

\_\_\_\_\_ offers the following  
substitute to HB 875:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 8-3-202, Article 4 of Chapter 11 of Title 16, Code Section 35-3-34,  
2 and Article 3 of Chapter 3 of Title 37 of the Official Code of Georgia Annotated, relating to  
3 unlawful practices in selling or renting dwellings and exceptions, dangerous instrumentalities  
4 and practices, disclosure and dissemination of criminal records to private persons and  
5 businesses, and examination, hospitalization, and treatment of involuntary patients,  
6 respectively, so as to change provisions relating to carrying weapons and the issuance of  
7 weapons carry licenses; to provide for a short title; to change provisions relating to carrying  
8 weapons in unauthorized locations; to provide for and change definitions; to change  
9 provisions relating to carrying weapons within certain school safety zones and at school  
10 functions; to change provisions relating to exemptions for carrying weapons within school  
11 safety zones; to remove fingerprinting requirements for renewal licenses; to allow persons  
12 who have had their weapons carry licenses revoked to be eligible to be license holders under  
13 certain circumstances; to provide for verification of weapons carry licenses; to provide for  
14 local boards of education to authorize personnel to carry weapons within school safety zones  
15 under certain circumstances; to provide for the offense of unlawfully carrying a weapon into  
16 a secure airport area; to provide for weapons carry licenses to be carried and exhibited on  
17 demand; to change legislative findings; to change provisions relating to preemption of local  
18 regulations; to provide for the collection and dissemination of information pertinent to  
19 issuing weapons carry licenses; to amend Title 43 of the Official Code of Georgia Annotated,  
20 relating to professions and businesses, so as to repeal state laws regarding firearms dealers;  
21 to amend Part 1 of Article 1 of Chapter 3 of Title 27 of the Official Code of Georgia  
22 Annotated, relating to general provisions regarding hunting, so as to provide for certain  
23 notices on hunting license applications; to authorize hunting using a firearm silencer or  
24 suppressor under certain circumstances; to prohibit hunting using subsonic ammunition; to  
25 provide for penalties for improper use; to amend Chapter 3 of Title 38 of the Official Code  
26 of Georgia Annotated, relating to emergency management, so as to prohibit certain  
27 limitations regarding firearms during a declared state of emergency; to provide for

definitions; to change provisions relating to emergency powers of the Governor; to amend Title 16 and Code Sections 17-5-52.1, 20-2-1180, 20-2-1185, and 43-38-10 of the Official Code of Georgia Annotated, relating to crimes and offenses, disposal of forfeited or abandoned firearms, loitering upon school premises or within a school safety zone, school safety plans, and private detectives and security agencies permits to carry firearms, respectively, so as to correct cross-references; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

## PART I

### SECTION 1-1.

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

### SECTION 1-2.

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

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

### SECTION 1-3.

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

"(d) Any person who is not prohibited by law from possessing a handgun or long gun who is eligible for a weapons carry license may transport a handgun or long gun in any private passenger motor vehicle; provided, however, that private property owners or persons in legal control of private property through a lease, rental agreement, licensing agreement, contract, or any other agreement to control access to such private property shall have the right to ~~forbid~~ exclude or eject a person who is in possession of a weapon or long gun on

their private property in accordance with paragraph (3) of subsection (b) of Code Section 16-7-21, except as provided in Code Section 16-11-135."

#### SECTION 1-4.

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

"16-11-127.

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

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

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

(3)(A) 'Government building' means:

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

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

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

(B) 'Government building' shall not include the state capitol building or any building housing committee offices, committee rooms, or offices of members, officials, or employees of the General Assembly or either house thereof.

