

House Bill 156

By: Representatives Gurtler of the 8th, Gravley of the 67th, Caldwell of the 20th, Pezold of the 133rd, Ridley of the 6th, and others

A BILL TO BE ENTITLED
AN ACT

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

16 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

17 **SECTION 1.**

18 This Act shall be known and may be cited as the "Georgia Constitutional Carry Act of 2017."

19 **SECTION 2.**

20 The Georgia General Assembly finds that:

- 21 (1) Our founding fathers, in the unanimous Declaration of Independence of the 13 United
22 States of America, acknowledged that the purpose of civil government is to secure
23 God-given rights;
- 24 (2) As such, civil governments are to punish the criminal acts that deprive their citizens
25 of their God-given rights to life, liberty, and property;

- 26 (3) The mere potential to deprive someone of life, liberty, or property should never be
 27 considered a crime in a free and just society;
- 28 (4) Evil resides in the heart of the individual, not in material objects; and
- 29 (5) Since objects or instrumentalities in and of themselves are not dangerous or evil, in a
 30 free and just society, the civil government should not ban or restrict their possession or use.

31 SECTION 3.

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

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

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

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

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

55 SECTION 4.

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

59 "16-11-125.1.

60 As used in this part, the term:

61 (1) 'Handgun' means a firearm of any description, loaded or unloaded, from which any
 62 shot, bullet, or other missile can be discharged by an action of an explosive where the
 63 length of the barrel, not including any revolving, detachable, or magazine breech, does
 64 not exceed 12 inches; provided, however, that the term 'handgun' shall not include a gun
 65 which discharges a single shot of .46 ~~centimeters~~ centimeter or less in diameter.

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

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

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

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

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

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

82 provided, however, that the term 'long gun' shall not include a gun which discharges a
 83 single shot of .46 ~~centimeters~~ centimeter or less in diameter.

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

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

87 SECTION 5.

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

91 "16-11-126.

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

95 ~~(b) Any person who is not prohibited by law from possessing a handgun or long gun may~~
 96 ~~have or carry on his or her person a long gun without a valid weapons carry license,~~

97 provided that if the long gun is loaded, it shall only be carried in an open and fully exposed
98 manner.

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

101 ~~(d) Any person who is not prohibited by law from possessing a handgun or long gun who
102 is eligible for a weapons carry license may transport a handgun or long gun in any private
103 passenger motor vehicle, provided, however, that private property owners or persons in
104 legal control of private property through a lease, rental agreement, licensing agreement,
105 contract, or any other agreement to control access to such private property shall have the
106 right to exclude or eject a person who is in possession of a weapon or long gun on their
107 private property in accordance with paragraph (3) of subsection (b) of Code Section
108 16-7-21, except as provided in Code Section 16-11-135.~~

109 ~~(e) Any person licensed to carry a handgun or weapon in any other state whose laws
110 recognize and give effect to a license issued pursuant to this part shall be authorized to
111 carry a weapon in this state, but only while the licensee is not a resident of this state;
112 provided, however, that such licensee shall carry the weapon in compliance with the laws
113 of this state.~~

114 ~~(f) Any person with a valid hunting or fishing license on his or her person, or any person
115 not required by law to have a hunting or fishing license, who is engaged in legal hunting,
116 fishing, or sport shooting when the person has the permission of the owner of the land on
117 which the activities are being conducted may have or carry on his or her person a handgun
118 or long gun without a valid weapons carry license while hunting, fishing, or engaging in
119 sport shooting.~~

120 ~~(g) Notwithstanding Code Sections 12-3-10, 27-3-1.1, 27-3-6, and 16-12-122 through
121 16-12-127, any person with a valid weapons carry license may carry a weapon in all parks,
122 historic sites, or recreational areas, as such term is defined in Code Section 12-3-10,
123 including all publicly owned buildings located in such parks, historic sites, and recreational
124 areas, in wildlife management areas, and on public transportation, provided, however, that
125 a person shall not carry a handgun into a place where it is prohibited by federal law.~~

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

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

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

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

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

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

141 **SECTION 6.**

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

144 "16-11-127.

