



## Georgia

### Summary of State Firearms Law

Last Updated November 29, 2011

### Overview

In its publication [Gun Laws Matter: A Comparison of State Firearms Laws and Statistics](#), LCAV ranked each state based on a review of state laws in 25 different firearms-related policy areas. Georgia ranked 38 out of 50 – having enacted few gun violence prevention laws.

Among other things, Georgia requires handgun dealers and employees of handgun dealers to obtain a [state license](#). However, Georgia does **not**:

- Require a background check prior to [the transfer of a firearm between private parties](#);
- Prohibit the transfer or possession of [assault weapons](#), [50 caliber rifles](#), or [large capacity ammunition magazines](#);
- Limit the [number of firearms](#) that may be purchased at one time;
- Impose a [waiting period](#) on firearm purchases;
- Regulate unsafe handguns ("[junk guns](#)" or "[Saturday night specials](#)");
- Regulate [ammunition sales](#);
- Allow [local governments to regulate firearms](#); or
- Provide local governments with the discretion to deny [concealed weapons permits](#).

## Georgia Statistics

### Gun Deaths

Georgia ranks 19th among the states in terms of the number of gun deaths per capita. In 2008, 1,177 people died from firearm-related injuries in Georgia.<sup>1</sup>

### Crime Guns

Mayors Against Illegal Guns recently developed web pages detailing [data about each state's crime gun imports and exports](#). In every year from 2006 to 2009, [Georgia](#) supplied more crime guns to other states than any other state. When population is taken into account, Georgia had the tenth highest rate of crime gun exports among the states in 2009. Georgia also exported more than two times the national average number of crime guns per 100,000 inhabitants in that year.<sup>2</sup>

### Number of Federally Licensed Firearms Dealers

There are 1,599 federally licensed firearms dealers and pawnbrokers in Georgia.<sup>3</sup>

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<sup>1</sup> National Center for Injury Prevention and Control, U.S. Centers for Disease Control and Prevention, *WISQARS Fatal Injury Reports, 1999-2008, for National, Regional, and States*, at [http://webappa.cdc.gov/sasweb/ncipc/mortrate10\\_us.html](http://webappa.cdc.gov/sasweb/ncipc/mortrate10_us.html).

<sup>2</sup> Mayors Against Illegal Guns, *Trace the Guns: The Link Between Gun Laws and Interstate Gun Trafficking* (September 2010), at <http://www.tracetheguns.org/report.pdf>.

<sup>3</sup> U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, *List of Federal Firearms Licensees* (September 2011), at <http://www.atf.gov/about/foia/ffl-list.html>.

## **Georgia “Right to Bear Arms”**

Georgia’s constitution provides a right to bear arms, but courts have agreed that this provision allows for regulation that is legitimate and reasonably within the police power. See [LCAV’s State Right to Bear Arms Provisions](#) for more-detailed information.

## **Local Authority to Regulate Firearms in Georgia**

Georgia has enacted a broad preemption statute, depriving local governments of the authority to regulate firearms. See [LCAV's State Preemption/Local Authority to Regulate Firearms summary](#) for further information.

## State Firearms Policies in Georgia

Please note that many firearm-related laws have exceptions for military and law enforcement personnel.

### Persons Prohibited from Firearm Possession

#### Georgia Prohibited Purchasers Generally

See [Regulating Guns in America: Prohibited Purchasers](#) for a comprehensive discussion of this issue.

[Federal law prohibits certain persons from purchasing or possessing firearms](#), such as felons, certain domestic abusers, and certain people with a history of mental illness.

Georgia prohibits the purchase or receipt of a firearm by any person who is on probation as a “felony first offender,” or who has been convicted of a felony.<sup>4</sup> Georgia has no other laws limiting who may possess firearms.

For information on the background check process used to enforce these provisions, see the [Georgia Background Checks](#) section.

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<sup>4</sup> Ga. Code Ann. § 16-11-131(b), (b.1).

