

Senate Bill 478

By: Senators Mullis of the 53rd, Hatchett of the 50th, Gooch of the 51st, Miller of the 49th,
Brass of the 28th and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 1 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated,
2 relating to general provisions relative to parks, historic areas, memorials, and recreation, so
3 as to revise provisions of law regarding the use or possession of any handgun in a park,
4 historic site, or recreational area; to amend Chapter 11 of Title 16 of the Official Code of
5 Georgia Annotated, relating offenses against public order and safety, so as to revise
6 provisions of law regarding the carrying of firearms; to amend Part 2 of Article 4 of
7 Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to transportation
8 passenger safety, so as to revise provisions of law regarding the carrying of firearms; to
9 amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so as
10 to revise certain laws regarding the carrying of firearms; to amend Part 2 of Article 10 of
11 Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to parking for
12 persons with disabilities, so as to revise certain laws regarding the carrying of firearms; to
13 amend Title 43 of the Official Code of Georgia Annotated, relating to professions and
14 businesses, so as to revise cross references for certain laws regarding the carrying of
15 firearms; to repeal provisions relative to the issuance of weapons permits for private
16 detective businesses; to amend Code Sections 10-1-393.5, 15-25-2, 16-11-34.1, and 49-4A-8
17 of the Official Code of Georgia Annotated, relating to fair business practices relative to
18 telemarketing, computer activities, and home repair or improvement work, certain

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19 prohibitions, and offenses; issuance of personal identification cards for justices, security of
20 cards, required information, valid period, and acceptance by other agencies; preventing or
21 disrupting General Assembly sessions or other meetings of members and unlawful activities
22 within the state capitol or certain Capitol Square buildings; and commitment of delinquent
23 children, procedure, cost, return of mentally ill or developmentally disabled children,
24 escapees, discharge, evidence of commitment, records, and restitution, respectively, so as to
25 revise cross references; to provide for related matters; to provide for an effective date; to
26 repeal conflicting laws; and for other purposes.

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

28 **SECTION 1.**

29 Code Section 10-1-393.5 of the Official Code of Georgia Annotated, relating to fair business
30 practices relative to telemarketing, computer activities, and home repair or improvement
31 work, certain prohibitions, and offenses, is amended by revising subsection (e) as follows:
32 "(e) Persons employed full time or part time for the purpose of conducting potentially
33 criminal investigations under this article shall be certified peace officers and shall have all
34 the powers of a certified peace officer of this state when engaged in the enforcement of this
35 article, including but not limited to the power to obtain, serve, and execute search warrants.
36 Such Georgia certified peace officers shall be subject to the requirements of Chapter 8 of
37 Title 35, the 'Georgia Peace Officer Standards and Training Act,' and are specifically
38 required to complete the training required for peace officers by that chapter. Such certified
39 peace officers shall be authorized, upon completion of the required training; and with the
40 written approval of the Attorney General, ~~and notwithstanding Code Sections 16-11-126~~
41 ~~and 16-11-129~~; to carry firearms of a standard police issue when engaged in detecting,
42 investigating, or preventing crimes under this article."

43

SECTION 2.

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

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

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

56 ~~(3) It shall be unlawful for any person to use or possess in any park, historic site, or~~
57 ~~recreational area any handgun without a valid weapons carry license issued pursuant to~~
58 ~~Code Section 16-11-129.~~

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

65

SECTION 3.

66 Code Section 15-25-2 of the Official Code of Georgia Annotated, relating to issuance of
67 personal identification cards for justices, security of cards, required information, valid period,

68 and acceptance by other agencies, is amended by revising the undesignated language at the
69 end of paragraph (2) of subsection (b) as follows:

70 "The back of such identification card shall include the following: 'Pursuant to O.C.G.A.
71 Section 16-11-130, the provisions of Code Sections ~~16-11-126~~ 16-11-127 through
72 16-11-127.2 pertaining to carrying a weapon and weapons offenses DO NOT apply to or
73 affect the judge or Justice whose name, photograph, and signature appear upon the face
74 of this card.'"

