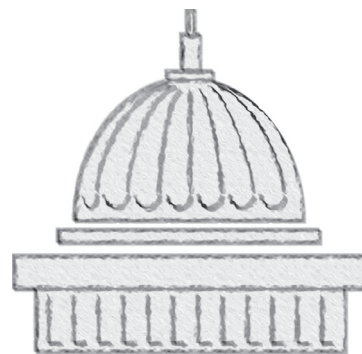


# F. NRA / ILA Firearms Laws for

## GEORGIA

(As of December, 2009)



Compiled by:

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### A SYNOPSIS OF STATE LAWS ON PURCHASE, POSSESSION AND CARRYING OF FIREARMS.

#### QUICK REFERENCE CHART

	Rifles and Shotguns	Handguns
Permit to Purchase	No	No
Registration of Firearms	No	No
Licensing of Owners	No	No
Permit to Carry	No	Yes

#### CARRY

It is unlawful to carry a handgun or concealable firearm, openly or concealed, on or about one's person without a license to carry.

Exceptions: No license is required:

1. To carry a firearm, openly or concealed, in one's home or place of business.
2. To transport a firearm, unloaded, enclosed in a case and separated from ammunition, provided the possessor is not ineligible to obtain a license to carry.
3. To transport a loaded firearm in a private motor vehicle, provided it is carried in an open manner fully exposed to view, or is in the vehicle's glove compartment, console, or similar compartment.
4. To carry a firearm while hunting or fishing or sport shooting, provided the person so carrying has any necessary hunting or fishing license, and has written permission from the owner of the land on which the activity is being conducted, and provided any handgun is carried in an open and fully exposed manner.

A license to carry authorizes a person to carry a handgun on or about his person, openly or in certain enumerated concealed positions limited to: a shoulder holster, waist belt holster, any other holster, hipgrip or similar device, in which event the weapon may be concealed by the person's clothing, or a handbag, purse, attache case, briefcase, other closed container, or in any location in a motor vehicle. "Carrying on the person in a concealed manner other than as provided herein shall . . . be a violation."

The license to carry, valid for five years, is obtained by application under oath to the judge of the probate court of the county of domicile of the applicant. A \$15.00 fee is payable upon application. Georgia law specifically provides that the application form "shall not require non-pertinent nor irrelevant data" from the applicant "such as serial numbers or other identification capable of being used as a de facto registration of firearms owned by the applicant."

No license will be issued to:

1. Anyone under 21 years of age.
2. Any person who is a fugitive from justice or who has felony charges, forcible misdemeanor or weapons violations charges pending against him.
3. Any person convicted of a felony who has not been pardoned by the President, the States Board of Pardons and Paroles, or any person or agency empowered to grant pardons.
4. Any person convicted of forcible misdemeanor who has not been free of supervision for at least five years.
5. Any person convicted of a weapons carrying violation, who has not been free of supervision for at least three years.
6. Any person who has been hospitalized for in patient treatment in any mental hospital or alcohol or drug treatment center within five years of the date of application.
7. Any person who has been convicted of a controlled substance or other dangerous drug offense.

After the judge has received the application the applicant must go

#### STATE CONSTITUTIONAL PROVISION

"The right of the people to keep and bear arms shall not be infringed, but the General Assembly shall have power to prescribe the manner in which arms may be borne." Article 1, Section 1, Paragraph VIII.

#### PURCHASE AND POSSESSION

No state permit is required for the purchase or possession of a shotgun, rifle, or handgun.

It is unlawful to furnish a handgun to a person under 18 and it is unlawful for a person under 18 to possess a handgun. Under the following circumstances, a parent or legal guardian may furnish, and a minor may possess, a handgun: attending a hunter education or firearms safety course; engaging in practice or target shooting at an established shooting range authorized by the jurisdiction where it is located; engaging in organized competition or practicing for a performance by a group organized under 26 U.S.C. 501 (c)(3); lawful hunting or fishing with the permission of the land owner if, whenever the handgun is loaded, it is carried only in an open and fully exposed manner; traveling to and from the above activities if the handgun is not loaded<sup>1</sup>; or on real property under the control of the minor's parent, legal guardian or grandparent with the permission of the minor's parent or legal guardian to possess the handgun. The above exceptions do not apply to a minor who has been convicted of a forcible crime or adjudicated delinquent for an offense which would constitute a forcible crime.

It is unlawful for any person convicted of a felony to possess, receive, or transport any firearm.

A gun dealer shall not sell or deliver any handgun to another person, other than a licensed importer, licensed manufacturer, licensed dealer or licensed collector, until an instant criminal history background check is conducted and approved by the Georgia Bureau of Investigation. The information required to be provided includes one photo identification, name, birth date, gender, race, social security or other identification number of such potential buyer or transferee. A \$5.00 fee to cover the costs of each check will be collected. Antiques and replicas, curio and relic firearms as defined by the Bureau of Alcohol, Tobacco and Firearms, and holders of a permit or license to carry a pistol are exempt from the instant check.

to a designated local law enforcement agency for fingerprinting. The law enforcement agency may charge a \$5.00 fingerprinting fee. The Georgia Bureau of Investigation may charge a fee to cover the costs of the criminal records search. The law enforcement agency must investigate the applicant (including a federal and state criminal record check) and must report any negative findings back to the judge within 30 days. A report is not required if no derogatory information bearing on the applicant's eligibility is discovered. The judge shall issue the license not later than 10 days after the judge receives the report of the application if no facts establishing ineligibility are found and the judge determines the applicant has met all qualifications and is of "good moral character." If the applicant has been hospitalized at a mental hospital or alcohol or drug treatment center within 5 years of his application for a license to carry, the judge has discretion, after considering the recommendation of the Superintendent of the hospital or treatment center, to issue or deny the license. The applicant shall pay a fee of \$3 to reimburse costs associated with obtaining a report.

