Title 10. Commerce and Trade
Chapter 1. Selling and Other Trade Practices
Article 6. Interstate Purchase of Rifles and Shotguns

10-1-100. Purchase by Georgia residents in other states
Residents of the State of Georgia may purchase rifles and shotguns in any state of the United States, provided such residents conform to applicable provisions of statutes and regulations of the United States, of the State of Georgia, and of the state in which the purchase is made.

10-1-101. Purchase in state by residents of other states
Residents of any state of the United States may purchase rifles and shotguns in the State of Georgia, provided such residents conform to applicable provisions of statutes and regulations of the United States, of the State of Georgia, and of the state in which such persons reside.

Title 16. Crimes and Offenses
Chapter 11. Offenses Against Public Order and Safety
Article 4. Dangerous Instrumentalities and Practices

16-11-101.1. Furnishing or permitted minor to possess pistol or revolver (a) For the purposes of this Code section, the term:
(1) "Minor" means any person under the age of 18 years.
(2) "Pistol or revolver" means a pistol or revolver as defined in subsection (a) of Code Section 16-11-125.1.
(b) It shall be unlawful for a person intentionally, knowingly, or recklessly to sell or furnish a pistol or revolver to a minor, except that it shall be lawful for a parent or legal guardian to permit possession of a pistol or revolver by a minor for the purposes specified in subsection (c) of this Code section.
(c)(1) It shall be unlawful for a parent or legal guardian to permit possession of a pistol or revolver by a minor if the parent or legal guardian knows of a minor’s conduct which violates the provisions of Code Section 16-11-132 and fails to make reasonable efforts to prevent commission of the offense by the minor.
(2) Notwithstanding any provisions of subsection (c) of Code Section 16-11-132 or any other law to the contrary, it shall be unlawful for any parent or legal guardian intentionally, knowingly, or recklessly to furnish to or permit a minor to possess a pistol or revolver if such parent or legal guardian is aware of a substantial risk that such minor will use a pistol or revolver to commit a felony offense or if such parent or legal guardian is aware of such substantial risk fails to make reasonable efforts to prevent commission of the offense by the minor.
(3) In addition to any other act which violates this subsection, a parent or legal guardian shall be deemed to have violated this subsection if such parent or legal guardian furnishes to or permits possession of a pistol or revolver by any minor who has been convicted of a forcible felony, or of a minor who has been adjudicated delinquent under the provisions of Article I of Chapter 11 of Title 15 for an offense which would constitute a forcible felony or forcible misdemeanor, as defined in Code Section 16-1-3, if such minor were an adult.
(d) Upon conviction of a violation of subsection (b) or (c) of this Code section, a person shall be guilty of a felony and punished by a fine not to exceed $5,000.00 or by imprisonment for not less than three nor more than five years, or both.

16-11-113. Solicitation, persuasion, encouragement, or enticement of dealer to transfer or convey firearm to non-buyer; aiding and abetting; felony violation
Any person who attempts to solicit, persuade, encourage, or entice any dealer to transfer or otherwise convey a firearm other than to the actual buyer, as well as any other person who willfully and intentionally aids or abets such person, shall be guilty of a felony. This Code section shall not apply to a federal law enforcement officer or a peace officer, as defined in Code Section 16-1-3, in the performance of his or her official duties or other person under such officer’s direct supervision.

Part 2. Possession of Dangerous Weapons

16-11-120. Short title
This part shall be known and may be cited as the "Georgia Firearm and Weapons Act."

16-11-121. Definitions
As used in this part, the term:
(1) "Dangerous weapon" means any weapon commonly known as a "rocket launcher," "bazooka," or " recoilless rifle" which fires explosive or nonexplosive rockets designed to injure or kill personnel or destroy heavy armor, or similar weapon used for such purpose. The term shall also mean a weapon commonly known as a "mortar" which fires high explosive from a metal or plastic cylinder and which is commonly used by the armed forces as an antipersonnel weapon or similar weapon used for such purpose. The term shall also mean a weapon commonly known as a "hand grenade" or other similar weapon which is designed to explode and injure personnel or similar weapon used for such purpose.
(2) "Machine gun" means any weapon which shoots or is designed to shoot, automatically, more than six shots, without manual reloading, by a single function of the trigger.
(3) "Person" means any individual, partnership, company, association, or corporation.
(4) "Sawed-off rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder; and designed or redesigned, made or remade, to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifle bore for each single pull of the trigger; and which has a barrel or barrels of less than 16 inches in length or has an overall length of less than 26 inches.
(5) "Sawed-off shotgun" means a shotgun or any weapon made from a shotgun whether by alteration, modification, or otherwise having one or more barrels less than 18 inches in length or if such weapon as modified has an overall length of less than 26 inches.
(6) "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder; and designed or redesigned, made or remade, to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.
(7) "Silencer" means any device for silencing or diminishing the report of any portable weapon such as a rifle, carbine, pistol, revolver, machine gun, shotgun, fowling piece, or other device from which a shot, bullet, or projectile may be discharged by an explosive.

16-11-122. Possession of certain types of firearms, dangerous weapon, and silencers prohibited
No person shall have in his possession any sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon, or silencer except as provided in Code Section 16-11-124.

16-11-123. Punishment
A person commits the offense of unlawful possession of firearms or weapons when he or she knowingly has in his or her possession any sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon, or silencer, and, upon conviction thereof, he or she shall be punished by imprisonment for a period of five years.

