

The Senate Committee on Judiciary offered the following substitute to HB 1060:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated,
2 relating to deceptive or unfair practices, so as to prohibit the discriminatory refusal to provide
3 credit or financial services to those persons engaged in the lawful commerce of firearms or
4 ammunition products; to provide for a short title; to provide definitions; to provide for civil
5 causes of action; to provide for action by the Attorney General; to amend Code Section
6 15-9-123 of the Official Code of Georgia Annotated, relating to appeal, so as to provide that
7 appeals regarding petitions for relief pursuant to Code Section 35-3-34 from probate courts
8 as provided for under Article 6 of Chapter 9 of Title 15 shall be by de novo review to the
9 superior courts; to amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code
10 of Georgia Annotated, relating to carrying and possession of firearms, so as to permit certain
11 new residents to carry a weapon in this state for a limited time without a weapons carry
12 license; to provide for definitions; to provide an exception for a license holder carrying in a
13 place of worship; to revise provisions relating to carrying weapons within school safety
14 zones, at school functions, or on a bus or other transportation furnished by a school; to allow
15 the judge of the probate court to provide for printed information on gun safety; to provide for
16 the maintenance of gun safety information on the website of the Department of Natural
17 Resources; to revise and clarify the determinations to be made and the procedures to be
18 followed by law enforcement agencies and the judge of the probate court in the issuance of
19 a weapons carry license; to provide for replacement weapons carry licenses for persons who
20 have a legal name change or address change; to clarify that certain active and retired law
21 enforcement officers shall be authorized to carry a handgun on or off duty anywhere within
22 this state; to authorize certain retired law enforcement officers to carry a handgun anywhere
23 within this state; to revise carrying by certain persons with a courthouse; to clarify the
24 meaning of commercial service airport relative to the carrying of a weapon or long gun; to
25 amend Code Section 35-3-34 of the Official Code of Georgia Annotated, relating to
26 disclosure and dissemination of criminal records to private persons and businesses, resulting
27 responsibility and liability of issuing center, and provision of certain information to the FBI
28 in conjunction with the National Instant Criminal Background Check System, so as to allow

29 for the preservation of a person's involuntary hospitalization information received by the
 30 Georgia Crime Information Center; to correct references; to provide for exceptions; to
 31 provide for a judicial procedure for purging a person's involuntary hospitalization
 32 information received by the Georgia Crime Information Center; to amend Chapter 1 of Title
 33 51 of the Official Code of Georgia Annotated, relating to general provisions regarding torts,
 34 so as to provide for civil immunity of firearm instructors; to provide for related matters; to
 35 repeal conflicting laws; and for other purposes.

36 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

37 **SECTION 1.**

38 Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to
 39 deceptive or unfair practices, is amended by adding a new part to read as follows:

40 "Part 7

41 10-1-439.

42 This part shall be known and may be cited as the 'Georgia Firearms Industry
 43 Nondiscrimination Act.'

44 10-1-439.1.

45 As used in this part, the term:

46 (1) 'Financial services' means any service or product offered to the consumer or business
 47 market by a bank, trust company, credit union as defined by Code Section 7-1-4, any
 48 merchant acquirer limited purpose bank as defined in paragraph (7) of Code Section
 49 7-9-2, or a federally chartered banking institution that accepts state deposits.

50 (2) 'Person' means one or more individuals, partnerships, associations, limited liability
 51 companies, corporations, unincorporated organizations, mutual companies, joint stock
 52 companies, trusts, agents, legal representatives, trustees, trustees in bankruptcy, receivers,
 53 labor organizations, public bodies, and public corporations and the State of Georgia and
 54 all political subdivisions and agencies thereof. Such term shall include federally
 55 chartered banking institutions that accept state deposits.

56 (3) 'Trade association' means any corporation, unincorporated association, federation,
 57 business league, or professional or business organization not organized or operated for
 58 profit and no part of the net earnings of which inures to the benefit of any private
 59 shareholder or individual; that is an organization described in Section 501(c)(6) of
 60 Title 26 of the United States Code and exempt from tax under Section 501(a) of such

61 title; and two or more members of which are manufacturers or sellers of a qualified
62 product as defined by Section 7903(4) of Title 15 of the United States Code.