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

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

(b) Except as provided in Code Section 16-11-127.1 and subsection (d) or (e) of this Code section, a ~~A~~ person shall be guilty of carrying a weapon or long gun in an unauthorized

location and punished as for a misdemeanor when he or she carries a weapon or long gun while:

(1) In a government building, unless the governing authority for such building authorizes the carrying of weapons or long guns by license holders;

(2) In a courthouse;

(3) In a jail or prison;

(4) In a place of worship, unless the owner of the place of worship authorizes the carrying of weapons or long guns by license holders;

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

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

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

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

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

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

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

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

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

(c) A person who is not a license holder and who enters or attempts to enter a government building carrying a weapon shall be guilty of a misdemeanor. A license holder who enters or attempts to enter a government building carrying a weapon when not authorized by the applicable governing authority shall be guilty of a misdemeanor; provided, however, that a license holder who immediately exits such building or immediately leaves such location upon notification of his or her unauthorized carrying of a weapon shall not be guilty of violating this subsection or paragraph (1) of subsection (b) of this Code section."

#### SECTION 1-5.

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

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

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

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

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

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

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

~~(2)~~(4) 'Weapon' means and includes any pistol, revolver, or any weapon designed or  
intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife,

ballistic knife, any other knife having a blade of two or more inches, straight-edge razor, razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any weapon of like kind, and any stun gun or taser as defined in subsection (a) of Code Section 16-11-106. This paragraph excludes any of these instruments used for classroom work authorized by the teacher.

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

(2)(A) Any license holder who violates this subsection within a school safety zone shall be guilty of a misdemeanor.

(B) Any person who is not a license holder who violates this subsection shall be guilty of a felony and, upon conviction thereof, be punished by a fine of not more than ~~\$10,000.00~~ \$5,000.00, by imprisonment for not less than ~~two~~ one nor more than ~~ten~~ five years, or both."

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

- (1) Baseball bats, hockey sticks, or other sports equipment possessed by competitors for legitimate athletic purposes;
- (2) Participants in organized sport shooting events or firearm training courses;
- (3) Persons participating in military training programs conducted by or on behalf of the armed forces of the United States or the Georgia Department of Defense;
- (4) Persons participating in law enforcement training conducted by a police academy certified by the Georgia Peace Officer Standards and Training Council or by a law enforcement agency of the state or the United States or any political subdivision thereof;
- (5) The following persons, when acting in the performance of their official duties or when en route to or from their official duties:
  - (A) A peace officer as defined by Code Section 35-8-2;
  - (B) A law enforcement officer of the United States government;
  - (C) A prosecuting attorney of this state or of the United States;

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

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

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

(6) A person who has been authorized in writing by a local board of education as provided in Code Section 16-11-130.1 or a duly authorized official of ~~the school~~ a public or private elementary or secondary school to have in such person's possession or use as ~~part of any activity being conducted at a school building, school property, or within a school safety zone, at a school function, or on a bus or other transportation furnished by a school~~ a weapon which would otherwise be prohibited by this Code section or a person who has been authorized in writing by a duly authorized official of a public or private technical school, vocational school, college, university, or other institution of postsecondary education to have in such person's possession or use within a school safety zone a weapon which would otherwise be prohibited by this Code section. Such authorization shall specify the weapon or weapons which have been authorized and the time period during which the authorization is valid;

(7) A person who is licensed in accordance with Code Section 16-11-129 or issued a permit pursuant to Code Section 43-38-10, ~~when such person carries or picks up a student at a school building; he or she is within a school safety zone, at a school function, or school property~~ or on a bus or other transportation furnished by ~~the~~ a school or a person who is licensed in accordance with Code Section 16-11-129 or issued a permit pursuant to Code Section 43-38-10 when he or she has any weapon legally kept within a vehicle when such vehicle is parked ~~at such school property~~ within a school safety zone or is in transit through a designated school safety zone;

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

234 exception shall not apply to a student attending ~~such a public or private elementary or~~  
235 ~~secondary~~ school;

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

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

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

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

248 (13) Public safety directors of municipal corporations;

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

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

251 (16) Clerks of the superior courts;

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

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

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

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

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

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

(1) A public or private elementary or secondary school or a public or private technical school, vocational school, college, university, or other institution of postsecondary education School was or was not in session at the time of the offense;

(2) The real property was being used for other purposes besides ~~school~~ public or private elementary or secondary school or public or private technical school, vocational school, college, university, or other institution of postsecondary education purposes at the time of the offense; or

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

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

#### SECTION 1-6.

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

"16-11-129.

