

House Bill 917

By: Representatives Cameron of the 1st and Tarvin of the 2nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia
2 Annotated, relating to carrying and possession of firearms, so as to provide for lifetime
3 weapons carry licenses; to provide for and revise fees; to provide for background check
4 reviews of lifetime weapons carry license holders; to provide for a definition; to provide for
5 related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
9 relating to carrying and possession of firearms, is amended by revising subsections (a), (b),
10 (c), and (d) of Code Section 16-11-129, relating to weapons carry license, gun safety
11 information, temporary renewal permit, mandamus, and verification of license, as follows:

12 **"(a) Application for weapons carry license or renewal license; term.**

13 (1)(A) Except as provided for under subparagraph (B) of this paragraph, the ~~The~~ judge
14 of the probate court of each county shall, on application under oath, on payment of a
15 fee of ~~\$30.00~~ \$200.00, and on investigation of the applicant pursuant to subsections (b)
16 and (d) of this Code section, issue a weapons carry license or renewal license valid for

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17 ~~a period of five years~~ the life of the applicant to any person whose domicile is in that
 18 county or who is on active duty with the United States armed forces and who is not a
 19 domiciliary of this state but who either resides in that county or on a military
 20 reservation located in whole or in part in that county at the time of such application;
 21 provided, however, that every five years from the date of the issuance of such license,
 22 the license holder shall submit an application for a background check review pursuant
 23 to subsections (c) and (d) of this Code section; provided, further, that failure to submit
 24 an application for a background check review shall render the license suspended until
 25 such application for a background check review is submitted. Such license or renewal
 26 license shall authorize that person to carry any weapon in any county of this state
 27 notwithstanding any change in that person's county of residence or state of domicile.
 28 (B) The fee provided for under subparagraph (A) of this paragraph shall be \$100.00
 29 for:

30 (i) Persons provided for under paragraphs (3), (5), (12), (12.1), and (12.2) of
 31 subsection (a) of Code Section 16-11-130;
 32 (ii) Persons provided for under subparagraphs (c)(2)(A) through (c)(2)(D) of Code
 33 Section 16-11-130; and
 34 (iii) Active or retired emergency medical technicians. As used in this division,
 35 'emergency medical technician' shall have the same meaning as provided for under
 36 Code Section 45-9-81.

37 ~~(2)(A) As used in this paragraph, the term 'service member' means an active duty~~
 38 ~~member of the regular or reserve component of the United States Army, United States~~
 39 ~~Navy, United States Marine Corps, United States Coast Guard, United States Air Force,~~
 40 ~~United States National Guard, Georgia Army National Guard, or Georgia Air National~~
 41 ~~Guard.~~

42 ~~(B) Any service member whose weapons carry license or renewal license expired while~~
 43 ~~such service member was serving on active duty outside this state shall be authorized~~

44 ~~to carry any weapon in accordance with such expired license for a period of six months~~
45 ~~from the date of his or her discharge from active duty or reassignment to a location~~
46 ~~within this state. When carrying a weapon pursuant to Code Section 16-11-137, the~~
47 ~~service member shall also have in his or her immediate possession a copy of the official~~
48 ~~military orders or a written verification signed by such service member's commanding~~
49 ~~officer which shall evidence that such service member is authorized to carry any~~
50 ~~weapon in accordance with such expired license for a period of six months from the~~
51 ~~date of his or her discharge from active duty or reassignment to a location within this~~
52 ~~state.~~

53 ~~(3)(A)(2)~~ Applicants shall submit the application for a weapons carry license or renewal
54 license to the judge of the probate court on forms prescribed and furnished free of charge
55 to persons wishing to apply for the license or renewal license.

56 ~~(B)(i)~~ An application shall be considered to be for a renewal license if the applicant
57 has a weapons carry license or renewal license with 90 or fewer days remaining
58 before the expiration of such weapons carry license or renewal license or 30 or fewer
59 days since the expiration of such weapons carry license or renewal license regardless
60 of the county of issuance of the applicant's expired or expiring weapons carry license
61 or renewal license.