16-11-124. Exemptions to provisions of law
This part shall not apply to:
(1) A peace officer of any duly authorized police agency of the State of Georgia or of any political subdivision thereof, or a law enforcement officer of any department or agency of the United States who is regularly employed and paid by the United States, this state, or any such political subdivision, or an employee of the Department of Corrections of this state who is authorized in writing by the commissioner of corrections of this state who is authorized in writing by the commissioner of corrections of this state to transfer or possess such firearms while in the performance of his official duties;
(2) A member of the National Guard or of the armed forces of the United States to wit: the army, navy, marine corps, air force, or coast guard who while serving therein, possesses such firearm in the line of duty;
(3) Any sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon, or silencer which has been modified or changed to the extent that it is inoperative. Examples of the requisite modification include weapons with their barrel or barrels filled with lead, hand grenades filled with sand, or other nonexplosive materials;
(4) Possession of a sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon, or silencer by a person who is authorized to possess the same because he has registered the sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon, or silencer in accordance with the dictates of the National Firearms Act, 68A Stat. 725 (26 U.S.C. Sections 5841-5862);
(5) A security officer employed by a federally licensed nuclear power facility or a licensee of such facility, including a contract security officer, who is trained and qualified under a security plan approved by the United States Nuclear Regulatory Commission or other federal agency...
authorized to regulate nuclear facility security; provided, however, that this exemption shall apply only while such security officer is acting in connection with his or her official duties on the premises of such nuclear power facility or on properties outside the facility property pursuant to a written agreement entered into with the local law enforcement agency having jurisdiction over the facility. The exemption under this paragraph does not include the possession of silencers.

16-11-125. Burden of proof of exemptions, etc. In any complaint, accusation, or indictment and in any action or proceeding brought for the enforcement of this part it shall not be necessary to negate in any exception, excuse, proviso, or exemption contained in this part, and the burden of proof of any such exception, excuse, proviso, or exemption shall be upon the defendant.

Part 3. Carrying and Possession of Firearms

16-11-127.1. Weapons on school safety zones, school building or grounds or at school functions

(a) As used in this Code section, the term:
(1) "School safety zone" means in or on any real property owned by or leased to any public or private elementary school, secondary school, or school board and used for elementary or secondary education and in or on the campus of any public or private technical school, vocational school, college, university, or institution of post-secondary education.

(2) "Weapon" means and includes any pistol, revolver, or any weapon designed or intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife, ballistic knife, any other knife having a blade of two or more inches, straight-edge razor, razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chakka, nun chuck, nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown and which may be known as a throwing star or oriental dart, or any weapon of like kind, and any stun gun or taser as defined in subsection (a) of Code Section 16-11-106. This paragraph excludes any of these instruments used for classroom work authorized by the teacher.

(b) (1) Except as otherwise provided in subsection (c) of this Code section, it shall be unlawful for any person to carry to or to possess or have under such person's control while within a school safety zone or at a school building, school function, or school property or on a bus or other transportation furnished by the school any weapon or explosive compound, other than fireworks the possession of which is regulated by Chapter 10 of Title 25.

(2) Any license holder who violates this subsection shall be guilty of a misdemeanor.

Any person who is not a license holder who violates this subsection shall be guilty of a felony and, upon conviction, be punished by a fine of not more than $10,000.00, or by imprisonment for a period of not less than five nor more than ten years, or both.

(3) Any person convicted of this subsection involving a dangerous weapon or machine gun as terms are defined in Code Section 16-11-121, shall be punished by a fine of not more than $10,000.00 or by imprisonment for a period of not less than five nor more than ten years, or both.

(4) A child who violates this subsection shall be subject to the provisions of Code Section 16-11-63.

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

(10) Those employees of the State Board of Pardons and Paroles who are otherwise authorized to possess or carry weapons, provided that any such weapon is in a locked compartment of a motor vehicle or one which is in a locked container in or a locked firearms rack which is on a motor vehicle; or

(18) Constables of any county of this state.

(ii) This Code section shall not prohibit any person who resides or works in a business or is in the ordinary course transacting lawful business or any person who is a visitor of such resident located within a school safety zone from carrying, possessing, or having under such person's control a weapon within a school safety zone; provided, however, it shall be unlawful for any person to carry a weapon, provided that any such weapon is in a locked compartment of a motor vehicle or one which is in a locked container in or a locked firearms rack which is on a motor vehicle; or

(a) It shall not be a defense to a prosecution for a violation of this Code section that:

(1) School was or was not in session at the time of the offense;

(2) The real property was being used for other purposes besides school purposes at the time of the offense; or

(3) The offense took place on a school vehicle.

(4) In a prosecution under this Code section, a map produced or reproduced by any municipal or county agency or any state agency for the purpose of depicting the location and boundaries of the area of the real property of a school board or a public or private elementary or secondary school.
that is used for school purposes the area of any
campus of any public or private technical school,
vocational school, college, university, or
institution of postsecondary education, or a true
copy of the map, shall, if certified as a true copy
by the custodian of the record, be admissible
and shall constitute prima facie evidence of the
location and boundaries of the area, if the
governing body of the municipality or county has
approved the map as an official record of the
location and boundaries of the area. A map
approved under this Code section may be
revised from time to time by the governing body
of the municipality or county. The original of
every map approved or revised under this
subsection or a true copy of such original map
shall be filed with the municipality or county
and shall be maintained as an official record of
the municipality or county. This subsection shall
not preclude the prosecution from introducing or
relying upon any other evidence or testimony to
establish any element of this offense. This
subsection shall not preclude the use or
admissibility of a map or diagram other than the
one which has been approved by the
municipality or county.

(g) A county school board may adopt
regulations requiring the posting of signs
designating the location of school boards and
private or public elementary and secondary
schools as "Weapon-free and Violence-free
School Safety Zones."