(a) **Application for weapons carry license or renewal license; term.** The judge of the probate court of each county may, on application under oath and on payment of a fee of \$30.00, issue a weapons carry license or renewal license valid for a period of five years to any person whose domicile is in that county or who is on active duty with the United States armed forces and who is not a domiciliary of this state but who either resides in that county

or on a military reservation located in whole or in part in that county at the time of such application. Such license or renewal license shall authorize that person to carry any weapon in any county of this state notwithstanding any change in that person's county of residence or state of domicile. Applicants shall submit the application for a weapons carry license or renewal license to the judge of the probate court on forms prescribed and furnished free of charge to persons wishing to apply for the license or renewal license. An applicant who is not a United States citizen shall provide sufficient personal identifying data, including without limitation his or her place of birth and United States issued alien or admission number, as the Georgia Bureau of Investigation may prescribe by rule or regulation. An applicant who is in nonimmigrant status shall provide proof of his or her qualifications for an exception to the federal firearm prohibition pursuant to 18 U.S.C. Section 922(y). Forms shall be designed to elicit information from the applicant pertinent to his or her eligibility under this Code section, including citizenship, but shall not require data which is nonpertinent or irrelevant, such as serial numbers or other identification capable of being used as a de facto registration of firearms owned by the applicant. The Department of Public Safety shall furnish application forms and license forms required by this Code section. The forms shall be furnished to each judge of each probate court within the this state at no cost.

**(b) Licensing exceptions.**

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

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

(B) 'Convicted' means a plea of guilty or a finding of guilt by a court of competent jurisdiction or the acceptance of a plea of nolo contendere, irrespective of the pendency or availability of an appeal or an application for collateral relief.

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

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

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

(i) Is at least 18 years of age;

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

(iii) Provides proof that he or she is actively serving in the armed forces of the United States or has been honorably discharged from such service;

(B) Any person who has been convicted of a felony by a court of this state or any other state; by a court of the United States, including its territories, possessions, and dominions; or by a court of any foreign nation and has not been pardoned for such

felony by the President of the United States, the State Board of Pardons and Paroles, or the person or agency empowered to grant pardons under the constitution or laws of such state or nation;

(C) Any person against whom proceedings are pending for any felony;

(D) Any person who is a fugitive from justice;

(E) Any person who is prohibited from possessing or shipping a firearm in interstate commerce pursuant to subsections (g) and (n) of 18 U.S.C. Section 922;

(F) Any person who has been convicted of an offense arising out of the unlawful manufacture or distribution of a controlled substance or other dangerous drug;

(G) Any person who has had his or her weapons carry license revoked pursuant to subsection (e) of this Code section within five years of the date of his or her application;

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

(i) Pointing a gun or a pistol at another in violation of Code Section 16-11-102;

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

(iii) Carrying a weapon or long gun in an unauthorized location in violation of Code Section 16-11-127;

(iv) Family violence battery in violation of subsection (f) of Code Section 16-5-23;  
or

(v) Violating a civil family violence order or criminal family violence order in violation of Code Section 16-5-95

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

(I) Any person who has been convicted of any misdemeanor involving the use or possession of a controlled substance and has not been free of all restraint or supervision in connection therewith or free of:

(i) A second conviction of any misdemeanor involving the use or possession of a controlled substance; or

(ii) Any conviction under subparagraphs (E) through (G) of this paragraph for at least five years immediately preceding the date of the application; or

(J) Any person who has been hospitalized as an inpatient in any mental hospital or alcohol or drug treatment center within the five years immediately preceding the application. The judge of the probate court may require any applicant to sign a waiver authorizing any mental hospital or treatment center to inform the judge whether or not