75 **SECTION 4.**

76 Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against
77 public order and safety, is amended in Code Section 16-11-34.1, relating to preventing or
78 disrupting General Assembly sessions or other meetings of members and unlawful activities
79 within the state capitol or certain Capitol Square buildings, by revising subsection (b) as
80 follows:

81 "(b) It shall be unlawful for any person, other than those persons who are exempt from the
82 provisions of Code Sections ~~16-11-126~~ 16-11-127 through 16-11-127.2, to enter, occupy,
83 or remain within the state capitol building or any building housing committee offices,
84 committee rooms, or offices of members, officials, or employees of the General Assembly
85 or either house thereof while in the possession of any firearm; knife, as such term is defined
86 in Code Section 16-11-125.1; explosive or incendiary device or compound; bludgeon;
87 knuckles, whether made from metal, thermoplastic, wood, or other similar material; or any
88 other dangerous or deadly weapon, instrument, or device."

89 **SECTION 5.**

90 Said chapter is further amended by revising Code Section 16-11-126, relating to having or
91 carrying handguns, long guns, or other weapons, license requirement, and exceptions for

92 homes, motor vehicles, private property, and other locations and conditions, as follows:
93 "16-11-126.

94 (a) Except as otherwise provided in subsection (b) of this Code section and Code
95 Sections 16-11-127 through 16-11-127.2, 16-11-130.2, and 16-11-135, any Any person
96 who is not prohibited by law from possessing a handgun or long gun may ~~have:~~

97 ~~(1) Have or carry on his or her person a weapon or long gun on his or her property or~~
98 ~~inside his or her home, motor vehicle, or place of business without a valid weapons carry~~
99 ~~license.; or~~

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

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

106 ~~(d)(2) Transport~~ Any person who is not prohibited by law from possessing a handgun or
107 long gun who is eligible for a weapons carry license may transport a handgun or long gun
108 in any private passenger motor vehicle; ~~provided, however, that private~~ without a valid
109 weapons carry permit.

110 (b) Private property owners or persons in legal control of private property through a lease,
111 rental agreement, licensing agreement, contract, or any other agreement to control access
112 to such private property shall have the right to exclude or eject a person who is in
113 possession of a weapon or long gun on their private property in accordance with
114 paragraph (3) of subsection (b) of Code Section 16-7-21, except as provided in Code
115 Section 16-11-135.

116 ~~(e)(1)(A) Any person licensed to carry a weapon in any other state whose laws~~
117 ~~recognize and give effect to a license issued pursuant to this part shall be authorized to~~

118 ~~carry a weapon in this state, but only while the licensee is not a resident of this state;~~
119 ~~provided, however, that:~~

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

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

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

127 ~~(2) Any person who is not a weapons carry license holder in this state and who is~~
128 ~~licensed to carry a weapon in any other state whose laws recognize and give effect to a~~
129 ~~license issued pursuant to this part shall be authorized to carry a weapon in this state for~~
130 ~~90 days after he or she becomes a resident of this state; provided, however, that such~~
131 ~~person shall carry the weapon in compliance with the laws of this state, shall as soon as~~
132 ~~practicable submit a weapons carry license application as provided for under Code~~
133 ~~Section 16-11-129, and shall remain licensed in such other state for the duration of time~~
134 ~~that he or she is a resident of this state but not a weapons carry license holder in this state.~~

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

141 ~~(2) Any person with a valid hunting or fishing license on his or her person, or any person~~
142 ~~not required by law to have a hunting or fishing license, who is otherwise engaged in~~
143 ~~legal hunting, fishing, or sport shooting on recreational or wildlife management areas~~

144 ~~owned by this state may have or carry on his or her person a knife without a valid~~
 145 ~~weapons carry license while engaging in such hunting, fishing, or sport shooting.~~

146 ~~(g)(c) Notwithstanding Code Sections 12-3-10, 27-3-1.1, 27-3-6, and 16-12-122 through~~
 147 ~~16-12-127, any person with a valid weapons carry license may carry a weapon in all parks,~~
 148 ~~historic sites, or recreational areas, as such term is defined in Code Section 12-3-10,~~
 149 ~~including all publicly owned buildings located in such parks, historic sites, and recreational~~
 150 ~~areas, in wildlife management areas, and on public transportation; provided, however, that~~
 151 ~~a person shall not carry a handgun into a place where it is prohibited by federal law.~~

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

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

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

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

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

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

167 **SECTION 6.**

168 Said chapter is further amended by revising Code Section 16-11-127, relating to carrying
 169 weapons in unauthorized locations, as follows:

170 "16-11-127.