If the applicant has been hospitalized at a mental hospital or alcohol or drug treatment center within 5 years of his application for a license to carry, the judge has discretion, after considering the recommendation of the Superintendent of the hospital or treatment center, to issue or deny the license.

A person licensed to carry a handgun in any state whose laws recognize and give effect within such state to a license issued pursuant to Georgia law shall be authorized to carry a handgun in this state, but only while the licensee is not a resident of this state; provided, however, that such license holder shall carry the handgun in compliance with the laws of this state.

#### NATIONAL FIREARMS ACT "FIREARMS"

It is unlawful to possess a short barreled rifle or shotgun, silencer, explosive device, or machine gun.<sup>2</sup> Exempt from this prohibition are persons authorized to possess such an item because he has registered it in accordance with the National Firearms Act. Also exempt is any such item that has been modified to the extent that it is inoperative - an example of the requisite modification is a weapon with the barrel "filled with lead."

#### MISCELLANEOUS PROVISIONS

It is unlawful to: point a firearm at another person; discharge a firearm within 50 yards of a public highway or street; discharge a firearm on the property of another person without the property owner's permission; possess a firearm during the commission of most crimes; while hunting, use a firearm in a manner that endangers another person; or discharge a firearm while under the influence of alcohol or drugs. Firearms may not be carried to any "public gathering," even by an individual licensed to carry a firearm. Public gatherings include, but are not limited to, athletic events, church functions, political rallies, all publicly owned or operated buildings and all places where alcoholic beverages are sold for consumption on the premises.

It is unlawful to carry or possess any firearm within 1000 feet of any school property, on a school bus or other transportation furnished by the school, or at a school function without written authorization from a school official. This prohibition shall not apply to: organized sport shooting events, firearms training courses, persons licensed to carry when such person carries or picks up a student, any weapon legally kept in a vehicle in transit through a school zone by any person other than a student, or a firearm in a locked compartment of a motor vehicle or in a locked container or locked firearms rack in a motor vehicle being used by a person over 21 to bring or pick up a student. The 1000 foot zone which extends beyond the actual school property does not apply to persons who reside within the zone, are visiting someone who resides in the zone, or are conducting lawful business within the zone.

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, components of firearms, firearms dealers, or dealers in firearms components.

The authority to bring suit and right to recover against any firearms or ammunition manufacturer, trade association, or dealer by 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 to the public shall 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 warranty as to firearms or ammunition purchased by the political subdivision or local government authority.

No private or public employer, including the state and its political subdivisions, shall condition employment upon any agreement by a prospective employee that prohibits an employee from entering the parking lot and access thereto when the employee's privately owned motor vehicle contains a firearm that is locked out of sight within the trunk, glove box, or other enclosed compartment or area within such privately owned motor vehicle, provided that any applicable employees possess a Georgia firearms license. Exceptions to this include, searches by certified law enforcement officers pursuant to valid search warrants or valid warrantless searches based upon probable cause under exigent circumstances; vehicles owned or leased by an employer; any situation in which a reasonable person would believe that accessing a locked vehicle of an employee is necessary to prevent an immediate threat to human health, life, or safety; when an employee consents to a search of his or her locked privately owned vehicle by licensed private security officers for loss prevention purposes based on probable cause that the employee unlawfully possesses employer property. Areas where this shall not apply include, an employer providing employees with a secure parking area which restricts general public access through the use of a gate, security station, security officers, or other similar means which limit public access; any penal institution, correctional institution, detention facility, diversion center, jail, or similar place of confinement or confinement alternative; facilities associated with electric generation; any United States Department of Defense contractor, if such contractor operates any facility on or contiguous with a United States military base or installation or within one mile of an airport; an employee who is restricted from carrying or possessing a firearm on the employer's premises due to a completed or pending disciplinary action; parking lots contiguous to facilities providing natural gas transmission, liquid petroleum transmission, water storage and supply, and law enforcement services determined to be so vital to the State of Georgia, by a written determination of the Georgia Department of Homeland Security; any area used for parking on a temporary basis.

Source: Georgia statutes relating to firearms are: Ga. Code 16 -11-120 et seq.

#### Notes

1 For the purpose of this code section, loaded includes having the handgun and ammunition "in such close proximity to such person that such person could readily gain access to the pistol or revolver and the ammunition and load the pistol or revolver."

2 The Georgia statute has an unusual definition of machine gun: "... any weapon which shoots or is designed to shoot, automatically, more than six shots, without manual reloading, by a single function of the trigger." Regardless of Georgia's definition, federal law strictly governs, among many other things, weapons which fire more than one shot by a single function of the trigger.

**CAUTION:** Firearm laws are subject to frequent change and court interpretation. This summary is not intended as legal advice or restatement of law. This summary does not include federal or local laws, ordinances or regulations. For any particular situation, a licensed local attorney must be consulted for an accurate interpretation. **YOU MUST ABIDE WITH ALL LAWS: STATE, FEDERAL AND LOCAL.**

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