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

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

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

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

(c) **Fingerprinting.** Following completion of the application for a weapons carry license ~~or the renewal of a license~~, the judge of the probate court shall require the applicant to proceed to an appropriate law enforcement agency in the county or to any vendor approved by the Georgia Bureau of Investigation for fingerprint submission services with the completed application. ~~The appropriate local law enforcement agency in each county shall then so that such agency or vendor can capture the fingerprints of the applicant for a weapons carry license or renewal license and place the name of the applicant on the blank license form. The appropriate local law enforcement agency shall place the fingerprint on a blank license form which has been furnished to the law enforcement agency by the judge of the probate court if a fingerprint is required to be furnished by subsection (f) of this Code section.~~ The law enforcement agency shall be entitled to a fee of \$5.00 from the applicant for its services in connection with the fingerprinting and processing of an application. Fingerprinting shall not be required for applicants seeking temporary renewal licenses or renewal licenses.

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

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

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

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

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

enforcement agency to show the date on which the report was received by the judge of the probate court.

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

(f)(1) **Weapons carry license specifications.** Weapons carry licenses issued as prescribed in this Code section shall be printed on durable but lightweight card stock, and the completed card shall be laminated in plastic to improve its wearing qualities and to inhibit alterations. ~~Measurements shall be 3-1/4 inches long and 2-1/4 inches wide. Each shall be serially numbered within the county of issuance and shall bear the full name, residential address, birth date, weight, height, color of eyes, and sex of the licensee. The license shall show the date of issuance, the expiration date, and the probate court in which issued and shall be signed by the licensee and bear the signature or facsimile thereof of the judge. The seal of the court shall be placed on the face before the license is laminated. Licenses issued on and before December 31, 2011, shall bear a clear print of the licensee's right index finger; however, if the right index fingerprint cannot be secured~~

for any reason, the print of another finger may be used but such print shall be marked to identify the finger from which the print is taken prior to January 1, 2012, shall be in the format specified by the former provisions of this paragraph as they existed on June 30, 2013.

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

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

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

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

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

(i) **Temporary renewal licenses.**

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

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

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

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

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

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

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

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

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

#### SECTION 1-7.

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

"16-11-130.1.

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

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

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

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

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

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

(1) Training of approved personnel prior to authorizing such personnel to carry weapons. The training shall at a minimum include training on judgment pistol shooting, safe handling and storage of weapons, marksmanship, and a review of current laws relating to the use of force for the defense of self and others; provided, however, that the local board of education training policy may substitute for certain training requirements the personnel's prior military or law enforcement service if the approved personnel has previously served as a certified law enforcement officer or has had military service which involved similar weapons training;

591 (2) An approved list of the types of weapons and ammunition and the quantity of  
592 weapons and ammunition authorized to be possessed or carried;

593 (3) The exclusion from approval of any personnel who has had an employment or other  
594 history indicating any type of mental or emotional instability as determined by the local  
595 board of education; and

596 (4) A mandatory method of securing weapons which shall include at a minimum a  
597 requirement that the weapon, if permitted to be carried concealed by personnel, shall be  
598 carried on the person and not in a purse, briefcase, bag, or similar other accessory which  
599 is not secured on the body of the person and, if maintained separate from the person, shall  
600 be maintained in a secured lock safe or similar lock box that cannot be easily accessed  
601 by students.

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

607 (d) The selection of approved personnel to possess or carry a weapon within a school  
608 safety zone, at a school function, or on a bus or other transportation furnished by a school  
609 shall be done strictly on a voluntary basis. No personnel shall be required to possess or  
610 carry a weapon within a school safety zone, at a school function, or on a bus or other  
611 transportation furnished by a school and shall not be terminated or otherwise retaliated  
612 against for refusing to possess or carry a weapon.

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

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

623 16-11-130.2.