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

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

174 (2) 'Government building' means:

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

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

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

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

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

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

193 ~~(1) In a government building as a nonlicense holder;~~

194 ~~(2)~~(1) In a courthouse;

195 ~~(3)~~(2) In a jail or prison;

196 ~~(4)~~(3) In a place of worship, unless the governing body or authority of the place of
197 worship permits the carrying of weapons or long guns by license holders;

198 ~~(5)~~(4) In a state mental health facility as defined in Code Section 37-1-1 which admits
199 individuals on an involuntary basis for treatment of mental illness, developmental
200 disability, or addictive disease; provided, however, that carrying a weapon or long gun
201 in such location in a manner in compliance with paragraph (3) of subsection (d) of this
202 Code section shall not constitute a violation of this subsection;

203 ~~(6)~~(5) On the premises of a nuclear power facility, except as provided in Code
204 Section 16-11-127.2, and the punishment provisions of Code Section 16-11-127.2 shall
205 supersede the punishment provisions of this Code section; or

206 ~~(7)~~(6) Within 150 feet of any polling place when elections are being conducted and such
207 polling place is being used as a polling place as provided for in paragraph (27) of Code
208 Section 21-2-2, except as provided in subsection (i) of Code Section 21-2-413.

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

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

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

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

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

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

244 (2) It shall be unlawful for any person to carry, possess, or have under such person's
245 control a long gun in a government building except as provided for in subsection (d) of
246 this Code section.

247 (3) A violation of this subsection shall be punished as a misdemeanor.

248 (f) Any license holder who violates subsection (b) of this Code section in a place of
249 worship shall not be arrested but shall be fined not more than \$100.00. Any person who

250 is not a license holder who violates subsection (b) of this Code section in a place of
251 worship shall be punished as for a misdemeanor.
252 ~~(f)~~(g) Nothing in this Code section shall in any way operate or be construed to affect,
253 repeal, or limit the exemptions provided for under Code Section 16-11-130."

254 **SECTION 7.**

255 Said chapter is further amended in Code Section 16-11-127.1, relating to carrying weapons
256 within school safety zones, at school functions, or on a bus or other transportation furnished
257 by a school, by revising subsection (b) and paragraphs (7), (8), and (20) of subsection (c), to
258 read as follows:

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

264 (2) Except as provided for in paragraph (20) of subsection (c) of this Code section, any
265 ~~license holder~~ person otherwise authorized under law to possess a weapon who violates
266 this subsection shall be guilty of a misdemeanor. Any person ~~who is not a license holder~~
267 not otherwise authorized under law to possess a weapon who violates this subsection
268 shall be guilty of a felony and, upon conviction thereof, be punished by a fine of not more
269 than \$10,000.00, by imprisonment for not less than two nor more than ten years, or both.

270 (3) Any person convicted of a violation of this subsection involving a dangerous weapon
271 or machine gun, as such terms are defined in Code Section 16-11-121, shall be punished
272 by a fine of not more than \$10,000.00 or by imprisonment for a period of not less than
273 five nor more than ten years, or both.

274 (4) A child who violates this subsection may be subject to the provisions of Code
275 Section 15-11-601."

276 ~~"(7) A person who is licensed in accordance with Code Section 16-11-129 or issued a~~
277 ~~permit pursuant to Code Section 43-38-10, when such person carries or picks up a student~~
278 ~~within a school safety zone, at a school function, or on a bus or other transportation~~
279 ~~furnished by a school or a person who is licensed in accordance with Code Section~~
280 ~~16-11-129 or issued a permit pursuant to Code Section 43-38-10 when he or she has any~~
281 ~~weapon legally kept within a vehicle when such vehicle is parked within a school safety~~
282 ~~zone or is in transit through a designated school safety zone;~~