§ 1-6, eff. June 4, 2010

16-11-129. License to weapons carry
(a) Application for license or renewal license; term.
The judge of the probate court of each
county may, on application under oath and on
payment of a fee of $15.00, issue a license or
renewal license valid for a period of five years to
any person whose domicile is in that county or
who is on active duty with the United States
armed forces and who is not a domiciliary of this
state but who either resides in that county or on
a military reservation located in whole or in part
in that county at the time of such application.
Such license or renewal license shall authorize
that person to carry any pistol or revolver in any
county of this state notwithstanding any change
in his or her residence or domicile. Applicants shall submit the application for a weapons carry license or renewal license to the judge of the probate court on forms prescribed and furnished free of charge to persons wishing to apply for the license or renewal license. An applicant who is not a United States citizen shall provide sufficient personal identifying data, including without limitation his or her place of birth and United States issued alien or admission number, as the Georgia Bureau of Investigation may prescribe by rule or regulation. An applicant who is a nonimmigrant status shall provide proof of his or her qualifications for an exception to the federal firearm prohibition pursuant to 18 U.S.C. Section 922(y). Forms shall be designed to elicit information from the applicant pertinent to his or her eligibility under this Code section, including citizenship, but shall not require data which is
nonpertinent or irrelevant such as serial
numbers of firearms, other identification capable of being used as a de facto registration of firearms owned by the applicant. The Department of Pub-
lic Safety shall furnish application forms and li-
cense forms required by this Code section. The
forms shall be furnished to each judge of each
probate court within the state at no cost.

(b) Licensing exceptions. No license or
renewal license shall be granted to:
(1) As used in this subsection, the term:
(A) "Controlled substance" means any drug,
substance, or immediate precursor included in
the definition of controlled substances in
paragraph (1) of subsection (e) of this Code
section.
(B) "Convicted" means a plea of guilty or a
finding of guilt by a court of competent
jurisdiction or the acceptance of a plea of no
contendere, irrespective of the pendency or
availability of an appeal or an application for
collateral relief.
(C) "Dangerous drug" means any drug
defined as such in Code Section 16-13-71.

(2) No weapons carry license shall be issued to:
(A) Any person under 21 years of age;
(B) Any person who has been convicted of a
felony in any court of this state or any other state;
by a court of the United States including its terri-
tories, possessions, and dominions; or by a
court of any foreign nation and has not been
cardoned for such felony by the President of the
United States, the State Board of Pardons and
Paroles, or the person or agency empowered to
grant pardons under the constitution or laws of
such state or nation;
(C) Any person against whom proceedings
are pending for any felony;
(D) Any person who is a fugitive from justice;
(E) Any person who is prohibited from
possessing or shipping a firearm in intrastate
commerce pursuant to subsections (g) and (n) of
18 U.S.C. Section 922;
(F) Any person who has been convicted of
an offense arising out of the unlawful
manufacture or distribution of a controlled
substance or other dangerous drug;

(G) Any person who has had his or her
weapons carry license revoked pursuant to
subsection (e) of this Code section;
(H) Any person who has been convicted of
any of the following:
(i) pointing a gun or a
pistol at another in violation of Code Section 16-
11-102;
(ii) carrying a weapon without a weapons
carry license or renewal license and
involving the use or possession of a
controlled substance or other dangerous drug;

(I) Any person who has been convicted of any
misdemeanor involving the use or possession of
a controlled substance and who has not been free of
all restraint or supervision in connection therewith or free of:
(ii) A second conviction of any misdemeanor
involving the use or possession of a controlled
substance;

(J) Any individual who has been hospitalized
as an inmate in any mental hospital or alcohol or
drug treatment center within five years
immediately preceding the application.

The judge of the probate court may require any
applicant to sign a waiver authorizing any mental
hospital or treatment center to inform the judge
whether or not the applicant has been an
inmate in any such facility in the last five years
and authorizing the superintendent of such
facility to make to the judge a recommendation
regarding whether the applicant is a threat to the
safety of others and whether a license to carry a
weapon should be issued. When such a waiver is
required by the judge, the applicant shall pay a
fee of $3.00 for reimbursement of the cost of
making such a report to the Criminal Justice
Health Care Authority, the health care facility,
hospital, alcohol or drug treatment center, or the
Department of Behavioral Health and
Developmental Disabilities, which the judge shall
remit to the hospital, center, or department. The
judge shall keep any such hospitalization or

treatment information confidential. It shall be at
the discretion of the probate judge, considering
the circumstances surrounding the hospitalization and the recommendation of the
superintendent of the hospital or treatment
center where the individual was a patient, to
issue the weapons carry license or renewal
license, or

(F) Application for license or renewal license;

(g) Fingerprinting. Following completion of the
application for a license or renewal license, the
judge of the probate court shall require the
applicant to proceed to an appropriate law
enforcement agency in the county where the
completed application. The appropriate local law
enforcement agency in each county shall then
capture the fingerprints of the applicant for a
weapons carry license or renewal license and
place the name of the applicant on a blank
license form. The appropriate enforcement
agency shall place the fingerprint on a blank
license which has been furnished to the law
enforcement agency by the judge of the probate
court, if a fingerprint is required to be furnished
by subsection (f) of this Code section. The law
enforcement agency shall be entitled to a fee of
$5.00 from the applicant for its services in
capturing the fingerprints. The appropriate
law enforcement agency shall be entitled to a fee of
$3.00 for reimbursement of the cost of the
fingerprinting process.

(d) Investigation of applicant; issuance of
license; renewal.
(1) In both license applications and requests
for license renewals, the judge of the probate
court shall within five days following the receipt
of the application or request direct the law
enforcement agency to request a fingerprint
based criminal history records check from the
Georgia Crime Information Center and Federal
Bureau of Investigation for purposes of
determining the suitability of the applicant and
return an appropriate report to the judge of the
probate court. Fingerprints shall be in such form
and of such quality as prescribed by the Georgia
Crime Information Center standards adopted by the Federal Bureau of Investigation.
The Georgia Bureau of Investigation may charge
such fee as is necessary to cover the cost of the
records search.