63 10-1-439.2.

64 Unless otherwise precluded by law, regulation, or membership eligibility, it shall be an
65 unlawful discriminatory practice for any person to refuse to provide financial services of
66 any kind to, to refrain from continuing to provide existing financial services to, to terminate
67 existing financial services with, or to otherwise discriminate in the provision of financial
68 services against a person or trade association solely because such person or trade
69 association is engaged in the lawful commerce of firearms or ammunition products and is
70 licensed pursuant to Chapter 44 of Title 18 of the United States Code or is a trade
71 association.

72 10-1-439.3.

73 Whenever the Attorney General has reason to believe that any person is engaging, has
74 engaged, or is about to engage in any act or practice declared unlawful by this part, the
75 Attorney General shall, upon written request or by his or her own initiative, investigate and,
76 upon finding a probable violation of this part, bring an action in the name of the state
77 against such person:

78 (1) To obtain a declaratory judgment that the act or practice violates the provisions of
79 this part;

80 (2) To enjoin any act or practice that violates the provisions of this part by issuance of
81 a temporary restraining order or preliminary or permanent injunction, without bond, upon
82 the giving of appropriate notice; and

83 (3) To recover civil penalties of up to \$10,000.00 per violation of this part or any
84 injunction, judgment, or consent order issued or entered into under the provisions of this
85 chapter and reasonable expenses, investigative costs, and attorney's fees.

86 10-1-439.4.

87 The provisions of this part shall not apply to any bank, trust company, credit union, or
88 merchant acquirer limited purpose bank that is chartered under the laws of this state or any
89 other state to the extent that federal law precludes or preempts or has been determined to
90 preclude or preempt the application of the provisions of this part to any federally chartered
91 bank, trust company, credit union, or merchant acquirer limited purpose bank."

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SECTION 2.

Code Section 15-9-123 of the Official Code of Georgia Annotated, relating to appeal, is amended by revising subsection (a) as follows:

"(a) Except as provided for in Code Section 35-3-34, either ~~Either~~ party to a civil case in the probate court shall have the right of appeal to the Supreme Court or the Court of Appeals, as provided by Chapter 6 of Title 5."

SECTION 3.

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

"(e)(1) Any person licensed to carry a handgun or weapon in any other state whose laws recognize and give effect to a license issued pursuant to this part shall be authorized to carry a weapon in this state, but only while the licensee is not a resident of this state; provided, however, that such licensee shall carry the weapon in compliance with the laws of this state.

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

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

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

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SECTION 4.

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Said part is further amended by revising paragraph (2) of subsection (e) of Code Section 16-11-127, relating to carrying weapons in unauthorized locations, as follows:

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"(2) Any license holder who violates subsection (b) of this Code section in a place of worship shall not be arrested but shall be fined not more than \$100.00; provided, however, that a license holder shall not be in violation of subsection (b) or (c) of this Code section if such license holder immediately leaves such place of worship while carrying a weapon or long gun upon personal notification by such place of worship that he or she is carrying a weapon or long gun in a place of worship which does not permit the carrying of a weapon or long gun. Any person who is not a license holder who violates subsection (b) of this Code section in a place of worship shall be punished as for a misdemeanor."

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SECTION 5.

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Said part is further amended by revising paragraph (5) of subsection (c) of Code Section 16-11-127.1, relating to carrying weapons within school safety zones, at school functions, or on a bus or other transportation furnished by a school, as follows:

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"(5) The following persons, when acting in the performance of their official duties or when en route to or from their official duties:

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(A) A peace officer as defined by Code Section 35-8-2;

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(B) A law enforcement officer of the United States government;

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(C) A prosecuting attorney of this state or of the United States;

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

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(E) An employee of the Department of Community Supervision who is authorized by the commissioner of community supervision to carry a firearm;

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

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

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provided, however, that this Code section shall not apply to any extent to persons who are provided for under Code Section 16-11-130;"

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SECTION 6.