283 (8) A weapon possessed by a ~~license holder~~ person which is under the possessor's control
284 in a motor vehicle or which is in a locked compartment of a motor vehicle or one which
285 is in a locked container in or a locked firearms rack which is on a motor vehicle which
286 is being used by an adult over 21 years of age to bring to or pick up a student within a
287 school safety zone, at a school function, or on a bus or other transportation furnished by
288 a school, or when such vehicle is used to transport someone to an activity being
289 conducted within a school safety zone which has been authorized by a duly authorized
290 official or local board of education as provided by paragraph (6) of this subsection;
291 ~~provided, however, that this exception shall not apply to a student attending a public or~~
292 ~~private elementary or secondary school;"~~

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

- 297 (i) Not apply to buildings or property used for athletic sporting events or student
298 housing, including, but not limited to, fraternity and sorority houses;
- 299 (ii) Not apply to any preschool or childcare space located within such buildings or
300 real property;

- 301 (iii) Not apply to any room or space being used for classes related to a college and
302 career academy or other specialized school as provided for under Code Section 20-4-37;
- 303 (iv) Not apply to any room or space being used for classes in which high school
304 students are enrolled through a dual enrollment program, including, but not limited
305 to, classes related to the 'Dual Enrollment Act' as provided for under Code
306 Section 20-2-161.3;
- 307 (v) Not apply to faculty, staff, or administrative offices or rooms where disciplinary
308 proceedings are conducted; and
- 309 ~~(vi) Only apply to the carrying of handguns which a licensee is licensed to carry~~
310 ~~pursuant to subsection (e) of Code Section 16-11-126 and pursuant to Code~~
311 ~~Section 16-11-129; and~~
- 312 (vii) Only apply to the carrying of handguns which are concealed.
- 313 (B) Any ~~weapons carry license holder~~ person who carries a handgun in a manner or in
314 a building, property, room, or space in violation of this paragraph shall be guilty of a
315 misdemeanor; provided, however, that for a conviction of a first offense, such ~~weapons~~
316 ~~carry license holder~~ person shall be punished by a fine of \$25.00 and not be sentenced
317 to serve any term of confinement.
- 318 (C) As used in this paragraph, the term:
- 319 (i) 'Concealed' means carried in such a fashion that does not actively solicit the
320 attention of others and is not prominently, openly, and intentionally displayed except
321 for purposes of defense of self or others. Such term shall include, but not be limited
322 to, carrying on one's person while such handgun is substantially, but not necessarily
323 completely, covered by an article of clothing which is worn by such person, carrying
324 within a bag of a nondescript nature which is being carried about by such person, or
325 carrying in any other fashion as to not be clearly discernible by the passive
326 observation of others.

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

333

SECTION 8.

334 Said chapter is further amended in Code Section 16-11-129, relating to weapons carry
335 license, gun safety information, temporary renewal permit, mandamus, and verification of
336 license, by revising paragraphs (2) and (3) of subsection (a) and subparagraph (b)(2)(H), as
337 follows:

338 "(2)(A) As used in this paragraph, the term 'service member' means an active duty
339 member of the regular or reserve component of the United States Army, United States
340 Navy, United States Marine Corps, United States Coast Guard, United States Air Force,
341 United States National Guard, Georgia Army National Guard, or Georgia Air National
342 Guard.

343 ~~(B) Any service member whose weapons carry license or renewal license expired while~~
344 ~~such service member was serving on active duty outside this state shall be authorized~~
345 ~~to carry any weapon in accordance with such expired license for a period of six months~~
346 ~~from the date of his or her discharge from active duty or reassignment to a location~~
347 ~~within this state. When carrying a weapon pursuant to Code Section 16-11-137, the~~
348 ~~service member shall also have in his or her immediate possession a copy of the official~~
349 ~~military orders or a written verification signed by such service member's commanding~~
350 ~~officer which shall evidence that such service member is authorized to carry any~~
351 ~~weapon in accordance with such expired license for a period of six months from the~~

352 ~~date of his or her discharge from active duty or reassignment to a location within this~~
353 ~~state.~~

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

357 ~~(B)(C)~~(i) An application shall be considered to be for a renewal license if the
358 applicant has a weapons carry license or renewal license with 90 or fewer days
359 remaining before the expiration of such weapons carry license or renewal license or
360 30 or fewer days since the expiration of such weapons carry license or renewal license
361 regardless of the county of issuance of the applicant's expired or expiring weapons
362 carry license or renewal license.