624 (a) No person shall enter the restricted access area of a commercial service airport, in or  
625 beyond the airport security screening checkpoint, knowingly possessing or knowingly

626 having under his or her control a weapon or long gun. Restricted access areas shall not  
 627 include an airport drive, general parking area, walkway, or shops and areas of the terminal  
 628 that are outside the screening checkpoint and that are normally open to unscreened  
 629 passengers or visitors to the airport. Any restricted access area shall be clearly indicated  
 630 by prominent signs indicating that weapons are prohibited in such area.

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

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

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

#### 645 **SECTION 1-8.**

646 Said article is further amended by adding a new Code section to read as follows:

647 "16-11-137.

648 (a) Every license holder shall have his or her valid weapons carry license in his or her  
 649 immediate possession at all times when carrying a weapon, or if such person is exempt  
 650 from having a weapons carry license pursuant to Code Section 16-11-130 or subsection (c)  
 651 of Code Section 16-11-127.1, he or she shall have proof of his or her exemption in his or  
 652 her immediate possession at all times when carrying a weapon, and his or her failure to do  
 653 so shall be prima-facie evidence of a violation of the applicable provision of Code Sections  
 654 16-11-126 through 16-11-127.2.

655 (b) A person convicted of a violation of this Code section shall be fined not more than  
 656 \$10.00 if he or she produces in court his or her weapons carry license, provided that it was  
 657 valid at the time of his or her arrest, or produces proof of his or her exemption."

## SECTION 1-9.

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

"16-11-173.

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

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

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

(A) Gun gun shows;

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

(C) Firearms dealers or dealers of other weapons firearms-dealers; or

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

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

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

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

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

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

(e) Nothing contained in this Code section shall prohibit municipalities or counties, by ordinance, ~~or resolution, or other enactment,~~ from reasonably limiting or prohibiting the discharge of firearms within the boundaries of the municipal corporation or county ~~or reasonably limiting or prohibiting the carrying or possession of weapons in government buildings.~~

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

(1) 'Government building' shall have the same meaning as set forth in Code Section 16-11-127.

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

#### SECTION 1-10.

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

"(3)(A) As used in this paragraph, the term 'involuntary treatment' shall have the same meaning as set forth in Code Section 37-3-1.

(B) The records of the center shall include information as to whether a person has had involuntary treatment. In order to carry out the provisions of Code Section 16-11-129, the center shall be provided such information and no other mental health information from the records of the probate and superior courts ordering persons to have involuntary treatment. With respect to probate court records, such information shall be provided in a manner agreed upon by the Probate Judges Training Council and the bureau. With respect to superior court records, such information shall be provided in a manner agreed

729 upon by The Council of Superior Court Clerks of Georgia and the bureau. Such records  
 730 shall be provided in a manner so as to preserve the confidentiality of patients' rights in  
 731 all other respects.

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

738 **SECTION 1-11.**

739 Article 3 of Chapter 3 of Title 37 of the Official Code of Georgia Annotated, relating to  
 740 examination, hospitalization, and treatment of involuntary patients, is amended by adding a  
 741 new part to read as follows:

742 "Part 5

743 37-3-98.

744 Notwithstanding the provisions of Article 6 of this chapter, a probate court that issues an  
 745 order for involuntary treatment or a superior court that upholds such order shall submit,  
 746 within 30 days of issuance, such order to the Georgia Bureau of Investigation in accordance  
 747 with Code Section 35-3-34."

748 **SECTION 1-12.**

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

752 **PART II**

753 **SECTION 2-1.**

754 Part 1 of Article 1 of Chapter 3 of Title 27 of the Official Code of Georgia Annotated,  
 755 relating to general provisions regarding hunting, is amended by revising subsection (a) of  
 756 Code Section 27-2-3.1, relating to hunting licenses, sportsman's license, license card carrier  
 757 requirement, and creation of lifetime sportsman's licenses, as follows:

"(a) ~~Reserved~~ Any application for a license for hunting under this chapter shall contain a prominent notice advising the applicant that taking game illegally in this state through improper means or the use of unauthorized weapons, unauthorized ammunition, at unapproved times, or at unapproved locations shall subject a person to criminal penalties and that hunting using a silencer or suppressor in violation of this title shall subject the person to enhanced punishment upon conviction, including, but not limited to, felony criminal sanctions, confiscation of the silenced or suppressed weapon, and loss of hunting privileges."