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Said part is further amended in Code Section 16-11-129, relating to weapons carry permit, temporary renewal permit, and terms, by adding a new subsection, by revising paragraph (4)

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162 of subsection (d) and paragraph (2) of subsection (e), and by adding a new paragraph to
163 subsection (e) to read as follows:

164 "(a.1) **Gun safety information.**

165 (1) Upon receipt of an application for a weapons carry license or renewal license, the
166 judge of the probate court may provide applicants printed information on gun safety that
167 is produced by any person or organization that, in the discretion of the judge of the
168 probate court, offers practical advice for gun safety. The source of such printed
169 information shall be prominently displayed on such printed information.

170 (2) The Department of Natural Resources shall maintain on its principal, public website
171 information, or a hyperlink to information, which provides resources for information on
172 hunter education and classes and courses in this state that render instruction in gun safety.
173 No person shall be required to take such classes or courses for purposes of this Code
174 section where such information shall be provided solely for the convenience of the
175 citizens of this state.

176 (3) Neither the judge of the probate court nor the Department of Natural Resources shall
177 be liable to any person for personal injuries or damage to property arising from
178 conformance to this Code section."

179 "(4) The law enforcement agency shall report to the judge of the probate court within 30
180 days, by telephone and in writing, of any findings relating to the applicant which may
181 bear on his or her eligibility for a weapons carry license or renewal license under the
182 terms of this Code section. When no derogatory information is found on the applicant
183 bearing on his or her eligibility to obtain a license or renewal license, a report shall not
184 be required. The law enforcement agency shall return the application directly to the
185 judge of the probate court within such time period. Not later than ten days after the judge
186 of the probate court receives the report from the law enforcement agency concerning the
187 suitability of the applicant for a license, the judge of the probate court shall issue such
188 applicant a license or renewal license to carry any weapon unless facts establishing
189 ineligibility have been reported or unless the judge determines such applicant has not met
190 all the qualifications, is not of good moral character, or has failed to comply with any of
191 the requirements contained in this Code section. The judge of the probate court shall date
192 stamp the report from the law enforcement agency to show the date on which the report
193 was received by the judge of the probate court. The judge of the probate court shall not
194 suspend the processing of the application or extend, delay, or avoid any time
195 requirements provided for under this paragraph."

196 "(2) If a person is convicted of any crime or involved in any matter otherwise adjudicated
197 in a matter which would make the maintenance of a weapons carry license by such person
198 unlawful pursuant to subsection (b) of this Code section, the judge of the superior court

199 or state court hearing such case or presiding over such matter shall inquire whether such
 200 person is the holder of a weapons carry license. If such person is the holder of a weapons
 201 carry license, then the judge of the superior court or state court shall inquire of such
 202 person the county of the probate court which issued such weapons carry license, or if
 203 such person has ever had his or her weapons carry license renewed, then of the county
 204 of the probate court which most recently issued such person a renewal license. The judge
 205 of the superior court or state court shall notify the judge of the probate court of such
 206 county of the matter which makes the maintenance of a weapons carry license by such
 207 person to be unlawful pursuant to subsection (b) of this Code section. The Council of
 208 Superior Court Judges of Georgia and The Council of State Court Judges of Georgia shall
 209 provide by rule for the procedures which judges of the superior court and the judges of
 210 the state courts, respectively, are to follow for the purposes of this paragraph."

211 "(4) Any person, upon petition to the judge of the probate court, who has a weapons carry
 212 license or renewal license with more than 90 days remaining before the expiration of such
 213 weapons carry license or renewal license and who has had a legal name change,
 214 including, but not limited to, on account of marriage or divorce, or an address change
 215 shall be issued a replacement weapons carry license for the same time period of the
 216 weapons carry license or renewal license being replaced. Upon issuance and receipt of
 217 such replacement weapons carry license, the license holder shall surrender the weapons
 218 carry license being replaced to the judge of the probate court and such judge shall take
 219 custody of and destroy the weapons carry license being replaced. The judge of the
 220 probate court shall provide for the updating of any records as necessary to account for the
 221 license holder's change of name or address. The judge of the probate court shall charge
 222 the fee specified in paragraph (13) of subsection (k) of Code Section 15-9-60 for services
 223 provided under this paragraph."