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

370 (iii) An applicant who is not a United States citizen shall provide sufficient personal
371 identifying data, including without limitation his or her place of birth and United
372 States issued alien or admission number, as the Georgia Bureau of Investigation may
373 prescribe by rule or regulation. An applicant who is in nonimmigrant status shall
374 provide proof of his or her qualifications for an exception to the federal firearm
375 prohibition pursuant to 18 U.S.C. Section 922(y). Forms shall be designed to elicit
376 information from the applicant pertinent to his or her eligibility under this Code
377 section, including citizenship, but shall not require data which is nonpertinent or
378 irrelevant, such as serial numbers or other identification capable of being used as a de

379 facta registration of firearms owned by the applicant. The Department of Public
 380 Safety shall furnish application forms and license forms required by this Code section.
 381 The forms shall be furnished to each judge of each probate court within this state at
 382 no cost."

383 "(H) Any person who has been convicted of ~~any of the following:~~
 384 ~~(i) Carrying a weapon without a weapons carry license in violation of Code Section~~
 385 ~~16-11-126; or~~
 386 ~~(ii) Carrying~~ carrying a weapon or long gun in an unauthorized location in violation
 387 of Code Section 16-11-127
 388 and has not been free of all restraint or supervision in connection therewith and free of
 389 any other conviction for at least five years immediately preceding the date of the
 390 application;"

391 **SECTION 9.**

392 Said chapter is further amended in Code Section 16-11-130, relating to exemptions from
 393 Code Sections 16-11-126 through 16-11-127.2, by revising the introductory paragraph of
 394 subsection (a), subsection (b), paragraph (2) and the undesignated language at the end of
 395 subsection (c), and subsection (d) as follows:

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

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

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

407 "In addition, any such sheriff, retired sheriff, deputy sheriff, retired deputy sheriff,
408 member or retired member of the Georgia State Patrol, agent or retired agent of the
409 Georgia Bureau of Investigation, officer or retired officer of the Department of Natural
410 Resources, active or retired law enforcement chief executive, person who is a retired law
411 enforcement officer as provided for in paragraph (2) of this subsection, or other law
412 enforcement officer referred to in this subsection shall be authorized to carry a handgun
413 on or off duty anywhere within this state, including, but not limited to, in a courthouse
414 except to the extent provided for in subsection (c.1) of this Code section, and Code
415 Sections ~~16-11-126~~ 16-11-127 through 16-11-127.2 shall not apply to the carrying of
416 such firearms."

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

419 **SECTION 10.**

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

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

430

SECTION 11.

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

434 "16-11-137.

435 ~~(a) Every license holder shall have his or her valid weapons carry license in his or her~~
436 ~~immediate possession at all times when carrying a weapon, or if such person is exempt~~
437 ~~from having a weapons carry license pursuant to Code Section 16-11-130 or subsection (c)~~
438 ~~of Code Section 16-11-127.1, he or she shall have proof of his or her exemption in his or~~
439 ~~her immediate possession at all times when carrying a weapon, and his or her failure to do~~
440 ~~so shall be prima-facie evidence of a violation of the applicable provision of Code Sections~~
441 ~~16-11-126 through 16-11-127.2.~~

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

444 ~~(c) A person convicted of a violation of this Code section shall be fined not more than~~
445 ~~\$10.00 if he or she produces in court his or her weapons carry license, provided that it was~~
446 ~~valid at the time of his or her arrest, or produces proof of his or her exemption."~~

447

SECTION 12.