(2) For both weapons carry license
applications and requests for license
renewals, the judge of the probate court shall within five
days following the receipt of the application or
request also direct the law enforcement agency
to conduct a background check using the
Federal Bureau of Investigation's National
Instant Criminal Background Check System and
return an appropriate report to the probate judge.

(3) When a person who is not a United States citizen applies for a weapons carry license or renewal of a license under this Code section, the judge of the probate court shall direct the law enforcement agency to conduct a search of the records maintained by the United States Bureau of Immigration and Customs Enforcement and return an appropriate report to the probate judge. As a condition to the issuance of a license or the renewal of a license, an applicant who is in nonimmigrant status shall provide proof of his or her eligibility for a weapons carry license or renewal license under the terms of this Code section. When no derogatory information is found on the applicant bearing on his or her eligibility to obtain a license or renewal license, a report shall not be required. The law enforcement agency shall return the report and the blank license form with the fingerprint thereon within the county of issuance of the probate court within such time period. Not later than ten days after the judge of the probate court receives the report from the law enforcement agency concerning the suitability of the applicant for a license, the judge of the probate court shall issue such applicant a license or renewal license to carry any firearm unless facts establishing ineligibility have been reported or unless the judge determines such applicant has not met all the qualifications, is not of good moral character, or has failed to comply with any of the requirements contained in this Code section. The judge of the probate court shall date stamp the report from the law enforcement agency to show the date on which the report was received by the judge of the probate court.

(e) Revocation, loss, or damage to license. If, at any time during the period for which the weapons carry license was issued, the judge of the probate court of the county in which the license was issued learns or otherwise has brought to his or her attention in any manner any reasonable ground to believe the licensee is not eligible to retain the license, the judge may, after notice and hearing, revoke the license of the person upon finding that such person is not eligible for a weapons carry license pursuant to subsection (b) of this Code section or an adjudication of falsification of application, mental incompetency, chronic alcohol or narcotic usage. It shall be unlawful for any person to possess a license which has been revoked, and any person found in possession of any such revoked license, except in the performance of his or her official duties, shall be guilty of a misdemeanor. It shall be required that any license holder under this Code section have in his or her possession his or her valid license whenever he or she is carrying a weapon under the authority granted by this Code section, and his or her failure to do so shall be prima facie evidence of violation of Code Section 16-11-126. Loss of any license issued in accordance with this Code section or damage to the license in any manner which shall render it illegible shall be reported to the judge of the probate court of the county in which it was issued within 48 hours of the time the loss or damage becomes known to the license holder. The judge of the probate court shall thereupon issue a replacement for and shall take custody of and destroy a damaged license; and in any case in which a license has been lost, he or she shall issue a cancellation order and notify by telephone and in writing each of the law enforcement agencies which recorded when the loss was reported. The judge of the probate court of the county in which the original license was issued shall charge the fee specified in subsection (i) of Code Section 15-9-60 for such services.

(f)(1) Weapons carry License specifications. Weapons carry licenses issued as prescribed in this Code section shall be printed on durable but lightweight card stock, and the completed card shall incorporate overt and covert security features to improve its wearing qualities and to inhibit alter-ations. Measurements shall be 3 1/4 inches long, and 2 1/4 inches wide. Each shall be seri-ally numbered within the county of issuance and shall bear the full name, residential address, birth date, weight, height, color of eyes, sex., . The license shall show the date of issuance, the expiration date, and the probate court in which issued and shall be signed by the licensee and be marked to identify the thumbprint from which the print is taken. (2)(A) On and after January 1, 2012, newly issued or renewal weapons carry licenses shall incorporate overt and covert security features which shall be blended with the personal data printed on the license to form a significant barrier to imitation, replication, and duplication. There shall be a minimum of three different ultraviolet colors used to enhance the security of the license incorporating variable data, color shifting characteristics, and front edge only perimeter visibility. The weapons carry license shall have a color photograph viewable under ambient light on both the front and back of the license. The license shall incorporate custom optical variable devices viewable under ambient light from the front and back of the license incorporating microtext and unique alphanumeric serialization specific to the license holder. The license shall be of similar material, size, and thickness of a credit card and have a holographic laminate to secure and protect the license for the duration of the license period. (B) Using the physical characteristic of the license set forth in subparagraph (A) of this paragraph, The Counsel of Probate Court Judges of Georgia shall create specifications for the probate courts so that all weapons carry licenses in this state shall be uniform and so that probate courts can petition the Department of Administrative Services to purchase the equipment and supplies necessary for producing such licenses. The department shall follow the competitive bidding procedure set forth in Code Section 50-5-102.

