

A BILL TO BE ENTITLED
AN ACT

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

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

17 This Act shall be known and may be cited as the "Georgia Constitutional Carry Act of 2019."
18

SECTION 2.

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

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

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

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

31 SECTION 3.

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

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

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

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

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

55 SECTION 4.

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

59 "16-11-125.1.

60 As used in this part, the term:

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

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

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

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

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

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

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

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

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

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

86 SECTION 5.

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

90 "16-11-126.

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

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

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

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

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

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

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

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

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

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

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

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

138 ~~(g) Notwithstanding Code Sections 12-3-10, 27-3-1.1, 27-3-6, and 16-12-122 through~~
 139 ~~16-12-127, any person with a valid weapons carry license may carry a weapon in all parks,~~
 140 ~~historic sites, or recreational areas, as such term is defined in Code Section 12-3-10,~~
 141 ~~including all publicly owned buildings located in such parks, historic sites, and recreational~~
 142 ~~areas, in wildlife management areas, and on public transportation; provided, however, that~~
 143 ~~a person shall not carry a handgun into a place where it is prohibited by federal law.~~

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

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

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

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

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

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

159 **SECTION 6.**

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

162 "16-11-127.

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

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

166 (2) 'Government building' means:

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

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

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

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

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

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

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

187 (2) In a courthouse;

188 (3) In a jail or prison;

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

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

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

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

203 (c) ~~A license holder or person recognized under subsection (e) of Code Section 16-11-126~~
 204 Any lawful weapons carrier shall be authorized to carry a weapon as provided in Code

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

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

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

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

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

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

240 (2) Any ~~license holder~~ lawful weapons carrier who violates subsection (b) of this Code
 241 section in a place of worship shall not be arrested but shall be fined not more than

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

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

247 **SECTION 7.**

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

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

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

266 (8) A weapon possessed by a ~~license holder~~ lawful weapons carrier which is under the
 267 possessor's control in a motor vehicle or which is in a locked compartment of a motor
 268 vehicle or one which is in a locked container in or a locked firearms rack which is on a
 269 motor vehicle which is being used by an adult over 21 years of age to bring to or pick up
 270 a student within a school safety zone, at a school function, or on a bus or other
 271 transportation furnished by a school, or when such vehicle is used to transport someone
 272 to an activity being conducted within a school safety zone which has been authorized by
 273 a duly authorized official or local board of education as provided by paragraph (6) of this
 274 subsection; provided, however, that this exception shall not apply to a student attending
 275 a public or private elementary or secondary school;"

276 "(20)(A) Any ~~weapons carry license holder~~ lawful weapons carrier when he or she is
 277 in any building or on real property owned by or leased to any public technical school,

278 vocational school, college, or university, or other public institution of postsecondary
 279 education; provided, however, that such exception shall:

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

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

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

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

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

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

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

297 (B) Any ~~weapons carry license holder~~ lawful weapons carrier who carries a handgun
 298 in a manner or in a building, property, room, or space in violation of this paragraph
 299 shall be guilty of a misdemeanor; provided, however, that for a conviction of a first
 300 offense, such ~~weapons carry license holder~~ lawful weapons carrier shall be punished
 301 by a fine of \$25.00 and not be sentenced to serve any term of confinement.

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

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

311 (ii) 'Preschool or childcare space' means any room or continuous collection of rooms
 312 or any enclosed outdoor facilities which are separated from other spaces by an
 313 electronic mechanism or human-staffed point of controlled access and designated for
 314 the provision of preschool or childcare services, including, but not limited to,

315 preschool or childcare services licensed or regulated under Article 1 of Chapter 1A
 316 of Title 20."

317 **SECTION 8.**

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

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

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

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

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

329 **SECTION 9.**

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

332 "16-11-130.