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

452 "(b) Any person who boards or attempts to board an aircraft, bus, or rail vehicle with any
453 explosive, destructive device, or hoax device as such term is defined in Code Section
454 16-7-80; ~~firearm for which such person does not have on his or her person a valid weapons~~
455 ~~carry license issued pursuant to Code Section 16-11-129 unless possessing such firearm is~~

456 ~~prohibited by federal law~~ a weapon or long gun as such terms are defined in Code
457 Section 16-11-125.1 when possession of such is prohibited by federal law; hazardous
458 substance as defined by Code Section 12-8-92; ~~or knife~~ or other device designed or
459 modified for the purpose of offense and defense concealed on or about his or her person
460 or property which is or would be accessible to such person while on the aircraft, bus, or rail
461 vehicle shall be guilty of a felony and, upon conviction thereof, shall be sentenced to
462 imprisonment for not less than one nor more than ten years. The prohibition of this
463 subsection shall not apply to any law enforcement officer, peace officer retired from a state
464 or federal law enforcement agency, person in the military service of the state or of the
465 United States, or commercial security personnel employed by the transportation company
466 who is in possession of weapons used within the course and scope of employment; nor
467 shall the prohibition apply to persons transporting weapons contained in baggage which is
468 not accessible to passengers if the presence of such weapons has been declared to the
469 transportation company and such weapons have been secured in a manner prescribed by
470 state or federal law or regulation for the purpose of transportation or shipment. The
471 provisions of this subsection shall not apply to any privately owned aircraft, bus, or rail
472 vehicle if the owner of such aircraft or vehicle has given his or her express permission to
473 board the aircraft or vehicle with the item."

474 **SECTION 13.**

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

478 "(a) It shall be unlawful for any person, with the intention of avoiding or interfering with
479 a security measure or of introducing into a terminal any explosive, destructive device, or
480 hoax device as defined in Code Section 16-7-80; ~~firearm for which such person does not~~
481 ~~have on his or her person a valid weapons carry license issued pursuant to Code~~

482 ~~Section 16-11-129 unless weapon or long gun as such terms are defined in Code~~
 483 ~~Section 16-11-125.1 if possessing such firearm is prohibited by federal law; hazardous~~
 484 ~~substance as defined by Code Section 12-8-92; or knife or other device designed or~~
 485 ~~modified for the purpose of offense and defense, to:~~

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

492 **SECTION 14.**

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

- 496 "~~(1) To possess a firearm other than a handgun, as such term is defined in Code~~
 497 ~~Section 16-11-125.1, during a closed hunting season for that area unless such firearm is~~
 498 ~~unloaded and stored in a motor vehicle so as not to be readily accessible or to possess a~~
 499 ~~handgun during a closed hunting season for that area unless such person possesses a valid~~
 500 ~~weapons carry license issued pursuant to Code Section 16-11-129 Reserved;~~
 501 ~~(2) To possess a loaded firearm other than a handgun, as such term is defined in Code~~
 502 ~~Section 16-11-125.1, in a motor vehicle during a legal open hunting season for that area~~
 503 ~~or to possess a loaded handgun in a motor vehicle during a legal open hunting season for~~
 504 ~~that area unless such person possesses a valid weapons carry license issued pursuant to~~
 505 ~~Code Section 16-11-129 Reserved;"~~

506

SECTION 15.

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

509 "27-3-6.

510 ~~It shall be unlawful for any person to possess any center-fire or rimfire firearm other than~~
511 ~~a handgun, as such term is defined in Code Section 16-11-125.1, while hunting with a bow~~
512 ~~and arrow during archery or primitive weapons season for deer or while hunting with a~~
513 ~~muzzleloading firearm during a primitive weapons season for deer or to possess a loaded~~
514 ~~handgun while hunting with a bow and arrow during archery or primitive weapons season~~
515 ~~for deer or while hunting with a muzzleloading firearm during primitive weapons season~~
516 ~~for deer unless such person possesses a valid weapons carry license issued pursuant to~~
517 ~~Code Section 16-11-129~~ Reserved."

518

SECTION 16.

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

522 "(a) It shall be unlawful for any person on any public fishing area owned or operated by
523 the department:

524 (1) ~~To possess a firearm other than a handgun, as such term is defined in Code Section~~
525 ~~16-11-125.1, during a closed hunting season for that area unless such firearm is unloaded~~
526 ~~and stored in a motor vehicle so as not to be readily accessible or to possess a handgun~~
527 ~~during a closed hunting season for that area unless such person possesses a valid weapons~~
528 ~~carry license issued pursuant to Code Section 16-11-129;~~

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

532 ~~that area unless such person possesses a valid weapons carry license issued pursuant to~~
 533 ~~Code Section 16-11-129; or~~
 534 ~~(3) To~~ to be under the influence of drugs, intoxicating liquors, beers, or wines. The
 535 determination of whether any person is under the influence of drugs or intoxicating
 536 liquors, beers, or wines may be made in accordance with the provisions of Chapter 3 of
 537 this title relating to hunting while under the influence of drugs or alcohol."