(g) Alteration or counterfeiting of license; penalty. A person who deliberately alters or counterfeits a weapons carry license or otherwise possesses an altered or counterfeit weapons carry license with the intent to misrepresent any information in such license shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for a period of not less than one nor more than five years.
such other state provides a similar privilege for the peace officers of this state;
(2) Wardens, superintendents, and keepers of correctional institutions, jails, or other institutions for the detention of persons accused or convicted of an offense;
(3) Persons on active military service of the state or of the United States;
(4) Persons employed in fulfilling defense contracts with the government of the United States or agencies thereof when possession of the weapon or long gun is necessary for manufacture, transport, installation, and testing under the requirements of such contract;
(5) District attorneys employed by and assigned to a district attorney's office, assistant district attorneys, attorneys or investigators employed by the Prosecuting Attorneys' Council of the State of Georgia, and any retired district attorney, assistant district attorney, district attorneys investigator, or attorney or investigator retired from the Prosecuting Attorneys' Council of the State of Georgia, if such employee is retired in good standing and is receiving benefits under Title 47 or is retired in good standing and receiving benefits from a county or municipal retirement system;
(6) State court solicitors-general; investigators employed by and assigned to a state court solicitor general's office; assistant state court solicitors general; the corresponding personnel of any city court expressly continued in existence as a city court pursuant to Article VI, Section X, Paragraph I, subparagraph (5) of the Constitution; and the corresponding personnel of any civil court expressly continued as a civil court pursuant to said provision of the Constitution;
(7) Those employees of the State Board of Pardons and Paroles when specifically designated and authorized in writing by the members of the State Board of Pardons and Paroles to carry a weapon or long gun;
(8) The Attorney General and those members of his or her staff whom he or she specifically authorizes in writing to carry a weapon or long gun;
(9) Chief probation officers, probation officers, intensive probation officers, and surveillance officers employed by or assigned under the authority of the Department of Corrections pursuant to Article 2 of Chapter 8 of Title 42, known as the "Statewide Probation Act," when specifically designated and authorized in writing by the director of Division of Probation;
(10) Public safety directors of municipal corporations;
(11) Explosive ordnance disposal technicians, as such term is defined by Code Section 16-7-80, and persons certified as provided in Code Section 35-8-13 to handle animals trained to detect explosives, while in the performance of their duties;
(12) State and federal trial and appellate judges, full-time and permanent part-time judges of municipal and city courts, and former state trial and appellate judges retired from their respective offices under state retirement; 
(13) United States Attorneys and Assistant United States Attorneys;
(14) County medical examiners and coroners and their sworn officers employed by county government; and
(15) Clerks of the superior courts.
(b) Code Sections 16-11-126 through 16-11-127.2 shall not apply to or affect persons who at the time of their retirement from service with the Department of Corrections were chief probation officers, probation officers, intensive probation officers, or surveillance officers, when specifically designated and authorized in writing by the director of Division of Probation.
(c) Code Sections 16-11-126 through 16-11-127.2 shall not apply to or affect any:
(1) Sheriff, deputy sheriff, or retired deputy sheriff if such retired deputy sheriff is receiving benefits under the Peace Officers' Annuity and Benefit Fund provided under Chapter 17 of Title 47, the Sheriff's Retirement Fund of Georgia provided under Chapter 16 Title 47, or any other public retirement system established pursuant to the laws of this state for service as a law enforcement officer.
(2) Member of the Georgia State Patrol or agent of the Georgia Bureau of Investigation or retired member of the Georgia State Patrol or agent of the Georgia Bureau of Investigation if such retired member or agent is receiving benefits under their Retirement System;
(3) Full-time law enforcement chief executive engaging in the management of a county, municipal, state, state authority, or federal law enforcement agency in the State of Georgia, including any college or university law enforcement chief executive that is registered or certified by the Georgia Standards and Training Council; or retired law enforcement chief executive that formerly managed a county, municipal, state, state authority, or federal law enforcement agency in the State of Georgia, including any college or university law enforcement chief executive that was registered or certified at the time of his or her retirement by the Georgia Standards and Training Council; or retired law enforcement chief executive that formerly managed a county, municipal, state, state authority, or federal law enforcement agency in the State of Georgia, including any college or university law enforcement chief executive that was registered or certified at the time of his or her retirement by the Georgia Standards and Training Council, if such retired law enforcement chief executive is receiving benefits under the Peace Officers' Annuity and Benefit Fund provided under Chapter 17 of Title 47 or is retired in good standing and receiving benefits from a county, municipal, State of Georgia, state authority, or federal retirement system; or
(4) Police officer of any county, municipal, state, state authority, or federal law enforcement agency in the State of Georgia, including any college or university police officer that is registered or certified by the Georgia Peace Officer Standards and Training Council, or retired police officers certified by the Georgia Standards and Training Council, if such retired employee is receiving benefits under the Peace Officers' Annuity and Benefit Fund provided under Chapter 17 of Title 47 or is retired in good standing and receiving benefits from a county, municipal, State of Georgia, state authority, or federal retirement system.
In addition, any such sheriff, retired sheriff, deputy sheriff, retired deputy sheriff, active or retired law enforcement chief executive, or other law enforcement officer referred to in this subsection shall be authorized to carry a handgun on or off duty anywhere within the state and the provisions of Code Sections 16-11-126 through 16-11-127.2 shall not apply to the carrying of such firearms.
(d) A conviction based upon a violation of Code Section 16-11-126 or 16-11-127.2 need not negative any exemptions.
16-11-131. Convicted felons, possession of firearms prohibited
(a) As used in this Code section, the term:
(1) "Felony" means any offense punishable by imprisonment for a term of one year or more and includes conviction by a court-martial under the Uniform Code of Military Justice for an offense which would constitute a felony under the laws of the United States.
(2) "Firearm" includes any handgun, rifle, shotgun, or other weapon which will or can be converted to expel a projectile by the action of an explosive or electrically or chemically propelled charge, and includes any firearm that is attached to or carried as part of any armored car, truck, bus, or other vehicle.
(b) Any person who is on probation as a felony first offender pursuant to Article 3 of Chapter 8 of Title 42 or who has been convicted of a felony by a court of this state or any other state; by a court of the United States including its territories, possessions, and dominions; or by a court of any foreign nation if such person receives, possesses, or transports any firearm commits a felony and, upon conviction thereof, shall be imprisoned for not less than one nor more than five years; provided, however, that if the felony as to which the person is on probation or has been previously convicted is a forcible felony, then upon conviction of receiving, possessing, or transporting a firearm, such person shall be imprisoned for a period of five years.
(b.1) Any person who is prohibited by this Code section from possessing a firearm because of conviction of a forcible felony or because of being on probation as a first offender for a forcible felony pursuant to this Code section and who attempts to purchase or obtain transfer of a firearm shall be guilty of a felony and shall be punished by imprisonment for not less than one nor more than five years.
(c) This Code section shall not apply to any person who has been pardoned for the felony by the President of the United States or the Board of Pardons and Paroles, or the person or agency empowered to grant pardons under the constitutions or laws of the several states or of a foreign nation and, by the terms of the pardon, has expressly been authorized to receive, possess, or transport a firearm.
(d) A person who has been convicted of a felony, but who has been granted relief from the disabilities imposed by the laws of the United States with respect to the acquisition, receipt, transfer, shipment, or possession of firearms by the secretary of the United States Department of the Treasury pursuant to 18 U.S.C. Section 925, shall upon presenting to the Board of Public Safety proof that the relief has been granted and it being established from proof submitted by the applicant to the satisfaction of the Board of Public Safety that the circumstances regarding the conviction and the applicant's record and reputation are such that the acquisition, receipt, transfer, shipment, or possession of firearms by the person would not present a threat to the safety of the citizens of Georgia and that the granting of the relief sought would not be contrary to the public interest, be granted relief from the disabilities imposed by this Code section. A person who has been convicted under federal or state law of a felony pertaining to antitrust violations, unfair trade practices, or restraint of trade shall, upon presenting to the Board of Public Safety proof, and it being established from said proof, submitted by the applicant to the satisfaction of the Board of Public Safety that the circumstances regarding the conviction and receipt, transfer, shipment, or possession of firearms by the person would not present a threat to the safety of the citizens of Georgia and that the granting of the relief sought would not be contrary to the public interest, be granted relief from the disabilities imposed by this Code section. A record that the relief has been granted by the
board shall be entered upon the criminal history of the person maintained by the Georgia Crime Information Center and the board shall maintain a list of the names of such persons which shall be open for public inspection.

