the applicant for a
456 license, the judge of the probate court shall issue such applicant a license or renewal
457 license to carry any weapon unless facts establishing ineligibility have been reported or
458 unless the judge determines such applicant has not met all the qualifications, is not of

459 good moral character, or has failed to comply with any of the requirements contained in
 460 this Code section. The judge of the probate court shall date stamp the report from the law
 461 enforcement agency to show the date on which the report was received by the judge of
 462 the probate court.

463 **(e) Revocation, loss, or damage to license.** If, at any time during the period for which
 464 the weapons carry license was issued, the judge of the probate court of the county in which
 465 the license was issued shall learn or have brought to his or her attention in any manner any
 466 reasonable ground to believe the licensee is not eligible to retain the license, the judge may,
 467 after notice and hearing, revoke the license of the person upon a finding that such person
 468 is not eligible for a weapons carry license pursuant to subsection (b) of this Code section
 469 or an adjudication of falsification of application, mental incompetency, or chronic alcohol
 470 or narcotic usage. It shall be unlawful for any person to possess a license which has been
 471 revoked, and any person found in possession of any such revoked license, except in the
 472 performance of his or her official duties, shall be guilty of a misdemeanor. ~~It shall be~~
 473 ~~required that any license holder under this Code section have in his or her possession his~~
 474 ~~or her valid license whenever he or she is carrying a weapon under the authority granted~~
 475 ~~by this Code section, and his or her failure to do so shall be prima-facie evidence of a~~
 476 ~~violation of Code Section 16-11-126.~~ Loss of any license issued in accordance with this
 477 Code section or damage to the license in any manner which shall render it illegible shall
 478 be reported to the judge of the probate court of the county in which it was issued within 48
 479 hours of the time the loss or damage becomes known to the license holder. The judge of
 480 the probate court shall thereupon issue a replacement for and shall take custody of and
 481 destroy a damaged license; and in any case in which a license has been lost, he or she shall
 482 issue a cancellation order and notify by telephone and in writing each of the law
 483 enforcement agencies whose records were checked before issuance of the original license.
 484 The judge shall charge the fee specified in subsection (k) of Code Section 15-9-60 for such
 485 services.

486 **(f)(1) Weapons carry license specifications.** Weapons carry licenses issued as
 487 ~~prescribed in this Code section shall be printed on durable but lightweight card stock, and~~
 488 ~~the completed card shall be laminated in plastic to improve its wearing qualities and to~~
 489 ~~inhibit alterations. Measurements shall be 3 1/4 inches long and 2 1/4 inches wide. Each~~
 490 ~~shall be serially numbered within the county of issuance and shall bear the full name,~~
 491 ~~residential address, birth date, weight, height, color of eyes, and sex of the licensee. The~~
 492 ~~license shall show the date of issuance, the expiration date, and the probate court in which~~
 493 ~~issued and shall be signed by the licensee and bear the signature or facsimile thereof of~~
 494 ~~the judge. The seal of the court shall be placed on the face before the license is~~
 495 ~~laminated. Licenses issued on and before December 31, 2011, shall bear a clear print of~~

496 ~~the licensee's right index finger; however, if the right index fingerprint cannot be secured~~
 497 ~~for any reason, the print of another finger may be used but such print shall be marked to~~
 498 ~~identify the finger from which the print is taken~~ prior to January 1, 2012, shall be in the
 499 format specified by the former provisions of this paragraph as they existed on June 30,
 500 2013.

501 (2)(A) On and after January 1, 2012, newly issued or renewal weapons carry licenses
 502 shall incorporate overt and covert security features which shall be blended with the
 503 personal data printed on the license to form a significant barrier to imitation, replication,
 504 and duplication. There shall be a minimum of three different ultraviolet colors used to
 505 enhance the security of the license incorporating variable data, color shifting
 506 characteristics, and front edge only perimeter visibility. The weapons carry license shall
 507 have a color photograph viewable under ambient light on both the front and back of the
 508 license. The license shall incorporate custom optical variable devices featuring the great
 509 seal of the State of Georgia as well as matching demetalized optical variable devices
 510 viewable under ambient light from the front and back of the license incorporating
 511 microtext and unique alphanumeric serialization specific to the license holder. The
 512 license shall be of similar material, size, and thickness of a credit card and have a
 513 holographic laminate to secure and protect the license for the duration of the license
 514 period.