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

69 ~~(iii)(3)~~ An applicant who is not a United States citizen shall provide sufficient personal
70 identifying data, including without limitation his or her place of birth and United States

71 issued alien or admission number, as the Georgia Bureau of Investigation may prescribe
72 by rule or regulation. An applicant who is in nonimmigrant status shall provide proof of
73 his or her qualifications for an exception to the federal firearm prohibition pursuant to 18
74 U.S.C. Section 922(y). Forms shall be designed to elicit information from the applicant
75 pertinent to his or her eligibility under this Code section, including citizenship, but shall
76 not require data which is nonpertinent or irrelevant, such as serial numbers or other
77 identification capable of being used as a de facto registration of firearms owned by the
78 applicant. The Department of Public Safety shall furnish application forms and license
79 forms required by this Code section. The forms shall be furnished to each judge of each
80 probate court within this state at no cost."

81 "(b) **Licensing exceptions.**

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

83 (A) 'Armed forces' means active duty or a reserve component of the United States
84 Army, United States Navy, United States Marine Corps, United States Coast Guard,
85 United States Air Force, United States National Guard, Georgia Army National Guard,
86 or Georgia Air National Guard.

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

89 (C) 'Convicted' means an adjudication of guilt. Such term shall not include an order
90 of discharge and exoneration pursuant to Article 3 of Chapter 8 of Title 42.

91 (D) 'Dangerous drug' means any drug defined as such in Code Section
92 ~~16-13-71~~ 16-13-21.

93 (2) No weapons carry license shall be issued to or maintained by:

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

95 (i) Is at least 18 years of age;

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

- 98 (iii) Provides proof that he or she is actively serving in the armed forces of the United
99 States or has been honorably discharged from such service;
- 100 (B) Any person who has been convicted of a felony by a court of this state or any other
101 state; by a court of the United States, including its territories, possessions, and
102 dominions; or by a court of any foreign nation and has not been pardoned for such
103 felony by the President of the United States, the State Board of Pardons and Paroles,
104 or the person or agency empowered to grant pardons under the constitution or laws of
105 such state or nation;
- 106 (C) Any person against whom proceedings are pending for any felony;
- 107 (D) Any person who is a fugitive from justice;
- 108 (E) Any person who is prohibited from possessing or shipping a firearm in interstate
109 commerce pursuant to subsections (g) and (n) of 18 U.S.C. Section 922;
- 110 (F) Any person who has been convicted of an offense arising out of the unlawful
111 manufacture or distribution of a controlled substance or other dangerous drug;
- 112 (G) Any person who has had his or her weapons carry license revoked pursuant to
113 subsection (e) of this Code section within three years of the date of his or her
114 application;
- 115 (H) Any person who has been convicted of any of the following:
- 116 (i) Carrying a weapon without a weapons carry license in violation of Code
117 Section 16-11-126; or
- 118 (ii) Carrying a weapon or long gun in an unauthorized location in violation of Code
119 Section 16-11-127
- 120 and has not been free of all restraint or supervision in connection therewith and free of
121 any other conviction for at least five years immediately preceding the date of the
122 application;

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

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

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

130 (J) Except as provided for in subsection (b.1) of this Code section, any person who has
131 been hospitalized as an inpatient in any mental hospital or alcohol or drug treatment
132 center within the five years immediately preceding the application. The judge of the
133 probate court may require any applicant to sign a waiver authorizing any mental
134 hospital or treatment center to inform the judge whether or not the applicant has been
135 an inpatient in any such facility in the last five years and authorizing the superintendent
136 of such facility to make to the judge a recommendation regarding whether the applicant
137 is a threat to the safety of others and whether a license to carry a weapon should be
138 issued. When such a waiver is required by the judge, the applicant shall pay a fee of
139 \$3.00 for reimbursement of the cost of making such a report by the mental health
140 hospital, alcohol or drug treatment center, or the Department of Behavioral Health and
141 Developmental Disabilities, which the judge shall remit to the hospital, center, or
142 department. The judge shall keep any such hospitalization or treatment information
143 confidential. It shall be at the discretion of the judge, considering the circumstances
144 surrounding the hospitalization and the recommendation of the superintendent of the
145 hospital or treatment center where the individual was a patient, to issue the weapons
146 carry license or renewal license;