538

SECTION 17.

539 Part 2 of Article 10 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,
 540 relating to parking for persons with disabilities, is amended in Code Section 40-6-228,
 541 relating to enforcement of parking for persons with disabilities, by revising subsection (b)
 542 as follows:

543 "(b) No person appointed pursuant to subsection (a) of this Code section shall be deemed
 544 a peace officer under the laws of this state or:

545 (1) Be deemed an employee of or receive any compensation from the state, county,
 546 municipality, or appointing law enforcement agency, but the appointing law enforcement
 547 agency shall provide any person so appointed with a uniform consisting of a pith helmet
 548 and a windbreaker jacket which shall remain the property of the appointing law
 549 enforcement agency;

550 (2) Be required to complete any training or be certified pursuant to the requirements of
 551 Chapter 8 of Title 35;

552 (3) Have the power or duty to enforce any other traffic or criminal laws of the state,
 553 county, or municipality; or

554 ~~(4) Have the power to possess and carry firearms and other weapons for the purpose of~~
 555 ~~enforcing the parking laws for persons with disabilities; provided, however, that a person~~
 556 ~~who possesses a valid weapons carry license issued under Code Section 16-11-129 and~~

557 ~~who carries such weapon in a manner permitted under Code Section 16-11-126 shall not~~
 558 ~~be in violation of this paragraph; or~~
 559 (5) Be entitled to any indemnification from the state, county, or municipality for any
 560 injury or property damage sustained by such person as a result of attempting to enforce
 561 the parking laws of the state for persons with disabilities."

562 **SECTION 18.**

563 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
 564 is amended by deleting ", notwithstanding Code Sections 16-11-126 and 16-11-129," in the
 565 following:

- 566 (1) Code Section 43-1-5, relating to investigators for professional licensing boards;
 567 (2) Code Section 43-11-2.1, relating to administrative transfer of Georgia Board of
 568 Dentistry to Department of Community Health, appointment of executive director, powers,
 569 duties, and functions of executive director, location of meetings and hearings, hiring of
 570 investigators, and general provisions; and
 571 (3) Code Section 43-34-6, relating to Georgia Composite Medical Board as an independent
 572 agency, executive director, meetings and hearings, licenses, certificates, and permits,
 573 investigations, venue, credit to veterans, and annual report.

574 **SECTION 19.**

575 Said title is further amended in Code Section 43-38-4, relating to creation of board of private
 576 detectives and security agencies, members, secretary, records, and general powers and duties,
 577 by revising paragraph (10) of subsection (d) as follows:

578 "(10) To develop and apply such techniques which may include examinations as may be
 579 deemed necessary to assure that applicants licensed; or registered; ~~or issued weapons~~
 580 ~~permits~~ have the requisite skills and qualifications."

581 **SECTION 20.**

582 Said title is further amended by repealing Code Section 43-38-10, relating to permits to carry
583 firearms by private detective businesses, proficiency requirement, exemption from specified
584 laws, denial, refusal to renew, and suspension of permits, and effect of license suspension
585 and restoration, and designating such Code section as reserved.

586 **SECTION 21.**

587 Said title is further amended in Code Section 43-38-10.1, relating to training instructors and
588 training programs, by revising subsections (a) and (b) as follows:

589 "(a) The board shall provide by rule and regulation for the registration of all training
590 instructors or training programs so as to regulate all training requirements for licensure; or
591 registration, ~~or weapons permits~~ required by this chapter.

592 (b) The board shall have the authority to promulgate rules and regulations governing
593 minimum training standards for licensure; or registration, ~~or weapons permits~~. Such
594 training shall be conducted by a board registered training instructor or through a board
595 approved training program."

596 **SECTION 22.**

597 Said title is further amended by revising Code Section 43-38-11.1, relating to suspension of
598 license, registration, or weapons permit, as follows:

599 "43-38-11.1.