515 ~~(B)~~(3) Using the physical characteristics of the license set forth in ~~subparagraph (A) of~~
 516 this paragraph (2) of this subsection, The Council of Probate Court Judges of Georgia
 517 shall create specifications for the probate courts so that all weapons carry licenses in this
 518 state shall be uniform and so that probate courts can petition the Department of
 519 Administrative Services to purchase the equipment and supplies necessary for producing
 520 such licenses. The department shall follow the competitive bidding procedure set forth
 521 in Code Section 50-5-102.

522 (g) **Alteration or counterfeiting of license; penalty.** A person who deliberately alters
 523 or counterfeits a weapons carry license or who possesses an altered or counterfeit weapons
 524 carry license with the intent to misrepresent any information contained in such license shall
 525 be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for
 526 a period of not less than one nor more than five years.

527 (h) **Licenses for former law enforcement officers.** Except as otherwise provided in Code
 528 Section 16-11-130, any person who has served as a law enforcement officer for at least ten
 529 of the 12 years immediately preceding the retirement of such person as a law enforcement
 530 officer shall be entitled to be issued a weapons carry license as provided for in this Code
 531 section without the payment of any of the fees provided for in this Code section. Such
 532 person shall comply with all the other provisions of this Code section relative to the

533 issuance of such licenses. As used in this subsection, the term 'law enforcement officer'
 534 means any peace officer who is employed by the United States government or by the State
 535 of Georgia or any political subdivision thereof and who is required by the terms of his or
 536 her employment, whether by election or appointment, to give his or her full time to the
 537 preservation of public order or the protection of life and property or the prevention of
 538 crime. Such term shall include conservation rangers.

539 **(i) Temporary renewal licenses.**

540 (1) Any person who holds a weapons carry license under this Code section may, at the
 541 time he or she applies for a renewal of the license, also apply for a temporary renewal
 542 license if less than 90 days remain before expiration of the license he or she then holds
 543 or if the previous license has expired within the last 30 days.

544 (2) Unless the judge of the probate court knows or is made aware of any fact which
 545 would make the applicant ineligible for a five-year renewal license, the judge shall at the
 546 time of application issue a temporary renewal license to the applicant.

547 (3) Such a temporary renewal license shall be in the form of a paper receipt indicating
 548 the date on which the court received the renewal application and shall show the name,
 549 address, sex, age, and race of the applicant and that the temporary renewal license expires
 550 90 days from the date of issue.

551 (4) During its period of validity the temporary renewal ~~permit~~ license, if carried on or
 552 about the holder's person together with the holder's previous license, shall be valid in the
 553 same manner and for the same purposes as a five-year license.

554 (5) A \$1.00 fee shall be charged by the probate court for issuance of a temporary renewal
 555 license.

556 (6) A temporary renewal license may be revoked in the same manner as a five-year
 557 license.

558 **(j) Applicant may seek relief.** When an eligible applicant fails to receive a license,
 559 temporary ~~permit~~ renewal license, or renewal license within the time period required by
 560 this Code section and the application or request has been properly filed, the applicant may
 561 bring an action in mandamus or other legal proceeding in order to obtain a license,
 562 temporary renewal license, or renewal license. When an applicant is otherwise denied a
 563 license, temporary renewal license, or renewal license and contends that he or she is
 564 qualified to be issued a license, temporary renewal license, or renewal license, the applicant
 565 may bring an action in mandamus or other legal proceeding in order to obtain such license.
 566 Additionally, the applicant may request a hearing before the judge of the probate court
 567 relative to the applicant's fitness to be issued such license. Upon the issuance of a denial,
 568 the judge of the probate court shall inform the applicant of his or her rights pursuant to this

569 subsection. If such applicant is the prevailing party, he or she shall be entitled to recover
570 his or her costs in such action, including reasonable attorney's fees.