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

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

148 (2) 'Government building' means:

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

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

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

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

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

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

167 (1) In a government building as a nonlicense holder;

168 (2) In a courthouse;

169 (3) In a jail or prison;

- 170 (4) In a place of worship, unless the governing body or authority of the place of worship
 171 permits the carrying of weapons or long guns by license holders;
- 172 (5) In a state mental health facility as defined in Code Section 37-1-1 which admits
 173 individuals on an involuntary basis for treatment of mental illness, developmental
 174 disability, or addictive disease; provided, however, that carrying a weapon or long gun
 175 in such location in a manner in compliance with paragraph (3) of subsection (d) of this
 176 Code section shall not constitute a violation of this subsection;
- 177 (6) On the premises of a nuclear power facility, except as provided in Code Section
 178 16-11-127.2, and the punishment provisions of Code Section 16-11-127.2 shall supersede
 179 the punishment provisions of this Code section; or
- 180 (7) Within 150 feet of any polling place when elections are being conducted and such
 181 polling place is being used as a polling place as provided for in paragraph (27) of Code
 182 Section 21-2-2, except as provided in subsection (i) of Code Section 21-2-413.
- 183 (c) ~~A license holder or person recognized under subsection (e) of Code Section 16-11-126~~
 184 Any lawful weapons carrier shall be authorized to carry a weapon as provided in Code
 185 Section 16-11-135 and in every location in this state not listed in subsection (b) or
 186 prohibited by subsection (e) of this Code section; provided, however, that private property
 187 owners or persons in legal control of private property through a lease, rental agreement,
 188 licensing agreement, contract, or any other agreement to control access to such private
 189 property shall have the right to exclude or eject a person who is in possession of a weapon
 190 or long gun on their private property in accordance with paragraph (3) of subsection (b) of
 191 Code Section 16-7-21, except as provided in Code Section 16-11-135. A violation of
 192 subsection (b) of this Code section shall not create or give rise to a civil action for
 193 damages.
- 194 (d) Subsection (b) of this Code section shall not apply:
- 195 (1) To the use of weapons or long guns as exhibits in a legal proceeding, provided such
 196 weapons or long guns are secured and handled as directed by the personnel providing
 197 courtroom security or the judge hearing the case;
- 198 (2) To a ~~license holder~~ lawful weapons carrier who approaches security or management
 199 personnel upon arrival at a location described in subsection (b) of this Code section and
 200 notifies such security or management personnel of the presence of the weapon or long
 201 gun and explicitly follows the security or management personnel's direction for removing,
 202 securing, storing, or temporarily surrendering such weapon or long gun; and
- 203 (3) To a weapon or long gun possessed by a ~~license holder~~ lawful weapons carrier which
 204 is under the possessor's control in a motor vehicle or is in a locked compartment of a
 205 motor vehicle or one which is in a locked container in or a locked firearms rack which
 206 is on a motor vehicle and such vehicle is parked in a parking facility.

207 (e)(1) A ~~license holder~~ lawful weapons carrier shall be authorized to carry a weapon in
 208 a government building when the government building is open for business and where
 209 ingress into such building is not restricted or screened by security personnel. A ~~license~~
 210 ~~holder~~ lawful weapons carrier who enters or attempts to enter a government building
 211 carrying a weapon where ingress is restricted or screened by security personnel shall be
 212 guilty of a misdemeanor if at least one member of such security personnel is certified as
 213 a peace officer pursuant to Chapter 8 of Title 35; provided, however, that a ~~license holder~~
 214 lawful weapons carrier who immediately exits such building or immediately leaves such
 215 location upon notification of his or her failure to clear security due to the carrying of a
 216 weapon shall not be guilty of violating this subsection or paragraph (1) of subsection (b)
 217 of this Code section. A person who is not a ~~license holder~~ lawful weapons carrier and
 218 who attempts to enter a government building carrying a weapon shall be guilty of a
 219 misdemeanor.

220 (2) Any ~~license holder~~ lawful weapons carrier who violates subsection (b) of this Code
 221 section in a place of worship shall not be arrested but shall be fined not more than
 222 \$100.00. Any person who is not a ~~license holder~~ lawful weapons carrier who violates
 223 subsection (b) of this Code section in a place of worship shall be punished as for a
 224 misdemeanor.

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

227 SECTION 7.

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

232 "(2) Any ~~license holder~~ lawful weapons carrier who violates this subsection shall be
 233 guilty of a misdemeanor. Any person who is not a ~~license holder~~ lawful weapons carrier
 234 who violates this subsection shall be guilty of a felony and, upon conviction thereof, be
 235 punished by a fine of not more than \$10,000.00, by imprisonment for not less than two
 236 nor more than ten years, or both."