147 (K) Except as provided for in subsection (b.1) of this Code section, any person who has
148 been adjudicated mentally incompetent to stand trial; or

149 (L) Except as provided for in subsection (b.1) of this Code section, any person who has
150 been adjudicated not guilty by reason of insanity at the time of the crime pursuant to
151 Part 2 of Article 6 of Chapter 7 of Title 17."

152 "(c) **Fingerprinting.** Following completion of the application for a weapons carry license
153 or an application for a background check review, the judge of the probate court shall
154 require the applicant to proceed to an appropriate law enforcement agency in the county
155 or to any vendor approved by the Georgia Bureau of Investigation for fingerprint
156 submission services with the completed application so that such agency or vendor can
157 capture the fingerprints of the applicant. The law enforcement agency shall be entitled to
158 a fee of \$5.00 from the applicant for its services in connection with fingerprinting and
159 processing of an application and the probate court shall be entitled to a fee of \$20.00 from
160 the applicant for an application for a background check review. Fingerprinting shall not
161 be required for applicants seeking temporary renewal licenses or renewal licenses.

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

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

173 (B) For requests for license renewals or applications for background check reviews, the
174 presentation of a weapons carry license issued by any probate judge in this state shall
175 be evidence to the judge of the probate court to whom a request for license renewal or

176 application for background check review is made that the fingerprints of the weapons
177 carry license holder are on file with the judge of the probate court who issued the
178 weapons carry license, and the judge of the probate court to whom a request for license
179 renewal or application for background check review is made shall, within five business
180 days following the receipt of the request, direct the law enforcement agency to request
181 a nonfingerprint based criminal history records check from the Georgia Crime
182 Information Center and Federal Bureau of Investigation for purposes of determining the
183 suitability of the applicant and return an appropriate report to the judge of the probate
184 court to whom a request for license renewal or application for background check review
185 is made.

186 (2) For ~~both~~ weapons carry license applications, ~~and~~ requests for license renewals, and
187 applications for background check reviews, the judge of the probate court shall within
188 five business days following the receipt of the application or request also direct the law
189 enforcement agency, in the same manner as provided for in subparagraph (B) of
190 paragraph (1) of this subsection, to conduct a background check using the Federal Bureau
191 of Investigation's National Instant Criminal Background Check System and return an
192 appropriate report to the probate judge.

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

201 (4) The law enforcement agency shall report to the judge of the probate court within 20
202 days, by telephone and in writing, of any findings relating to the applicant which may

203 bear on his or her background check review, eligibility for a weapons carry license, or
204 renewal license under the terms of this Code section. When no derogatory information
205 is found on the applicant bearing on his or her background check review, eligibility to
206 obtain a license, or renewal license, a report shall not be required. The law enforcement
207 agency shall return the application directly to the judge of the probate court within such
208 time period. Not later than ten days after the judge of the probate court receives the
209 report from the law enforcement agency concerning the suitability of the applicant for a
210 license or maintaining a license, the judge of the probate court shall issue such applicant
211 a license or renewal license to carry any weapon unless facts establishing ineligibility
212 have been reported or unless the judge determines such applicant has not met all the
213 qualifications, is not of good moral character, or has failed to comply with any of the
214 requirements contained in this Code section. The judge of the probate court shall date
215 stamp the report from the law enforcement agency to show the date on which the report
216 was received by the judge of the probate court. The judge of the probate court shall not
217 suspend the processing of the application or extend, delay, or avoid any time
218 requirements provided for under this paragraph."

219 **SECTION 2.**

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