571 (k) **Data base prohibition.** A person or entity shall not create or maintain a
572 multijurisdictional data base of information regarding persons issued weapons carry
573 licenses.

574 (l) **Verification of license.** The judge of a probate court or his or her designee shall be
575 authorized to verify the legitimacy and validity of a weapons carry license to a license
576 holder, pursuant to a subpoena or court order, or for public safety purposes, but shall not
577 be authorized to provide any further information regarding license holders."

578 **SECTION 1-8.**

579 Said article is further amended by adding two new Code sections to read as follows:

580 "16-11-130.1.

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

582 (1) 'Bus or other transportation furnished by a school' means a bus or other transportation
583 furnished by a public or private elementary or secondary school.

584 (2) 'School function' means a school function or related activity that occurs outside of a
585 school safety zone for a public or private elementary or secondary school.

586 (3) 'School safety zone' means in or on any real property or building owned by or leased
587 to any public or private elementary or secondary school or local board of education and
588 used for elementary or secondary education.

589 (4) 'Weapon' shall have the same meaning as set forth in Code Section 16-11-127.1.

590 (b) This Code section shall not be construed to require or otherwise mandate that any local
591 board of education or school administrator adopt or implement a practice or program for
592 the approval of personnel to possess or carry weapons within a school safety zone, at a
593 school function, or on a bus or other transportation furnished by a school nor shall this
594 Code section create any liability for adopting or declining to adopt such practice or
595 program. Such decision shall rest with each individual local board of education. If a local
596 board of education adopts a policy to allow certain personnel to possess or carry weapons
597 as provided in paragraph (6) of subsection (c) of Code Section 16-11-127.1, such policy
598 shall include approval of personnel to possess or carry weapons and provide for:

599 (1) Training of approved personnel prior to authorizing such personnel to carry weapons.
600 The training shall at a minimum include training on judgment pistol shooting,
601 marksmanship, and a review of current laws relating to the use of force for the defense
602 of self and others; provided, however, that the local board of education training policy
603 may substitute for certain training requirements the personnel's prior military or law

604 enforcement service if the approved personnel has previously served as a certified law
605 enforcement officer or has had military service which involved similar weapons training;
606 (2) An approved list of the types of weapons and ammunition and the quantity of
607 weapons and ammunition authorized to be possessed or carried;
608 (3) The exclusion from approval of any personnel who has had an employment or other
609 history indicating any type of mental or emotional instability as determined by the local
610 board of education; and
611 (4) A mandatory method of securing weapons which shall include at a minimum a
612 requirement that the weapon, if permitted to be carried concealed by personnel, shall be
613 carried on the person and not in a purse, briefcase, bag, or similar other accessory which
614 is not secured on the body of the person and, if maintained separate from the person, shall
615 be maintained in a secured lock safe or similar lock box that cannot be easily accessed
616 by students.

617 (c) Any personnel selected to possess or carry weapons within a school safety zone, at a
618 school function, or on a bus or other transportation furnished by a school shall be a license
619 holder, and the local board of education shall be responsible for conducting a criminal
620 history background check of such personnel annually to determine whether such personnel
621 remains qualified to be a license holder.

622 (d) The selection of approved personnel to possess or carry a weapon within a school
623 safety zone, at a school function, or on a bus or other transportation furnished by a school
624 shall be done strictly on a voluntary basis. No personnel shall be required to possess or
625 carry a weapon within a school safety zone, at a school function, or on a bus or other
626 transportation furnished by a school and shall not be terminated or otherwise retaliated
627 against for refusing to possess or carry a weapon.