237 "~~(7) A person who is licensed in accordance with Code Section 16-11-129 or issued a~~
 238 ~~permit pursuant to Code Section 43-38-10,~~ lawful weapons carrier when such person
 239 carries or picks up a student within a school safety zone, at a school function, or on a bus
 240 or other transportation furnished by a school or a ~~person who is licensed in accordance~~
 241 ~~with Code Section 16-11-129 or issued a permit pursuant to Code Section 43-38-10~~
 242 lawful weapons carrier when he or she has any weapon legally kept within a vehicle

243 when such vehicle is parked within a school safety zone or is in transit through a
244 designated school safety zone;

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

255 **SECTION 8.**

256 Said part is further amended by revising subparagraph (b)(2)(H) of Code Section 16-11-129,
257 relating to weapons carry license, temporary renewal permit, mandamus, and verification of
258 license, as follows:

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

260 (i) ~~Carrying a weapon without a weapons carry license in violation of Code Section~~
261 ~~16-11-126; or~~

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

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

267 **SECTION 9.**

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

270 “16-11-130.

271 (a) Code Sections ~~16-11-126~~ 16-11-127 through 16-11-127.2 shall not apply to or affect
272 any of the following persons if such persons are employed in the offices listed below or
273 when authorized by federal or state law, regulations, or order:

274 (1) Peace officers, as such term is defined in paragraph (11) of Code Section 16-1-3, and
275 retired peace officers so long as they remain certified whether employed by the state or
276 a political subdivision of the state or another state or a political subdivision of another

277 state but only if such other state provides a similar privilege for the peace officers of this
278 state;

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

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

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

285 (5) District attorneys, investigators employed by and assigned to a district attorney's
286 office, assistant district attorneys, attorneys or investigators employed by the Prosecuting
287 Attorneys' Council of the State of Georgia, and any retired district attorney, assistant
288 district attorney, district attorney's investigator, or attorney or investigator retired from
289 the Prosecuting Attorneys' Council of the State of Georgia, if such employee is retired in
290 good standing and is receiving benefits under Title 47 or is retired in good standing and
291 receiving benefits from a county or municipal retirement system;

292 (6) State court solicitors-general; investigators employed by and assigned to a state court
293 solicitor-general's office; assistant state court solicitors-general; the corresponding
294 personnel of any city court expressly continued in existence as a city court pursuant to
295 Article VI, Section X, Paragraph I, subparagraph (5) of the Constitution; and the
296 corresponding personnel of any civil court expressly continued as a civil court pursuant
297 to said provision of the Constitution;

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

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

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

306 (10) Public safety directors of municipal corporations;

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

310 (12) Federal judges, Justices of the Supreme Court, Judges of the Court of Appeals,
311 judges of superior, state, probate, juvenile, and magistrate courts, full-time judges of
312 municipal and city courts, permanent part-time judges of municipal and city courts, and
313 administrative law judges;

314 (12.1) Former federal judges, Justices of the Supreme Court, Judges of the Court of
 315 Appeals, judges of superior, state, probate, juvenile, and magistrate courts, full-time
 316 judges of municipal and city courts, permanent part-time judges of municipal courts, and
 317 administrative law judges who are retired from their respective offices, provided that such
 318 judge or Justice would otherwise be qualified to be issued a weapons carry license;

319 (12.2) Former federal judges, Justices of the Supreme Court, Judges of the Court of
 320 Appeals, judges of superior, state, probate, juvenile, and magistrate courts, full-time
 321 judges of municipal and city courts, permanent part-time judges of municipal courts, and
 322 administrative law judges who are no longer serving in their respective office, provided
 323 that he or she served as such judge or Justice for more than 24 months; and provided,
 324 further, that such judge or Justice would otherwise be qualified to be issued a weapons
 325 carry license;

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

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

329 (15) Clerks of the superior courts; and

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

331 (b) Code Sections ~~16-11-126~~ 16-11-127 through 16-11-127.2 shall not apply to or affect
 332 persons who at the time of their retirement from service with the Department of
 333 Community Supervision were community supervision officers, when specifically
 334 designated and authorized in writing by the commissioner of community supervision.

