

House Bill 218 (RULES COMMITTEE SUBSTITUTE)

By: Representatives Ballinger of the 23rd, Powell of the 32nd, Jasperse of the 11th, Pirkle of the 155th, and Taylor of the 173rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-11-126 and Article 2 of Chapter 3 of Title 38 of the Official
2 Code of Georgia Annotated, relating to having or carrying handguns, long guns, or other
3 weapons, license requirement, and exceptions for homes, motor vehicles, private property,
4 and other locations and conditions and organization and administration of emergency
5 management, respectively, so as to expand weapons carry license reciprocity in this state; to
6 provide that persons who are not residents of this state shall be authorized to carry a weapon
7 in this state if licensed to carry in any other state; to provide that the Attorney General shall
8 enter into an agreement with any state that requires an agreement to recognize and give effect
9 to weapons carry licenses for reciprocity; to provide for prohibited actions by government
10 official or employee during declared state of emergency; to provide for civil remedy; to
11 provide for damages; to provide for related matters; to repeal conflicting laws; and for other
12 purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Code Section 16-11-126 of the Official Code of Georgia Annotated, relating to having or
16 carrying handguns, long guns, or other weapons, license requirement, and exceptions for

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17 homes, motor vehicles, private property, and other locations and conditions, is amended by
18 revising subsection (e) as follows:

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

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

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

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

30 (ii) The Attorney General shall enter into an agreement with any state that requires
31 an agreement to recognize and give effect to a license issued pursuant to this part.

32 (2) Any person who is not a weapons carry license holder in this state and who is
33 licensed to carry a weapon in any other state ~~whose laws recognize and give effect to a~~
34 ~~license issued pursuant to this part~~ shall be authorized to carry a weapon in this state for
35 90 days after he or she becomes a resident of this state; provided, however, that such
36 person shall carry the weapon in compliance with the laws of this state, shall as soon as
37 practicable submit a weapons carry license application as provided for under Code
38 Section 16-11-129, and shall remain licensed in such other state for the duration of time
39 that he or she is a resident of this state but not a weapons carry license holder in this
40 state."

41 **SECTION 2.**

42 Article 2 of Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to
 43 organization and administration of emergency management, is amended by revising Code
 44 Section 38-3-37, relating to prohibited actions by government official or employee during
 45 declared state of emergency, as follows:

46 "38-3-37.

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

48 (1) 'Firearm' means any handgun, rifle, shotgun, or similar device or weapon which will
 49 or can be converted to expel a projectile by the action of an explosive or electrical charge.

50 (2) 'License holder' shall have the same meaning as set forth in Code
 51 Section 16-11-125.1.

52 (3) 'Weapon' shall have the same meaning as set forth in Code Section 16-11-125.1.

53 (b) No official or employee of the state or any political subdivision thereof, member of the
 54 National Guard in the service of the state, or any person operating pursuant to or under
 55 color of state law, while acting during or pursuant to a declared state of emergency, shall:

56 (1) ~~Temporarily or permanently seize,~~ Seize or authorize the seizure of; any firearm, ~~or~~
 57 ~~ammunition or any component thereof,~~ ammunition reloading equipment and supplies,
 58 or weapon, the possession of which was not prohibited by law at the time immediately
 59 prior to the declaration of a state of emergency; and other than as provided by the
 60 criminal or forfeiture laws of this state;

61 (2) Prohibit possession of any firearm, ~~or~~ ammunition or any component thereof,
 62 ammunition reloading equipment and supplies, or weapon, or promulgate any rule,
 63 regulation, or order prohibiting possession of ~~any firearm or ammunition or any~~
 64 ~~component thereof~~ if such if possession was not otherwise prohibited by law at the time
 65 immediately prior to the declaration of a state of emergency;

66 (3) Prohibit any license holder from carrying any weapon or promulgate any rule,
 67 regulation, or order prohibiting such carrying if such carrying was not otherwise

68 prohibited by law at the time immediately prior to the declaration of a state of emergency;
69 or

70 (4) Prohibit the sale or transfer of any firearm, ammunition or any component thereof,
71 ammunition reloading equipment and supplies, or weapon, or promulgate any rule,
72 regulation, or order prohibiting the sale or transfer of such if the sale or transfer was not
73 otherwise prohibited by law at the time immediately prior to the declaration of a state of
74 emergency;

75 (5) Suspend or revoke any weapons carry license issued pursuant to Code
76 Section 16-11-129, except as authorized by such Code section;

77 (6) Refuse to accept or deny an application for a weapons carry license which has been
78 properly submitted in accordance with Code Section 16-11-129;

79 (7) Close or limit the operational hours of or place any other restrictions upon any
80 business engaged in the lawful sale or repair of firearms, ammunition or any component
81 thereof, ammunition reloading equipment and supplies, or weapons unless closure,
82 limitation upon hours, or other restrictions have been required of all businesses within the
83 jurisdiction;

84 (8) Close or limit the operational hours of any lawful indoor or outdoor shooting range
85 unless closure or limitation upon hours has been required of all businesses within the
86 jurisdiction; or

87 ~~(4)~~(9) Require the registration of any firearm.

88 (c)(1) Any individual who is a lawful resident of the United States, is authorized to
89 possess a firearm under the laws of this state, and is or has been subject to an act, rule,
90 regulation, or order in violation of this Code section shall have standing to assert a civil
91 action under this Code section.

92 (2) Any person who has standing and who suffers personal, property, or economic
93 damage by reason of a violation of any provision of this Code section may initiate a civil
94 action for and recover the greater of:

95 (A) Actual damages, plus expenses of litigation and reasonable attorney's fees; or

96 (B) Liquidated damages of three times the expenses of litigation and reasonable
97 attorney's fees.

98 (3) Such action shall be brought in the superior court of the county in which the violation
99 occurred and within one year of the violation."

100 **SECTION 3.**

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