628 (e) The local board of education shall be responsible for any costs associated with
629 approving personnel to carry or possess weapons within a school safety zone, at a school
630 function, or on a bus or other transportation furnished by a school; provided, however, that
631 nothing contained in this Code section shall prohibit any approved personnel from paying
632 for part or all of such costs or using any other funding mechanism available, including
633 donations or grants from private persons or entities.

634 (f) Documents and meetings pertaining to personnel approved to carry or possess weapons
635 within a school safety zone, at a school function, or on a bus or other transportation
636 furnished by a school shall be considered employment and public safety security records
637 and shall be exempt from disclosure under Article 4 of Chapter 18 of Title 50.

638 16-11-130.2.

639 (a) No person shall enter the restricted access area of a commercial service airport, in or
 640 beyond the airport security screening checkpoint, knowingly possessing or knowingly
 641 having under his or her control a weapon or long gun. Such area shall not include an
 642 airport drive, general parking area, walkway, or shops and areas of the terminal that are
 643 outside the screening checkpoint and that are normally open to unscreened passengers or
 644 visitors to the airport. Any restricted access area shall be clearly indicated by prominent
 645 signs indicating that weapons are prohibited in such area.

646 (b) A person who is not a license holder and who violates this Code section shall be guilty
 647 of a misdemeanor. A license holder who violates this Code section shall be guilty of a
 648 misdemeanor; provided, however, that a license holder who is notified at the screening
 649 checkpoint for the restricted access area that he or she is in possession of a weapon or long
 650 gun and who immediately leaves the restricted access area following such notification shall
 651 not be guilty of violating this Code section.

652 (c) Any person who violates this Code section with the intent to commit a separate felony
 653 offense shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine
 654 of not less than \$1,000.00 nor more than \$15,000.00, imprisonment for not less than one
 655 nor more than ten years, or both.

656 (d) Any ordinance, resolution, regulation, or policy of any county, municipality, or other
 657 political subdivision of this state which is in conflict with this Code section shall be null,
 658 void, and of no force and effect, and this Code section shall preempt any such ordinance,
 659 resolution, regulation, or policy."

660 **SECTION 1-9.**

661 Said article is further amended by adding two new Code sections to read as follows:

662 "16-11-137.

663 (a) Every license holder shall have his or her valid weapons carry license in his or her
 664 immediate possession at all times when carrying a weapon, or if such person is exempt
 665 from having a weapons carry license pursuant to Code Section 16-11-130 or subsection (c)
 666 of Code Section 16-11-127.1, he or she shall have proof of his or her exemption in his or
 667 her immediate possession at all times when carrying a weapon, and his or her failure to do
 668 so shall be prima-facie evidence of a violation of the applicable provision of Code Sections
 669 16-11-126 through 16-11-127.2.

670 (b) A person carrying a weapon shall not be subject to detention for the sole purpose of
 671 investigating whether such person has a weapons carry license.

672 (c) A person convicted of a violation of this Code section shall be fined not more than
 673 \$10.00 if he or she produces in court his or her weapons carry license, provided that it was
 674 valid at the time of his or her arrest, or produces proof of his or her exemption.

675 16-11-138.

676 Defense of self or others, as contemplated by and provided for under Article 2 of Chapter
 677 3 of Title 16, shall be an absolute defense to any violation under this part."

678 **SECTION 1-10.**

679 Said article is further amended by revising Code Section 16-11-173, relating to legislative
 680 findings and preemption of local regulation and lawsuits, as follows:

681 "16-11-173.

682 (a)(1) It is declared by the General Assembly that the regulation of firearms and other
 683 weapons is properly an issue of general, state-wide concern.

684 (2) The General Assembly further declares that the lawful design, marketing,
 685 manufacture, and sale of firearms and ammunition and other weapons to the public is not
 686 unreasonably dangerous activity and does not constitute a nuisance per se.