(e) As used in this Code section, the term “forcible felony” means any felony which involves the use or threat of physical force or violence against any person and further includes, without limitation, murder; felony murder; burglary; robbery; armed robbery; kidnapping; hijacking of an aircraft or motor vehicle; aggravated stalking; rape; aggravated child molestation; aggravated sexual abuse; sexual assault; rape, sodomy, or childhood sexual exploitation involving a person under 12 years of age; embezzlement; perjury; theft; forgery; uttering a forged instrument; forgery of a government instrument; theft of child support; theft by deception; forgery of a public record; theft of the property of another while in the custody of such property; theft of services; theft of real property; theft by technical means; theft of personal property; theft of personal property by deception; theft of property by fraud; theft of services by fraud; theft of services by deception; theft of real property by fraud; theft of real property by deception; theft of personal property by force or fraud; theft of personal property by force or deception; theft of property for the purpose of supporting a gambling addiction; theft of government property; theft of real property under the control of such person the use, application, or making of any explosive or incendiary device; punishment

(f) Any person placed on probation as a first offender pursuant to Article 3 of Chapter 8 of Title 42 and subsequently discharged without court adjudication of guilt pursuant to Code Section 42-8-62 shall, upon such discharge, be relieved from the disabilities imposed by this Code section.

16-11-132. Possession of handgun by persons under 18  
(a) For the purposes of this Code section, handgun is considered loaded if there is a cartridge in the chamber or cylinder of the handgun.

(b) Notwithstanding any other provisions of this part and except as otherwise provided in this Code section, it shall be unlawful for any person under the age of 18 years to possess or have under such person's control a handgun. A person convicted of a first violation of this subsection shall be guilty of a misdemeanor and have under such person’s control a handgun. A person who has been convicted of a forcible felony or forcible misdemeanor, as defined in Code Section 16-13-30; or

(c) Except as otherwise provided in subsection (d) of this Code section, the provisions of subsection (b) of this Code section shall not apply to:

(1) Any person under the age of 18 years who:

(A) Attending a hunter education course or a firearms safety course;

(B) Engaging in practice in the use of a firearm or practicing as a part of such performance authorized by the governing body of the jurisdiction where such range is located;

(C) Engaging in an organized competition involving the use of a firearm or participating in or practicing for a performance by an organized group under 26 U.S.C. Section 501(c)(3) which uses firearms as a part of such performance;

(D) Hunting or fishing pursuant to a valid license if such person has in his or her possession such a valid hunting or fishing license if required; is engaged in legal hunting or fishing; has permission of the owner of the land on which the activities are being conducted; and the pistol or revolver, whenever loaded, is carried only in an open and fully exposed manner; or

(E) Traveling to or from any activity described in subparagraphs (A) through (D) of this paragraph if the pistol or revolver in such person’s possession is not loaded;

(2) Any person under the age of 18 years who is on real property under the control of such person's parent, legal guardian, or grandparent and who has the permission of such person's parent or legal guardian to possess a handgun; or

(3) Any person under the age of 18 years who is at such person's residence and who, with the permission of such person's parent or legal guardian, possesses a handgun for the purpose of exercising the rights authorized in Code Section 16-3-21 or 16-3-23.

(d) Subsection (c) of this Code section shall not apply to any person under the age of 18 years who has been convicted of a forcible felony or forcible misdemeanor, as defined in Code Section 16-1-3, if such person was an adult.

16-11-151. Illegal acts relating to illegal firearms, dangerous weapons, explosives or incendiary devices; punishment

(a) As used in this Code section, the term "dangerous weapon" has the same meaning as found in paragraph (1) of Code Section 16-11-121.

(b) It shall be unlawful for any person to:

(1) Teach, train, or demonstrate to any other person the use, application, or making of any illegal firearm, dangerous weapon, explosive, or incendiary device capable of causing injury or death to persons either directly or through a writing or over or through a computer or computer network if the person teaching, training, or demonstrating knows, has reason to know, or intends that such teaching, training, or demonstrating will constitute a forcible felony or forcible misdemeanor, as defined in Code Section 16-1-3, if such person was an adult.