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SECTION 7.

225 Said part is further amended in Code Section 16-11-130, relating to exemptions from Code
 226 Sections 16-11-126 through 16-11-127.2, by revising the introductory language of subsection
 227 (a), subsections (b) and (c), and by adding a new subsection to read as follows:

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

232 "(b) Except to the extent provided for in subsection (c.1) of this Code section, Code
 233 Sections 16-11-126 through 16-11-127.2 shall not apply to or affect persons who at the
 234 time of their retirement from service with the Department of Community Supervision were

235 community supervision officers, when specifically designated and authorized in writing by
 236 the commissioner of community supervision.

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

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

244 (2) Member of the Georgia State Patrol, ~~or~~ agent of the Georgia Bureau of Investigation,
 245 ~~or~~ retired member of the Georgia State Patrol, or retired agent of the Georgia Bureau of
 246 Investigation if such retired member or agent is receiving benefits under the Employees'
 247 Retirement System;

248 (3) Full-time law enforcement chief executive engaging in the management of a county,
 249 municipal, state, state authority, or federal law enforcement agency in the State of
 250 Georgia, including any college or university law enforcement chief executive ~~that~~ who
 251 is registered or certified by the Georgia Peace Officer Standards and Training Council;
 252 or retired law enforcement chief executive ~~that~~ who formerly managed a county,
 253 municipal, state, state authority, or federal law enforcement agency in the State of
 254 Georgia, including any college or university law enforcement chief executive ~~that~~ who
 255 was registered or certified at the time of his or her retirement by the Georgia Peace
 256 Officer Standards and Training Council, if such retired law enforcement chief executive
 257 is receiving benefits under the Peace Officers' Annuity and Benefit Fund provided under
 258 Chapter 17 of Title 47 or is retired in good standing and receiving benefits from a county,
 259 municipal, State of Georgia, state authority, or federal retirement system; ~~or~~

260 (4) Police officer of any county, municipal, state, state authority, or federal law
 261 enforcement agency in the State of Georgia, including any college or university police
 262 officer ~~that~~ who is registered or certified by the Georgia Peace Officer Standards and
 263 Training Council, or retired police officer of any county, municipal, state, state authority,
 264 or federal law enforcement agency in the State of Georgia, including any college or
 265 university police officer ~~that~~ who was registered or certified at the time of his or her
 266 retirement by the Georgia Peace Officer Standards and Training Council, if such retired
 267 ~~employee~~ police officer is receiving benefits under the Peace Officers' Annuity and
 268 Benefit Fund provided under Chapter 17 of Title 47 or is retired in good standing and
 269 receiving benefits from a county, municipal, State of Georgia, state authority, or federal
 270 retirement system; or

271 (5) Person who is a citizen of this state and:

272 (A) Has retired with at least ten years of aggregate service as a law enforcement officer
 273 with powers of arrest under the laws of any state of the United States or of the United
 274 States;

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

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

283 In addition, any such sheriff, retired sheriff, deputy sheriff, retired deputy sheriff, member
 284 of the Georgia State Patrol, retired member of the Georgia State Patrol, agent of the
 285 Georgia Bureau of Investigation, retired agent of the Georgia Bureau of Investigation,
 286 active or retired law enforcement chief executive, person who is a retired law enforcement
 287 officer as provided for in paragraph (5) of this subsection, or other law enforcement officer
 288 referred to in this subsection shall be authorized to carry a handgun on or off duty
 289 anywhere within the this state, including, but not limited to, in a courthouse except to the
 290 extent provided for in subsection (c.1) of this Code section, and the provisions of Code
 291 Sections 16-11-126 through 16-11-127.2 shall not apply to the carrying of such firearms.