## Georgia Minimum Age to Purchase or Possess Firearms

Georgia prohibits the possession or control of a handgun by any person under age 18.<sup>5</sup> This prohibition does not apply if the underage person is:

- Attending a hunter education course or a firearms safety course;
- Engaging in practice in the use of a firearm or target shooting at an established range authorized by the governing body of the jurisdiction where such range is located;
- Engaging in an organized competition involving the use of a firearm or participating in or practicing for a performance by an organized non-profit group that uses firearms as a part of such performance;
- Hunting or fishing pursuant to a valid license if such person has in his or her possession 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 handgun, whenever loaded, is carried only in an open and fully exposed manner; or
- Traveling to or from any of the aforementioned activities, if the handgun is not loaded.<sup>6</sup>

In addition, this prohibition does not apply if the person under age 18 is:

- On real property under the control of his or her parent, legal guardian, or grandparent and who has the permission of the parent or legal guardian to possess a handgun; or
- At his or her residence and possesses a handgun while exercising rights authorized by Georgia provisions regarding the justified use of force against another with the permission of his or her parent or legal guardian.<sup>7</sup>

No person may intentionally, knowingly, or recklessly sell or furnish a handgun to a minor (person under the age of 18 years).<sup>8</sup> However, a parent or legal guardian may permit possession of a handgun by a minor for the purposes specified above.<sup>9</sup>

There is no minimum age requirement to possess rifles and shotguns in Georgia. [Federal age restrictions](#) impose stricter limits.

See [Regulating Guns in America: Minimum Age to Purchase / Possess Firearms](#) for a comprehensive discussion of this issue.

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<sup>5</sup> Ga. Code Ann. § 16-11-132(b).

<sup>6</sup> Ga. Code Ann. § 16-11-132(c)(1).

<sup>7</sup> Ga. Code Ann. § 16-11-132(c)(2), (3).

<sup>8</sup> Ga. Code Ann. § 16-11-101.1(b); see § 16-11-101.1(a)(1) (defining "minor").

<sup>9</sup> Ga. Code Ann. § 16-11-101.1(b).

## Domestic Violence and Firearms in Georgia

Georgia law does **not**:

- Prohibit individuals convicted of domestic violence misdemeanors from possessing firearms or ammunition (unlike [federal law](#));
- Prohibit individuals subject to domestic violence protective orders from possessing firearms or ammunition (unlike [federal law](#));
- Require courts to notify domestic abusers when they become prohibited from possessing firearms or ammunition under [federal law](#);
- Require the surrender of firearms or ammunition by domestic abusers who have become prohibited from possessing firearms or ammunition under federal law; or
- Explicitly authorize or require the removal of firearms or ammunition at the scene of a domestic violence incident.

See [Regulating Guns in America: Domestic Violence and Firearms](#) for a comprehensive discussion of this issue.

## Disarming Prohibited Persons in Georgia

Georgia law declares any weapon the possession or carrying of which constitutes a crime or delinquent act to be contraband and forfeited.<sup>10</sup> Georgia law also describes the fate of a confiscated weapon when a defendant is found guilty of the illegal possession or carrying of the weapon.<sup>11</sup> However, Georgia has no law requiring the removal of firearms when a [person initially becomes prohibited from possessing them](#).

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<sup>10</sup> Ga. Code Ann. § 17-5-51.

<sup>11</sup> Ga. Code Ann. § 17-5-52.

## Sales & Transfers

### Background Checks in Georgia

See [Regulating Guns in America: Background Checks](#) for a comprehensive discussion of this issue.

[Federal law requires federally licensed firearms dealers \(but not private sellers\) to initiate a background check on the purchaser prior to sale of a firearm.](#) Federal law provides states with the option of serving as a state “point of contact” and conducting their own background checks using state, as well as federal, records and databases, or having the checks performed by the FBI using only the federal [National Instant Criminal Background Check System \(“NICS”\) database](#). (Note that state files are not always included in the federal database.)