687 (b)(1) Except as provided in subsection (c) of this Code section, no ~~No~~ county or
 688 municipal corporation, by zoning or by ordinance, or resolution, or other enactment, nor
 689 any agency, board, department, commission, or authority of this state, other than the
 690 General Assembly, by rule or regulation shall regulate in any manner:

691 (A) Gun ~~gun~~ shows;

692 (B) The ~~the~~ possession, ownership, transport, carrying, transfer, sale, purchase,
 693 licensing, or registration of firearms or other weapons or components of firearms or
 694 other weapons;

695 (C) Firearms dealers or dealers of other weapons ~~firearms dealers~~; or

696 (D) Dealers in ~~dealers in firearms~~ components of firearms or other weapons.

697 (2) The authority to bring suit and right to recover against any weapons, firearms, or
 698 ammunition manufacturer, trade association, or dealer by or on behalf of any
 699 governmental unit created by or pursuant to an Act of the General Assembly or the
 700 Constitution, or any department, agency, or authority thereof, for damages, abatement,
 701 or injunctive relief resulting from or relating to the lawful design, manufacture,
 702 marketing, or sale of weapons, firearms, or ammunition to the public shall be reserved
 703 exclusively to the state. This paragraph shall not prohibit a political subdivision or local
 704 government authority from bringing an action against a weapons, firearms, or
 705 ammunition manufacturer or dealer for breach of contract or express warranty as to

706 weapons, firearms, or ammunition purchased by the political subdivision or local
707 government authority.

708 (c)(1) A county or municipal corporation may regulate the transport, carrying, or
709 possession of firearms by employees of the local unit of government in the course of their
710 employment with such local unit of government; provided, however, that the sheriff or
711 chief of police shall be solely responsible for regulating and determining the possession,
712 carrying, and transportation of firearms and other weapons by employees under his or her
713 respective supervision so long as such regulations comport with state and federal law.

714 (2) The commanding officer of any law enforcement agency shall regulate and determine
715 the possession, carrying, and transportation of firearms and other weapons by employees
716 under his or her supervision so long as such regulations comport with state and federal
717 law.

718 (3) The district attorney, and the solicitor-general in counties where there is a state court,
719 shall regulate and determine the possession, carrying, and transportation of firearms and
720 other weapons by county employees under his or her supervision so long as such
721 regulations comport with state and federal law.

722 (d) Nothing contained in this Code section shall prohibit municipalities or counties, by
723 ordinance; or resolution, or other enactment, from requiring the ownership of guns by
724 heads of households within the political subdivision.

725 (e) Nothing contained in this Code section shall prohibit municipalities or counties, by
726 ordinance; or resolution, or other enactment, from reasonably limiting or prohibiting the
727 discharge of firearms within the boundaries of the municipal corporation or county.

728 (f) As used in this Code section, the term 'weapon' shall have the same meaning as set
729 forth in Code Section 16-11-127.1.

730 (g) Any person may bring an action to enforce the provisions of this Code section, or any
731 person aggrieved as a result of a violation of this Code section may bring an action against
732 the person who caused such aggrievement. The aggrieved person shall be entitled to
733 reasonable attorney's fees and expenses of litigation and may recover or obtain against the
734 person who caused such damages any of the following:

735 (1) Actual damages or \$100.00, whichever is greater;

736 (2) Equitable relief, including, but not limited to, an injunction or restitution of money
737 and property; and

738 (3) Any other relief which the court deems proper."

739 **SECTION 1-11.**

740 Part 2 of Article 4 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,
 741 relating to transportation passenger safety, is amended by adding a new Code section to read
 742 as follows:

743 "16-12-129.

744 Defense of self or others, as contemplated by and provided for under Article 2 of Chapter
 745 3 of Title 16, shall be an absolute defense to any violation under this part."