292 (c.1)(1)(A) Pursuant to a comprehensive plan for the security of the county courthouse
 293 and any courthouse annex as provided for in subsection (a) of Code Section 15-16-10,
 294 the sheriff with jurisdiction over such county courthouse or courthouse annex may
 295 provide for facilities or the means for the holding of weapons carried by persons
 296 enumerated under this Code section, except as provided for in paragraph (2) of this
 297 subsection; provided, however, that ingress to such courthouse or courthouse annex is
 298 actively restricted or screened by the sheriff or his or her deputy sheriffs, and such
 299 facilities or means are located near the area which is restricted or screened by the sheriff
 300 or his or her deputy sheriffs.

301 (B) If the requirements of this paragraph are met, the persons enumerated under this
 302 Code section shall, except as provided for in paragraph (2) of this subsection, upon
 303 request of the sheriff, place their weapons in such holding with the sheriff or his or her
 304 deputy sheriffs pursuant to the comprehensive plan while such persons are within the
 305 restricted or screened area. Upon request of any person enumerated under this Code
 306 section, in preparation for his or her exit from the restricted or screened area, the sheriff

307 or his or her deputy sheriffs shall immediately provide for the return of the person's
 308 weapons which are in holding.

309 (2) Notwithstanding a comprehensive plan for the security of the county courthouse and
 310 any courthouse annex as provided for in subsection (a) of Code Section 15-16-10, active
 311 law enforcement officers referred to in subsection (c) of this Code section shall be
 312 authorized in the performance of their duties to carry handguns in a level 3 holster in any
 313 courthouse or courthouse annex if they are wearing the Class A uniform of their law
 314 enforcement agency or have the official badge issued to them by their law enforcement
 315 agency displayed and plainly visible on their person.

316 (3) As used in this subsection, the term 'weapon' shall have the same meaning as
 317 provided for in Code Section 16-11-125.1; provided, however, that such term shall
 318 additionally mean any firearm."

319 **SECTION 8.**

320 Said part is further amended by adding a new subsection to Code Section 16-11-130.2,
 321 relating to carrying a weapon or long gun at a commercial service airport, to read as follows:

322 "(a.1) As used in this Code section, the term:

323 (1) 'Commercial service airport' means an airport that receives scheduled passenger
 324 aircraft service from any major airline carrier.

325 (2) 'Major airline carrier' means an airline that has more than \$1 billion in annual
 326 operating revenue during a fiscal year."

327 **SECTION 9.**

328 Code Section 35-3-34 of the Official Code of Georgia Annotated, relating to disclosure and
 329 dissemination of criminal records to private persons and businesses, resulting responsibility
 330 and liability of issuing center, and provision of certain information to the FBI in conjunction
 331 with the National Instant Criminal Background Check System, is amended by revising
 332 paragraph (2) of subsection (e) as follows:

333 "(2)(A) The records of the Georgia Crime Information Center shall include information
 334 as to whether a person has been involuntarily hospitalized. Notwithstanding any other
 335 provisions of law and in order to carry out the provisions of this Code section and Code
 336 Section 16-11-172, the Georgia Crime Information Center shall be provided such
 337 information and no other mental health information from the involuntary hospitalization
 338 records of the probate courts concerning persons involuntarily hospitalized after
 339 March 22, 1995, in a manner agreed upon by ~~the Probate Judges Training Council~~ The
 340 Council of Probate Court Judges of Georgia and the Georgia Bureau of Investigation
 341 to preserve the confidentiality of patients' rights in all other respects. Further,