16-11-160. Possession of machine guns, sawed-off rifles, sawed-off shotguns, or firearms with silencers during commission of certain offenses; penalties

(a) (1) It shall be unlawful for any person to possess or to use a machine gun, sawed-off rifle, sawed-off shotgun, or a firearm equipped with a silencer, as those terms are defined in Code Section 16-11-121, during the commission or the attempted commission of any of the following offenses:

(A) Aggravated assault as defined in Code Section 16-5-21;

(B) Aggravated battery as defined in Code Section 16-5-24;

(C) Robbery as defined in Code Section 16-8-40;

(D) Armed robbery as defined in Code Section 16-8-41;

(E) Murder or felony murder as defined in Code Section 16-5-1;

(F) Voluntary manslaughter as defined in Code Section 16-5-2;

(G) Involuntary manslaughter as defined in Code Section 16-5-3;

(H) Sale, possession for sale, transportation, manufacture, offer for sale, or offer to manufacture controlled substances in violation of any provision of Article 2 of Chapter 13 of this title, the ‘Georgia Controlled Substances Act’;

(I) Terrorism threats or acts as defined in Code Section 16-11-37;

(J) Arson as defined in Code Section 16-7-60, 16-7-61, or 16-7-62 or arson of lands as defined in Code Section 16-7-63;

(K) Influencing witnesses as defined in Code Section 16-1-4;

(L) Participation in criminal gang activity as defined in Code Section 16-15-4.

(2)(A) As used in this paragraph, the term ‘bulletproof vest’ means a bullet-resistant soft body armor providing, as a minimum standard, the level of protection known as ‘threat level I,’ which means at least seven layers of resistant material providing protection from at least three shots of 158-grain lead ammunition fired from a .38 caliber handgun at a velocity of 850 feet per second.

(B) It shall be unlawful for any person to wear a bulletproof vest during the commission or the attempted commission of any of the following offenses:

(i) Any crime against or involving the person of another in violation of any of the provisions of this title for which a sentence of life imprisonment may be imposed;

(ii) Any felony involving the manufacture, delivery, distribution, administering, or selling of controlled substances or marijuana as provided in Code Section 16-13-30; or

(iii) Trafficking in cocaine, illegal drugs, marijuana, or methamphetamine as provided in Code Section 16-13-31.

(b) Any person who violates paragraph (1) of subsection (a) of this Code section shall be guilty of a felony, and, upon conviction thereof, shall be punished by confinement for a period of ten years, such sentence to run consecutively to any other sentence which the person has received. Any person who violates paragraph (2) of subsection (a) of this Code section shall be guilty of a felony, and, upon conviction thereof, shall be punished by confinement for a period of one to five years, such sentence to run consecutively to any other sentence which the person has received.

(c) Upon the second or subsequent conviction of a person under this Code section, the person shall be punished by life imprisonment. Notwithstanding any other law to the contrary, the sentence of any person which is imposed for violating this Code section a second or subsequent time shall not be suspended by a court or a probationary sentence imposed in lieu thereof.

(d) The punishment prescribed for the violation of subsections (a) and (c) of this Code section shall not be probated or suspended as is provided by Code Section 17-10-7.

(e) Any crime committed in violation of this Code section shall be considered a separate offense.

Part 5. Transfer and Purchase of Firearms

16-11-171. Definitions As used in this part, the term:

(1) “Center” means the Georgia Crime Information Center within the Georgia Bureau of Investigation.
"Dealer" means any person licensed as a dealer pursuant to 18 U.S.C. Section 921, et seq., or Chapter 16 of Title 43.

"Firearm" means any weapon that is designed to or may readily be converted to expel a projectile by the action of an explosive or the frame or receiver of any such weapon, any firearm muffler or firearm silencer, or any destructive device as defined in 18 U.S.C. Section 921(a)(3).

"Involuntarily hospitalized" means hospitalized as an inpatient in any mental health facility pursuant to Code Section 37-3-81 or hospitalized as an inpatient in any mental health facility as a result of being adjudicated mentally incompetent to stand trial or being adjudicated not guilty by reason of insanity at the time of the crime pursuant to Part 2 of Article 6 of Title 17.

"NICS" means the National Instant Criminal Background Check System created by the federal "Brady Handgun Violence Prevention Act" (P. L. No. 103-159).

16-11-172. Transfer and purchase of firearms conducted by licensed entity; subject to National Instant Criminal Background Check System

(a) All transfers or purchases of firearms conducted by a licensed importer, licensed manufacturer, or licensed dealer shall be subject to the NICS. To the extent possible, the center shall provide to the NICS all necessary criminal history information and wanted person records in order to complete an NICS check.

(b) The center shall forward to the Federal Bureau of Investigation information concerning persons who have been involuntarily hospitalized as defined in this part for the purpose of completing an NICS check.

(c) Any government official who willfully or intentionally compromises the identity, confidentiality, and security of any records and data pursuant to this part shall be guilty of a felony and fined no less than $5,000.00 and be subject to automatic dismissal from his or her employment.

(d) The provisions of this part shall not apply to:

(1) Any firearm, including any handgun with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1899;

(2) Any replica of any firearm described in paragraph (1) of this subsection if such replica is not designed or redesigned to use rimfire or conventional center-fire fixed ammunition or uses rimfire or conventional center-fire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; and

(3) Any firearm which is a curio or relic as defined by 27 C.F.R. 178.11.

16-11-173. Legislative intent and declaration; authority to bring suit against firearm dealers, etc.; county and municipal corporation firearm regulation

(a)(1) It is declared by the General Assembly that the regulation of firearms is properly an issue of general, state-wide concern.