#### SECTION 2-2.

Said part is further amended by revising Code Section 27-3-4, relating to legal weapons for hunting wildlife generally, as follows:

"27-3-4.

(a) It shall be unlawful to hunt wildlife with any weapon, except that:

(1) Longbows, recurve bows, crossbows, and compound bows may be used for taking small game, feral hogs, or big game. Arrows for hunting deer, bear, and feral hogs must be broadhead type;

(2) During primitive weapon hunts or primitive weapons seasons:

(A) Longbows, recurve bows, crossbows, compound bows, muzzleloading firearms of .44 caliber or larger, and muzzleloading shotguns of 20 gauge or larger loaded with single shot may be used; and

(B) Youth under 16 years of age may hunt deer with any firearm legal for hunting deer;

(3) Firearms for hunting deer, bear, and feral hogs are limited to 20 gauge shotguns or larger shotguns loaded with slugs or buckshot (except that no buckshot is permitted on state wildlife management areas unless otherwise specified), muzzleloading firearms of .44 caliber or larger, and center-fire firearms .22 caliber or larger; provided, however, that firearms for hunting feral hogs, other than those weapons specified in this paragraph, may be authorized by rule or regulation of the board. Bullets used in all center-fire rifles and handguns must be of the expanding type;

(4) Weapons for hunting small game shall be limited to shotguns with shot shell size of no greater than 3 1/2 inches in length with No. 2 lead shot or smaller or federally approved nontoxic shot size of F or smaller shot, .22 caliber or smaller rimfire firearms, air rifles, muzzleloading firearms, longbows, recurve bows, crossbows, and compound bows; provided, however, that in addition to the weapons listed in this paragraph, any center-fire firearm of .17 caliber or larger may be used for hunting fox and bobcat. Nothing contained in this paragraph shall permit the taking of protected species;

(5)(A) For hunting deer, feral hogs, and bear, shotguns shall be limited to a capacity of not more than five shells in the magazine and chamber combined. If a plug is necessary to so limit the capacity, the plug shall be of one piece, incapable of being removed through the loading end of the magazine.

(B) For hunting all other game animals, shotguns shall be limited to a capacity of not more than three shells in the magazine and chamber combined. If a plug is necessary to so limit the capacity, the plug shall be of one piece, incapable of being removed through the loading end of the magazine;

(6) It shall be unlawful to hunt turkey with any weapons except shotguns using No. 2 shot or smaller, muzzleloading firearms, longbows, crossbows, recurve bows, or compound bows. Any person taking turkey in violation of this paragraph shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as for a misdemeanor, except that a fine imposed for such violation shall not be less than \$250.00;

(7) Weapons for hunting alligators shall be limited to hand-held ropes or snares, snatch hooks, harpoons, gigs, or arrows with restraining lines attached. Lawfully restrained alligators may be killed with any caliber handgun or bangstick and shall be killed immediately before transporting;

(8) There are no firearms restrictions for taking nongame animals or nongame birds; and

(9) The use of silencers or suppressors for hunting within this state is prohibited; provided, however, that a silencer or suppressor may be used for hunting on the private property of the person using such silencer or suppressor, on private property for which the owner of such property has provided verifiable permission to the person using such silencer or suppressor, and on public lands in areas designated by the department; and provided, further, that subsonic ammunition shall not be used for hunting.

(b)(1) It shall be illegal to use a silencer or suppressor for hunting in violation of paragraph (9) of subsection (a) of this Code section. A person who violates the provisions of this paragraph shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not less than one nor more than three years, a fine of not more than \$25,000.00, or both such imprisonment and fine. Additionally, the silencer or suppressor and weapon used by a person in violation of paragraph (9) of subsection (a) of this Code section shall be deemed to be contraband and shall be subject to forfeiture. Upon conviction of a violation of this paragraph, such person's hunting license shall be suspended for three years from the date of conviction.