342 notwithstanding any other provisions of law and in order to carry out the provisions of
 343 this Code section and Code Section 16-11-172, the center shall be provided information
 344 as to whether a person has been adjudicated mentally incompetent to stand trial or not
 345 guilty by reason of insanity at the time of the crime, has been involuntarily hospitalized,
 346 or both from the records of the clerks of the superior courts concerning persons
 347 involuntarily hospitalized after March 22, 1995, in a manner agreed upon by The
 348 Council of Superior Court Clerks of Georgia and the Georgia Bureau of Investigation
 349 to preserve the confidentiality of patients' rights in all other respects. ~~After five years~~
 350 ~~have elapsed from the date that a person's involuntary hospitalization information has~~
 351 ~~been received by the Georgia Crime Information Center, the center shall purge its~~
 352 ~~records of such information as soon as practicable and in any event purge such records~~
 353 ~~within 30 days after the expiration of such five-year period~~ Pursuant to this Code
 354 section, such person may petition the court in which such hospitalization proceedings
 355 occurred for relief. A copy of such petition for relief shall be served as notice upon the
 356 opposing civil party or the prosecuting attorney for the state, as the case may be, or
 357 their successors, who appeared in the underlying case. Within 60 days of the receipt
 358 of such petition for relief by the interested parties, such court shall hold a hearing on
 359 such petition for relief; provided, however, that such time may be extended for good
 360 cause as determined by the court. Such prosecuting attorney for the state may represent
 361 the interests of the state at such hearing.

362 (B) At the hearing provided for under subparagraph (A) of this paragraph, the court
 363 shall receive and consider evidence in a proceeding concerning:

- 364 (i) The circumstances which caused the person to be subject to such hospitalization;
 365 (ii) The person's mental health and criminal history records, if any. The judge of
 366 such court shall require any such person to sign a waiver authorizing the
 367 superintendent or medical head of any mental hospital or treatment center to make to
 368 the judge and the parties a recommendation regarding whether such person is a threat
 369 to the safety of himself or herself or others;
 370 (iii) The person's reputation, which shall be established through character witness
 371 statements, testimony, or other character evidence; and
 372 (iv) Changes in the person's condition or circumstances since such hospitalization.

373 (C)(i) The court shall issue a written order of its decision on the petition for relief
 374 provided for under subparagraph (A) of this paragraph no later than 30 days after the
 375 hearing.

376 (ii) The court shall grant the petition for relief if such court finds by a preponderance
 377 of the evidence that the person will not likely act in a manner dangerous to himself
 378 or herself or public safety and that granting the relief is otherwise consistent with the

379 standards for the issuance of a weapons carry license as provided for in
 380 subsection (b.1) of Code Section 16-11-129. A record shall be kept of the hearing;
 381 provided, however, that such record shall remain confidential and be disclosed only
 382 to a court or to the parties in the event of an appeal. Any appeal of the court's ruling
 383 on the petition shall be as provided for by laws governing the appeal of decisions
 384 from such court; provided, however, that any such appeal from a probate court as
 385 provided for under Article 6 of Chapter 9 of Title 15 shall be by de novo review to the
 386 superior court.

387 (iii) If the court grants such person's petition for relief, the clerk of such court shall
 388 report such order to the Georgia Crime Information Center immediately, but in no
 389 case later than ten business days after the date of such order, and the center shall
 390 purge such record that is the subject of the order as soon as practicable but not later
 391 than 30 days after receipt of such order.

392 (D) A person may petition for relief under this paragraph not more than once every two
 393 years. In the case of a person who has been hospitalized, such person shall not petition
 394 for relief prior to being discharged from such hospitalization. A first petition for relief
 395 may be made only after 12 months from the date on which a person's involuntary
 396 hospitalization commenced.

397 (E) Information received by the prosecuting attorney for the state pursuant to this
 398 paragraph shall not be used against the petitioner in any other case or context unless
 399 such information is usable in such other case or context by other rules of evidence or
 400 discovery."

401 **SECTION 10.**

402 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general
 403 provisions regarding torts, is amended by adding a new Code section to read as follows:

404 "51-1-55.

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

406 (1) 'Dangerous weapon' shall have the same meaning as provided for under Code Section
 407 16-11-121.

408 (2) 'Firearm' means any handgun, rifle, shotgun, or other weapon which will or can be
 409 converted to expel a projectile by the action of an explosive or electrical charge and
 410 which is not a dangerous weapon.

411 (b) Any instructor who lawfully instructs, educates, or trains a person in the safe, proper,
 412 or technical use of a firearm shall be immune from civil liability for any injuries caused by
 413 the failure of such person to use such firearm properly or lawfully."

414 **SECTION 11.**
415 All laws and parts of laws in conflict with this Act are repealed.