335 (c) Code Sections ~~16-11-126~~ 16-11-127 through 16-11-127.2 shall not apply to or affect
 336 any:

337 (1) Sheriff, retired sheriff, deputy sheriff, or retired deputy sheriff if such retired sheriff
 338 or deputy sheriff is eligible to receive or is receiving benefits under the Peace Officers'
 339 Annuity and Benefit Fund provided under Chapter 17 of Title 47, the Sheriffs' Retirement
 340 Fund of Georgia provided under Chapter 16 of Title 47, or any other public retirement
 341 system established under the laws of this state for service as a law enforcement officer;

342 (2) Member of the Georgia State Patrol or agent of the Georgia Bureau of Investigation
 343 or retired member of the Georgia State Patrol or agent of the Georgia Bureau of
 344 Investigation if such retired member or agent is receiving benefits under the Employees'
 345 Retirement System;

346 (3) Full-time law enforcement chief executive engaging in the management of a county,
 347 municipal, state, state authority, or federal law enforcement agency in the State of
 348 Georgia, including any college or university law enforcement chief executive ~~that~~ who
 349 is registered or certified by the Georgia Peace Officer Standards and Training Council;
 350 or retired law enforcement chief executive ~~that~~ who formerly managed a county,

351 municipal, state, state authority, or federal law enforcement agency in the State of
 352 Georgia, including any college or university law enforcement chief executive ~~that~~ who
 353 was registered or certified at the time of his or her retirement by the Georgia Peace
 354 Officer Standards and Training Council, if such retired law enforcement chief executive
 355 is receiving benefits under the Peace Officers' Annuity and Benefit Fund provided under
 356 Chapter 17 of Title 47 or is retired in good standing and receiving benefits from a county,
 357 municipal, State of Georgia, state authority, or federal retirement system; or

358 (4) Police officer of any county, municipal, state, state authority, or federal law
 359 enforcement agency in the State of Georgia, including any college or university police
 360 officer ~~that~~ who is registered or certified by the Georgia Peace Officer Standards and
 361 Training Council, or retired police officer of any county, municipal, state, state authority,
 362 or federal law enforcement agency in the State of Georgia, including any college or
 363 university police officer ~~that~~ who was registered or certified at the time of his or her
 364 retirement by the Georgia Peace Officer Standards and Training Council, if such retired
 365 employee is receiving benefits under the Peace Officers' Annuity and Benefit Fund
 366 provided under Chapter 17 of Title 47 or is retired in good standing and receiving
 367 benefits from a county, municipal, State of Georgia, state authority, or federal retirement
 368 system.

369 In addition, any such sheriff, retired sheriff, deputy sheriff, retired deputy sheriff, active or
 370 retired law enforcement chief executive, or other law enforcement officer referred to in this
 371 subsection shall be authorized to carry a handgun on or off duty anywhere within the state
 372 and the provisions of Code Sections ~~16-11-126~~ 16-11-127 through 16-11-127.2 shall not
 373 apply to the carrying of such firearms.

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

376

SECTION 10.

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

380 "(b) Except as provided in this Code section, no private or public employer, including the
 381 state and its political subdivisions, shall condition employment upon any agreement by a
 382 prospective employee that prohibits an employee from entering the parking lot and access
 383 thereto when the employee's privately owned motor vehicle contains a firearm or
 384 ammunition, or both, that is locked out of sight within the trunk, glove box, or other
 385 enclosed compartment or area within such privately owned motor vehicle, provided that

386 any ~~applicable employees possess a Georgia weapons carry license~~ such prospective
 387 employee is a lawful weapons carrier."

388 **SECTION 11.**

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

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

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

404 ~~(c) A person convicted of a violation of this Code section shall be fined not more than~~
 405 ~~\$10.00 if he or she produces in court his or her weapons carry license, provided that it was~~
 406 ~~valid at the time of his or her arrest, or produces proof of his or her exemption."~~

407 **SECTION 12.**

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

412 "(b) Any person who boards or attempts to board an aircraft, bus, or rail vehicle with any
 413 explosive, destructive device, or hoax device as such ~~term is~~ terms are defined in Code
 414 Section 16-7-80; ~~firearm for which weapon or long gun as such terms are defined in Code~~
 415 ~~Section 16-11-125.1 if such person does not have on his or her person a valid weapons~~
 416 ~~carry license issued pursuant to Code Section 16-11-129 unless possessing such firearm is~~
 417 ~~prohibited by federal law~~ is not a lawful weapons carrier as defined in Code
 418 Section 16-11-125.1; hazardous substance as defined by Code Section 12-8-92; or knife
 419 or other device designed or modified for the purpose of offense and defense concealed on
 420 or about his or her person or property which is or would be accessible to such person while