(2) It shall be illegal to use subsonic ammunition for hunting in violation of paragraph (9) of subsection (a) of this Code section. A person who violates the provisions of this paragraph shall be guilty of a misdemeanor of a high and aggravated nature."

## PART III

## SECTION 3-1.

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

## SECTION 3-2.

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

"38-3-37.

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

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

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

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

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

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

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

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

or

(4) Require the registration of any firearm."

## SECTION 3-3.

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

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**SECTION 4-4.**

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Said title is further amended by revising paragraph (5) of subsection (b) of Code Section 16-12-1, relating to contributing to the delinquency, unruliness, or deprivation of a minor, as follows:

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

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**SECTION 4-5.**

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Code Section 17-5-52.1 of the Official Code of Georgia Annotated, relating to disposal of forfeited or abandoned firearms, is amended by revising subsection (d) as follows:

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"(d) If an innocent owner of a firearm cannot be located or after proper notification he or she fails to pay for the return of his or her firearm, if the political subdivision is:

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(1) A municipal corporation, it shall dispose of its firearms as provided for in Code Section 36-37-6; provided, however, that municipal corporations shall not have the right to reject any and all bids or to cancel any proposed sale of such firearms, and all sales shall be to persons who are licensed as firearms collectors, dealers, importers, or manufacturers under the provisions of 18 U.S.C. Section 921, et seq., ~~and Chapter 16 of Title 43~~ and who are authorized to receive such firearms under the terms of such license. Any political subdivision which disposes of firearms shall use proceeds from the sale of a firearm as are necessary to cover the costs of administering this Code section, with any surplus to be transferred to the general fund of the political subdivision; or

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(2) Not a municipal corporation, the state custodial agency or the political subdivision shall dispose of its firearms by sale at public auction to persons who are licensed as firearms collectors, dealers, importers, or manufacturers under the provisions of 18 U.S.C. Section 921, et seq., ~~and Chapter 16 of Title 43~~ and who are authorized to receive such firearms under the terms of such license. A state custodial agency shall retain only such proceeds as are necessary to cover the costs of administering this Code section, with any surplus to be transferred to the general fund of the state, provided that a state custodial agency may be reimbursed for any firearms formerly in use by the state custodial agency that are sold under this Code section."

922 **SECTION 4-6.**

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

926 "(a) It shall be unlawful for any person to remain upon the premises or within the school  
 927 safety zone as defined in ~~paragraph (1) of subsection (a) of~~ Code Section 16-11-127.1 of  
 928 any public or private school in this state or to remain upon such premises or within such  
 929 school safety zone when that person does not have a legitimate cause or need to be present  
 930 thereon. Each principal or designee of each public or private school in this state shall have  
 931 the authority to exercise such control over the buildings and grounds upon which a school  
 932 is located so as to prohibit any person who does not have a legitimate need or cause to be  
 933 present thereon from loitering upon such premises. Each principal or designee of each  
 934 public or private school in this state shall notify the appropriate law enforcement agency  
 935 to prohibit any person who does not have a legitimate need or cause to be present therein  
 936 from loitering within the school safety zone."

937 **SECTION 4-7.**

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

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

945 **SECTION 4-8.**

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

949 "(a) The board may grant a permit to carry a pistol, revolver, or other firearm to any person  
 950 who ~~is at least 21 years of age and is a license holder as defined in Code Section~~  
 951 16-11-125.1, who is licensed or registered in accordance with this chapter, and who meets  
 952 the qualifications and training requirements set forth in this Code section and such other  
 953 qualifications and training requirements as the board by rule may establish. The board shall  
 954 have the authority to establish limits on type and caliber of such weapons by rule.  
 955 Application for such permit and for renewal thereof shall be made on forms provided by

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

958 PART V  
959 SECTION 5-1.

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