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

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

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

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

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

348 (5) District attorneys, investigators employed by and assigned to a district attorney's
 349 office, assistant district attorneys, attorneys or investigators employed by the Prosecuting

350 Attorneys' Council of the State of Georgia, and any retired district attorney, assistant
351 district attorney, district attorney's investigator, or attorney or investigator retired from
352 the Prosecuting Attorneys' Council of the State of Georgia, if such employee is retired in
353 good standing and is receiving benefits under Title 47 or is retired in good standing and
354 receiving benefits from a county or municipal retirement system;

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

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

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

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

369 (10) Public safety directors of municipal corporations;

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

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

377 (12.1) Former federal judges, Justices of the Supreme Court, Judges of the Court of
378 Appeals, judges of superior, state, probate, juvenile, and magistrate courts, full-time
379 judges of municipal and city courts, permanent part-time judges of municipal courts, and
380 administrative law judges who are retired from their respective offices, provided that such
381 judge or Justice would otherwise be qualified to be issued a weapons carry license;

382 (12.2) Former federal judges, Justices of the Supreme Court, Judges of the Court of
383 Appeals, judges of superior, state, probate, juvenile, and magistrate courts, full-time
384 judges of municipal and city courts, permanent part-time judges of municipal courts, and
385 administrative law judges who are no longer serving in their respective office, provided
386 that he or she served as such judge or Justice for more than 24 months; and provided,

387 further, that such judge or Justice would otherwise be qualified to be issued a weapons
388 carry license;

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

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

392 (15) Clerks of the superior courts; and

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

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

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

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

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

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

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

423 of Title 47 or is retired in good standing and receiving benefits from a county,
 424 municipal, State of Georgia, state authority, or federal retirement system;

425 (D) Police officer of any county, municipal, state, state authority, or federal law
 426 enforcement agency in the State of Georgia, including any college or university police
 427 officer who is registered or certified by the Georgia Peace Officer Standards and
 428 Training Council, or retired police officer of any county, municipal, state, state
 429 authority, or federal law enforcement agency in the State of Georgia, including any
 430 college or university police officer who was registered or certified at the time of his or
 431 her retirement by the Georgia Peace Officer Standards and Training Council, if such
 432 retired police officer is receiving benefits under the Peace Officers' Annuity and Benefit
 433 Fund provided under Chapter 17 of Title 47 or is retired in good standing and receiving
 434 benefits from a county, municipal, State of Georgia, state authority, or federal
 435 retirement system; or

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

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

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

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

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

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

459 (A) 'Active' means nonretired.

- 460 (B) 'Courthouse' means a building or annex occupied by judicial courts and containing
 461 rooms in which judicial proceedings are held.
- 462 (C) 'Law enforcement agency' means sheriffs or any unit, organ, or department of this
 463 state, or a subdivision or municipality thereof, whose functions by law include the
 464 enforcement of criminal or traffic laws; the preservation of public order; the protection
 465 of life and property; the prevention, detection, or investigation of crime; or court
 466 security that is providing security for a courthouse.
- 467 (D) 'Law enforcement personnel' means sheriffs or deputy sheriffs or peace officers
 468 employed by a law enforcement agency.
- 469 (2)(A) Pursuant to a security plan implemented by law enforcement personnel,
 470 including as provided for under a comprehensive plan as provided for in subsection (a)
 471 of Code Section 15-16-10, the law enforcement agency with jurisdiction over a
 472 courthouse may provide for facilities or the means for the holding of weapons carried
 473 by persons enumerated under this Code section, except as provided for in paragraph (3)
 474 of this subsection, provided that ingress to such courthouse is actively restricted or
 475 screened by law enforcement personnel and such facilities or means are located in the
 476 immediate proximity of the area which is restricted or screened by such law
 477 enforcement personnel.
- 478 (B) If the requirements of this paragraph are met, the persons enumerated under this
 479 Code section shall, except as provided for in paragraph (3) of this subsection, upon
 480 request of law enforcement personnel place his or her weapons in such holding with
 481 law enforcement personnel while such persons are within the restricted or screened
 482 area. Upon request of any person enumerated under this Code section, in preparation
 483 for his or her exit from the restricted or screened area, law enforcement personnel shall
 484 immediately provide for the return of the person's weapons which are in holding.
- 485 (3) Notwithstanding a security plan implemented by law enforcement personnel,
 486 including as provided for under a comprehensive plan as provided for in subsection (a)
 487 of Code Section 15-16-10, active law enforcement officers referred to in subsection (c)
 488 of this Code section shall be authorized to carry their service ~~handguns~~ and weapons in
 489 any courthouse if they are wearing the assigned uniform of their law enforcement office
 490 or have the official badge and identification credentials issued to them by their law
 491 enforcement office displayed and plainly visible on their person while in the performance
 492 of their official duties.
- 493 (d) A prosecution based upon a violation of Code Section ~~16-11-126~~ or 16-11-127 need
 494 not negative any exemptions."