(2) The General Assembly further declares that the lawful design, marketing, manufacture, and sale of firearms and ammunition to the public is not unreasonably dangerous activity and does not constitute a nuisance per se.

(b)(1) No county or municipal corporation, by zoning or by ordinance, resolution, or other enactment, shall regulate in any manner gun shows; the possession, ownership, transport, carrying, transfer, sale, purchase, licensing, or registration of firearms or components of firearms; firearms dealers; or dealers in firearms components.

(2) The authority to bring suit and right to recover against any firearms or ammunition manufacturer, trade association, supplier, dealer, or on behalf of any governmental unit created by or pursuant to an Act of the General Assembly or the Constitution, or any department, agency, or authority thereof, for damages, abatement, or injunctive relief resulting from or relating to the lawful design, manufacture, marketing, or sale of firearms or ammunition, or for the public to be reserved exclusively to the state. This paragraph shall not prohibit a political subdivision or local government authority from bringing an action against a firearms or ammunition manufacturer or dealer for breach of contract or express warranty as to firearms or ammunition purchased by the political subdivision or local government authority.

(c) A county or municipal corporation may regulate the transport, carrying, or possession of firearms by employees of the local unit of government in the course of their employment with such local unit of government.

(d) Nothing in this Code section shall prohibit municipalities or counties by ordinance, resolution, or other enactment, from requiring the ownership of guns by heads of households within the political subdivision.

(e) Nothing contained in this Code section shall prohibit municipalities or counties, by ordinance, resolution, or other enactment, from regulating the transport, carrying, or possession of firearms by the employees of the local unit of government in the course of their employment with such local unit of government.

(f) Nothing in this Code section shall prohibit municipalities or counties by ordinance, resolution, or other enactment, from regulating the transport, carrying, or possession of firearms by the employees of the local unit of government in the course of their employment with such local unit of government.

Title 43, Professions and Businesses

Chapter 16. Firearms Dealers

43-16-1. Definition As used in this chapter, the term "department" means the Department of Public Safety.

43-16-2. License for dealers Any person, firm, retail dealer, wholesale dealer, pawnbroker, or corporation who shall sell, dispose of, or offer for sale any pistol, revolver, or short-barreled firearm of less than 15 inches in length, whether the same shall be his own property or whether he shall sell the same as an agent or employee of another, shall obtain from the department a license permitting the sale of such pistols, revolvers, and firearms. Nothing in this chapter shall apply to or prohibit the casual sales of the articles referred to in this Code section between individuals or bona fide gun collectors.

43-16-3. Affidavit to accompany applicant Any person, firm, retail dealer, wholesale dealer, pawnbroker, or corporation who makes application for a license under this chapter must accompany such application with an affidavit of the applicant sworn to before an officer authorized by law to administer oaths, stating that the applicant is a citizen of the United States, has reached the age of 21 years, and that the applicant is authorized by law to administer oaths.

43-16-4. Repealed by Laws 2010, Act 438, §1, eff. May 24, 2010

43-16-5. Annual License fee All annual license fees described by this chapter shall be paid to the department on or before July 1 of each year. The department shall issue its receipt for every payment. The annual license payment to acquire such license shall be $25.00 for the owner of any establishment which sells any firearms listed in Code Section 43-16-2. The annual employee license fee shall be $3.00.

43-16-7. License to be displayed Every recipient of a license to sell any firearms listed in Code Section 43-16-2 shall keep such license conspicuously displayed on his business premises.

43-16-8. Revocation of license for nonpayment of fee Should any license fail or neglect to pay his annual license fee on or before July 1 of every year, the department shall notify him in his license that the fee will be automatically revoked and re-issued within a year. If the fee is paid in full before August 1 of the same year, the department shall revoke the license.

43-16-9. Reinstatement fee The owner of any establishment or employee thereof whose license for selling such firearms has been revoked for failure to pay the annual license fee may make application to the department for reinstatement. Such application shall be accompanied by a fee of $10.00, in addition to the regular license fee required. If the department shall find the applicant guilty only of default in payment of annual license fees, the license may immediately be reinstated.

43-16-10. Revocation of license for fraud, unethical practice or crime The department shall have the power to revoke any license granted by it under this chapter to any person, firm, retail dealer, wholesale dealer, pawnbroker, or corporation, or any agent or employee thereof, found by the Board of Public Safety to be guilty of fraud or wilful misrepresentation, or found guilty under the laws of this state of any crime involving moral turpitude, or found guilty of violating Code Section 16-11-101.

43-16-10.1. Record of acquisition and disposition of firearms required

(a) As a condition of any license issued pursuant to this chapter, each licensee shall be required to keep a record of the acquisition and disposition of firearms as provided in this Code section.

(b) The record required by subsection (a) of this Code section shall be identical in form and context to the firearms acquisition and disposition record required by Part 178 of Chapter 1 of Title 10 of the Code of Federal Regulations as it exists on July 1, 1988.

(c) The record required by subsection (a) of this Code section shall be maintained on the licensed premises and shall be open to the inspection of any duly authorized law enforcement officer during the ordinary hours of business or at any reasonable time. The record of each acquisition or disposition of a firearm shall be maintained for a period of not less than five years.

(d) The failure of a licensee to keep and maintain the records required by this Code section shall be grounds for revocation of the license.

43-16-11. Revocation proceedings governed by Administrative Procedure Act

All proceedings for the revocation of licenses issued under this chapter shall be governed by Chapter 13 of Title 50, the "Georgia Administrative Procedure Act."

43-16-12. Violations relating to regulation of dealers in pistols and short barreled firearms

Any person, firm, or corporation who violates this chapter shall be guilty of a misdemeanor.