421 on the aircraft, bus, or rail vehicle shall be guilty of a felony and, upon conviction thereof,
 422 shall be sentenced to imprisonment for not less than one nor more than ten years. The
 423 prohibition of this subsection shall not apply to any law enforcement officer, peace officer
 424 retired from a state or federal law enforcement agency, person in the military service of the
 425 state or of the United States, or commercial security personnel employed by the
 426 transportation company who is in possession of weapons used within the course and scope
 427 of employment; nor shall the prohibition apply to persons transporting weapons contained
 428 in baggage which is not accessible to passengers if the presence of such weapons has been
 429 declared to the transportation company and such weapons have been secured in a manner
 430 prescribed by state or federal law or regulation for the purpose of transportation or
 431 shipment. The provisions of this subsection shall not apply to any privately owned aircraft,
 432 bus, or rail vehicle if the owner of such aircraft or vehicle has given his or her express
 433 permission to board the aircraft or vehicle with the item."

434

SECTION 13.

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

438 "(a) It shall be unlawful for any person, with the intention of avoiding or interfering with
 439 a security measure or of introducing into a terminal any explosive, destructive device, or
 440 hoax device as such terms are defined in Code Section 16-7-80; ~~firearm for which such~~
 441 ~~person does not have on his or her person a valid weapons carry license issued pursuant to~~
 442 ~~Code Section 16-11-129 unless possessing such firearm is prohibited by federal law~~
 443 weapon or long gun as such terms are defined in Code Section 16-11-125.1 if such person
 444 is not a lawful weapons carrier as defined in Code Section 16-11-125.1; hazardous
 445 substance as defined by Code Section 12-8-92; ~~or knife~~ or other device designed or
 446 modified for the purpose of offense and defense, to:

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

453 **SECTION 14.**

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

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

463 (2) To possess a loaded firearm other than a handgun, as such term is defined in Code
 464 Section 16-11-125.1, in a motor vehicle during a legal open hunting season for that area
 465 or to possess a loaded handgun in a motor vehicle during a legal open hunting season for
 466 that area unless such person ~~possesses a valid weapons carry license issued pursuant to~~
 467 ~~Code Section 16-11-129~~ is a lawful weapons carrier as defined in Code Section
 468 16-11-125.1;".

469 **SECTION 15.**

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

472 "27-3-6.

473 It shall be unlawful for any person to possess any center-fire or rimfire firearm other than
 474 a handgun, as such term is defined in Code Section 16-11-125.1, while hunting with a bow
 475 and arrow during archery or primitive weapons season for deer or while hunting with a
 476 muzzleloading firearm during a primitive weapons season for deer or to possess a loaded
 477 handgun while hunting with a bow and arrow during archery or primitive weapons season
 478 for deer or while hunting with a muzzleloading firearm during primitive weapons season
 479 for deer unless such person ~~possesses a valid weapons carry license issued pursuant to~~
 480 ~~Code Section 16-11-129~~ is a lawful weapons carrier as defined in Code Section
 481 16-11-125.1."

482 **SECTION 16.**

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

486 "(1) To possess a firearm other than a handgun, as such term is defined in Code Section
 487 16-11-125.1, during a closed hunting season for that area unless such firearm is unloaded

488 and stored in a motor vehicle so as not to be readily accessible or to possess a handgun
 489 during a closed hunting season for that area unless such person ~~possesses a valid weapons~~
 490 ~~carry license issued pursuant to Code Section 16-11-129~~ is a lawful weapons carrier as
 491 defined in Code Section 16-11-125.1;

492 (2) To possess a loaded firearm other than a handgun, as such term is defined in Code
 493 Section 16-11-125.1, in a motor vehicle during a legal open hunting season for that area
 494 or to possess a loaded handgun in a motor vehicle during a legal open hunting season for
 495 that area unless such person ~~possesses a valid weapons carry license issued pursuant to~~
 496 ~~Code Section 16-11-129~~ is a lawful weapons carrier as defined in Code Section
 497 16-11-125.1; or”.

498 **SECTION 17.**

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

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

509 **SECTION 18.**

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

512 **SECTION 19.**

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