746 **SECTION 1-12.**

747 Code Section 35-3-34 of the Official Code of Georgia Annotated, relating to disclosure and
 748 dissemination of criminal records to private persons and businesses, resulting responsibility
 749 and liability of issuing center, and provision of certain information to the FBI in conjunction
 750 with the National Instant Criminal Background Check System, is amended in subsection (e)
 751 by adding a new paragraph to read as follows:

752 "(3)(A) The records of the center shall include information as to whether a person has
 753 been involuntarily hospitalized. In order to carry out the provisions of Code Section
 754 16-11-129, the center shall be provided such information and no other mental health
 755 information from the records of the probate and superior courts ordering persons to be
 756 involuntarily hospitalized. With respect to probate court records, such information shall
 757 be provided in a manner agreed upon by the Probate Judges Training Council and the
 758 bureau. With respect to superior court records, such information shall be provided in
 759 a manner agreed upon by The Council of Superior Court Clerks of Georgia and the
 760 bureau. Such records shall be provided in a manner so as to preserve the confidentiality
 761 of patients' rights in all other respects.

762 (B) In order to carry out the provisions of Code Section 16-11-129, the center shall be
 763 provided information as to whether a person has been adjudicated mentally incompetent
 764 to stand trial or has been found not guilty by reason of insanity at the time of the crime.
 765 The clerk of court shall report such information to the center immediately but in no case
 766 later than ten days after such adjudication of mental incompetence or finding of not
 767 guilty by reason of insanity."

768 **SECTION 1-13.**

769 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
 770 is amended by repealing Chapter 16, relating to firearms dealers, and designating said
 771 chapter as reserved.

772

PART II

773

SECTION 2-1.

774 This part shall be known to be in honor of Representative Bobby Franklin.

775

SECTION 2-2.

776 Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency
777 management, is amended by adding a new Code section to read as follows:

778 "38-3-37.

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

780 (1) 'Firearm' means any handgun, rifle, shotgun, or similar device or weapon which will
781 or can be converted to expel a projectile by the action of an explosive or electrical charge.

782 (2) 'License holder' shall have the same meaning as set forth in Code Section
783 16-11-125.1.

784 (3) 'Weapon' shall have the same meaning as set forth in Code Section 16-11-125.1.

785 (b) No official or employee of the state or any political subdivision thereof, member of the
786 National Guard in the service of the state, or any person operating pursuant to or under
787 color of state law, while acting during or pursuant to a declared state of emergency, shall:

788 (1) Temporarily or permanently seize, or authorize the seizure of, any firearm or
789 ammunition or any component thereof the possession of which was not prohibited by law
790 at the time immediately prior to the declaration of a state of emergency, other than as
791 provided by the criminal or forfeiture laws of this state;

792 (2) Prohibit possession of any firearm or ammunition or any component thereof or
793 promulgate any rule, regulation, or order prohibiting possession of any firearm or
794 ammunition or any component thereof if such possession was not otherwise prohibited
795 by law at the time immediately prior to the declaration of a state of emergency;

796 (3) Prohibit any license holder from carrying any weapon or promulgate any rule,
797 regulation, or order prohibiting such carrying if such carrying was not otherwise
798 prohibited by law at the time immediately prior to the declaration of a state of emergency;

799 or

800 (4) Require the registration of any firearm."

801

SECTION 2-3.

802 Said chapter is further amended by revising paragraph (8) of subsection (d) of Code Section
803 38-3-51, relating to emergency powers of the Governor, as follows:

804 "(8) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages,
805 firearms, explosives, and or combustibles; provided, however, that any limitation on

806 ~~firearms under this Code section shall not include an individual firearm owned by a~~
 807 ~~private citizen which was legal and owned by that citizen prior to the declaration of state~~
 808 ~~of emergency or disaster or thereafter acquired in compliance with all applicable laws of~~
 809 ~~this state and the United States for purposes of this paragraph, the terms 'explosives' and~~
 810 ~~'combustibles' shall not include firearms or ammunition or any component thereof; and"~~

811 **PART III**

812 **SECTION 3-1.**

813 Code Section 16-5-21 of the Official Code of Georgia Annotated, relating to aggravated
 814 assault, is amended by revising subsection (i) as follows:

815 "(i) Any person who commits the offense of aggravated assault involving the use of a
 816 firearm upon a student or teacher or other school personnel within a school safety zone as
 817 defined in ~~paragraph (1) of subsection (a) of~~ Code Section 16-11-127.1 shall, upon
 818 conviction thereof, be punished by imprisonment for not less than five nor more than 20
 819 years."