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SECTION 10.

496

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

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

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SECTION 11.

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

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"16-11-137.

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

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

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

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SECTION 12.

528

Part 2 of Article 4 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to transportation passenger safety, is amended by revising subsection (b) of Code

529

530 Section 16-12-123, relating to bus or rail vehicle hijacking, boarding with concealed weapon,
531 and company use of reasonable security measures, as follows:

532 "(b) Any person who boards or attempts to board an aircraft, bus, or rail vehicle with any
533 explosive, destructive device, or hoax device as such ~~term is~~ terms are defined in Code
534 Section 16-7-80; ~~firearm for which~~ weapon or long gun as such terms are defined in Code
535 Section 16-11-125.1 if such person ~~does not have on his or her person a valid weapons~~
536 ~~carry license issued pursuant to Code Section 16-11-129 unless possessing such firearm is~~
537 ~~prohibited by federal law~~ is not a lawful weapons carrier as defined in Code
538 Section 16-11-125.1; hazardous substance as defined by Code Section 12-8-92; ~~or knife~~
539 or other device designed or modified for the purpose of offense and defense concealed on
540 or about his or her person or property which is or would be accessible to such person while
541 on the aircraft, bus, or rail vehicle shall be guilty of a felony and, upon conviction thereof,
542 shall be sentenced to imprisonment for not less than one nor more than ten years. The
543 prohibition of this subsection shall not apply to any law enforcement officer, peace officer
544 retired from a state or federal law enforcement agency, person in the military service of the
545 state or of the United States, or commercial security personnel employed by the
546 transportation company who is in possession of weapons used within the course and scope
547 of employment; nor shall the prohibition apply to persons transporting weapons contained
548 in baggage which is not accessible to passengers if the presence of such weapons has been
549 declared to the transportation company and such weapons have been secured in a manner
550 prescribed by state or federal law or regulation for the purpose of transportation or
551 shipment. The provisions of this subsection shall not apply to any privately owned aircraft,
552 bus, or rail vehicle if the owner of such aircraft or vehicle has given his or her express
553 permission to board the aircraft or vehicle with the item."

554 **SECTION 13.**

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

558 "(a) It shall be unlawful for any person, with the intention of avoiding or interfering with
559 a security measure or of introducing into a terminal any explosive, destructive device, or
560 hoax device as such terms are defined in Code Section 16-7-80; ~~firearm for which such~~
561 ~~person does not have on his or her person a valid weapons carry license issued pursuant to~~
562 ~~Code Section 16-11-129 unless possessing such firearm is prohibited by federal law~~
563 weapon or long gun as such terms are defined in Code Section 16-11-125.1 if such person
564 is not a lawful weapons carrier as defined in Code Section 16-11-125.1; hazardous

565 substance as defined by Code Section 12-8-92; ~~or knife~~ or other device designed or
 566 modified for the purpose of offense and defense, to:

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

573 **SECTION 14.**

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

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

589 **SECTION 15.**

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

592 "27-3-6.

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

600 ~~Code Section 16-11-129~~ is a lawful weapons carrier as defined in Code Section
 601 16-11-125.1."

602 **SECTION 16.**

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

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

612 (2) To possess a loaded firearm other than a handgun, as such term is defined in Code
 613 Section 16-11-125.1, in a motor vehicle during a legal open hunting season for that area
 614 or to possess a loaded handgun in a motor vehicle during a legal open hunting season for
 615 that area unless such person ~~possesses a valid weapons carry license issued pursuant to~~
 616 ~~Code Section 16-11-129~~ is a lawful weapons carrier as defined in Code Section
 617 16-11-125.1; or".

618 **SECTION 17.**

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

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

629 **SECTION 18.**

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