600 (a) After proper notification, the board may suspend the license; or registration, ~~or~~
601 ~~weapons permit~~ of any licensee; or registrant, ~~or weapons permit holder~~ without a prior
602 hearing as required in Code Section 43-38-11, provided that said licensee; or registrant, ~~or~~
603 ~~weapons permit holder~~ is determined by the board to present a clear and present danger to
604 the public safety on the grounds outlined in Code Section 43-38-11, is found to have had

605 a prior felony conviction, or is currently under a first offender sentence for a felony crime
606 that was not reported on the application for licensure or registration.

607 (b) After proper notification the board may suspend without a prior hearing as required in
608 Code Section 43-38-11 the license of any licensee pursuant to subsection (f) of Code
609 Section 43-38-6 or the registration of any registrant pursuant to subsection (g) of Code
610 Section 43-38-7 ~~or the weapons permit of any weapons permit holder pursuant to~~
611 ~~subsection (j) of Code Section 43-38-10."~~

612 **SECTION 23.**

613 Said title is further amended in Code Section 43-38-14, relating to exceptions to operation
614 of chapter and local regulation, by revising paragraph (2) of subsection (b) as follows:

615 "(2) Private detective business or private security business shall be exempt from further
616 licensure under this chapter ~~and shall be permitted to carry a firearm without obtaining~~
617 ~~any weapons permit from the board~~; provided, however, that such licensed private
618 detective business or private security business shall be required to register such employee
619 or independent contractor with the board."

620 **SECTION 24.**

621 Code Section 49-4A-8 of the Official Code of Georgia Annotated, relating to commitment
622 of delinquent children, procedure, cost, return of mentally ill or developmentally disabled
623 children, escapees, discharge, evidence of commitment, records, and restitution, is amended
624 by revising paragraph (2) of subsection (i) as follows:

625 "(2) The commissioner may designate as a peace officer who is authorized to exercise
626 the power of arrest any employee of the department whose full-time duties include the
627 preservation of public order; the protection of life and property; the detection of crime;
628 or the supervision of delinquent children or children in need of services in its institutions,
629 facilities, or programs; the supervision of delinquent children or children in need of

630 services under intensive supervision in the community; or any employee who is a line
631 supervisor of any such employee. The commissioner also may designate as a peace
632 officer who is authorized to exercise the power of arrest any employee of a person or
633 organization which contracts with the department pertaining to the management, custody,
634 care, and control of delinquent children or children in need of services retained by the
635 person or organization if that employee's full-time duties include the preservation of
636 public order, the protection of life and property, the detection of crime, or the supervision
637 of delinquent children in the department's institutions, facilities, or programs, or any
638 employee who is a line supervisor of such employee. The commissioner may designate
639 one or more employees of the department to investigate and apprehend children who have
640 escaped from a juvenile detention facility or who have broken the conditions of
641 supervision; provided, however, that the employees so designated shall only be those with
642 primary responsibility for the security functions of such facilities or whose primary duty
643 consists of the apprehension of youths who have escaped from such facilities or who have
644 broken the conditions of supervision. An employee of the department so designated shall
645 have the police power to investigate, to apprehend such children, and to arrest any person
646 physically interfering with the proper apprehension of such children. An employee of the
647 department so designated in the investigative section of the department shall have the
648 power to obtain a search warrant for the purpose of locating and apprehending such
649 children. Additionally, such employee, while on the grounds or in the buildings of the
650 department's institutions or facilities, shall have the same law enforcement powers,
651 including the power of arrest, as a law enforcement officer of the local government with
652 police jurisdiction over such institutions or facilities. Such employee shall be authorized
653 to carry weapons, upon written approval of the commissioner, ~~notwithstanding Code~~
654 ~~Sections 16-11-126 and 16-11-129~~. The commissioner shall also be authorized to
655 designate any person or organization with whom the department contracts for services
656 pertaining to the management, custody, care, and control of delinquent children or

657 children in need of services detained by the person or organization as a law enforcement
658 unit under paragraph (7) of Code Section 35-8-2. Any employee or person designated
659 under this subsection shall be considered to be a peace officer within the meaning of
660 Chapter 8 of Title 35 and shall be certified under that chapter."

661 **SECTION 25.**

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

664 **SECTION 26.**

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