820 **SECTION 3-2.**

821 Code Section 16-5-24 of the Official Code of Georgia Annotated, relating to aggravated
 822 battery, is amended by revising subsection (g) as follows:

823 "(g) Any person who commits the offense of aggravated battery upon a student or teacher
 824 or other school personnel within a school safety zone as defined in ~~paragraph (1) of~~
 825 ~~subsection (a) of~~ Code Section 16-11-127.1 shall, upon conviction thereof, be punished by
 826 imprisonment for not less than five nor more than 20 years."

827 **SECTION 3-3.**

828 Code Section 16-12-1 of the Official Code of Georgia Annotated, relating to contributing to
 829 the delinquency, unruliness, or deprivation of a minor, is amended by revising paragraph (5)
 830 of subsection (b) as follows:

831 "(5) Knowingly and willfully provides to a minor any weapon as defined in ~~paragraph~~
 832 ~~(2) of subsection (a) of~~ Code Section 16-11-127.1 or any weapon as defined in Code
 833 Section 16-11-121 to commit any felony which encompasses force or violence as an
 834 element of the offense or delinquent act which would constitute a felony which
 835 encompasses force or violence as an element of the offense if committed by an adult; or"

836 **SECTION 3-4.**

837 Code Section 20-2-1180 of the Official Code of Georgia Annotated, relating to loitering upon
 838 school premises or within a school safety zone, is amended by revising subsection (a) as
 839 follows:

840 "(a) It shall be unlawful for any person to remain upon the premises or within the school
 841 safety zone as defined in ~~paragraph (1) of subsection (a) of~~ Code Section 16-11-127.1 of
 842 any public or private school in this state or to remain upon such premises or within such
 843 school safety zone when that person does not have a legitimate cause or need to be present
 844 thereon. Each principal or designee of each public or private school in this state shall have
 845 the authority to exercise such control over the buildings and grounds upon which a school
 846 is located so as to prohibit any person who does not have a legitimate need or cause to be
 847 present thereon from loitering upon such premises. Each principal or designee of each
 848 public or private school in this state shall notify the appropriate law enforcement agency
 849 to prohibit any person who does not have a legitimate need or cause to be present therein
 850 from loitering within the school safety zone."

851 **SECTION 3-5.**

852 Code Section 20-2-1185 of the Official Code of Georgia Annotated, relating to school safety
 853 plans, is amended by revising subsection (c) as follows:

854 "(c) School safety plans prepared by public schools shall address security issues in school
 855 safety zones as defined in ~~paragraph (1) of subsection (a) of~~ Code Section 16-11-127.1.
 856 School safety plans should also address security issues involving the transportation of
 857 pupils to and from school and school functions when such transportation is furnished by
 858 the school or school system and school functions held during noninstructional hours."

859 **SECTION 3-6.**

860 Code Section 43-38-10 of the Official Code of Georgia Annotated, relating to private
 861 detectives and security agencies permits to carry firearms, is amended by revising subsection
 862 (a) as follows:

863 "(a) The board may grant a permit to carry a pistol, revolver, or other firearm to any person
 864 who ~~is at least 21 years of age and~~ is a license holder as defined in Code Section
 865 16-11-125.1, who is licensed or registered in accordance with this chapter, and who meets
 866 the qualifications and training requirements set forth in this Code section and such other
 867 qualifications and training requirements as the board by rule may establish. The board
 868 shall have the authority to establish limits on type and caliber of such weapons by rule.
 869 Application for such permit and for renewal thereof shall be made on forms provided by

870 the division director. No weapons permit issued under this Code section shall be
871 transferable to another individual."

872 **PART IV**
873 **SECTION 4-1.**

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