Until 2005, Georgia was a “point of contact” for the NICS, and firearms dealers had to conduct the background check required by federal law through the Georgia Bureau of Investigation. In 2005, Georgia repealed that part of the law, and now all firearm transfers by licensed dealers are processed through the FBI.<sup>12</sup> Nevertheless, Georgia law provides that all transfers or purchases of firearms conducted by an importer, manufacturer or dealer licensed pursuant to federal or Georgia law are subject to NICS.<sup>13</sup> Georgia law also requires the Georgia Crime Information Center to provide to NICS all necessary criminal history information and wanted person records, and information concerning persons who have been involuntarily hospitalized, in order to complete an NICS check.<sup>14</sup> State administrative regulations also now recognize that federal law requires federal firearms licensees to contact NICS before transferring a firearm.<sup>15</sup>

Federal law does not require dealers to conduct a background check if a firearm purchaser presents a state permit to purchase or possess firearms that meets certain conditions.<sup>16</sup> As a result, concealed weapons permit holders in Georgia are exempt from the federal background check requirement.<sup>17</sup> (Note, however, that people who have become prohibited from possessing firearms may continue to hold state permits to purchase or permit firearms – and pass background checks – if the state fails to remove these permits in a timely fashion.)

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<sup>12</sup> Ga. Code Ann. §§ 16-11-171, 16-11-172; [Ga. Comp. R. & Regs. 140-2-.17](#).

<sup>13</sup> See Ga. Code Ann. §§ 16-11-171, 16-11-172.

<sup>14</sup> Ga. Code Ann. § 16-11-172; see also [Ga. Comp. R. & Regs. 140-2-.17](#).

<sup>15</sup> [Ga. Comp. R. & Regs. 140-2-.17](#).

<sup>16</sup> Federal law exempts persons who have been issued state permits to purchase or possess firearms from background checks if those permits were issued: 1) within the previous five years in the state in which the transfer is to take place; and 2) after an authorized government official has conducted a background investigation, including a search of the NICS database, to verify that possession of a firearm would not be unlawful. 18 U.S.C. § 922(t)(3), [27 C.F.R. § 478.102\(d\)](#).

<sup>17</sup> Bureau of Alcohol, Tobacco, Firearms & Explosives, U.S. Dept. of Justice, *Brady Law: Permanent Brady Permit Chart* (Aug. 26, 2011), at <http://www.atf.gov/firearms/brady-law/permit-chart.html>.

See the section below for information regarding the [Retention of Sales / Background Check Records in Georgia](#).

Georgia does not require private sellers (sellers who are not licensed dealers) to initiate a background check when transferring a firearm. See [Regulating Guns in America: Private Sales](#).

## Mental Health Reporting in Georgia

See [Regulating Guns in America: Mental Health Reporting](#) for a comprehensive discussion of this issue.

Federal law prohibits possession of a firearm or ammunition by any person who has been “adjudicated as a mental defective” or involuntarily “committed to any mental institution.”<sup>18</sup> No federal law, however, requires states to report the identities of these individuals to the [National Instant Criminal Background Check System \(“NICS”\) database](#), which the FBI uses to perform background checks prior to firearm transfers.

Georgia law requires the Georgia Crime Information Center (GCIC) to provide to NICS all necessary criminal history information and wanted person records and information concerning persons who have been involuntarily hospitalized for the purpose of completing a NICS check.<sup>19</sup>

More specifically, GCIC must provide to the FBI in conjunction with the NICS and in accordance with the federal Brady Act information regarding whether a person has been involuntarily hospitalized.<sup>20</sup> The probate courts must provide GCIC with information from the involuntary hospitalization records for persons involuntarily hospitalized after March 22, 1995.<sup>21</sup> The probate courts must provide such information and no other mental health information, to preserve the confidentiality of patient’s rights in all other respects.<sup>22</sup> This information must be provided in a manner agreed upon by the Probate Judges Training Council and the Georgia Bureau of Investigation (GBI).<sup>23</sup>

Further, the clerks of the superior courts must provide information regarding whether a person has been adjudicated mentally incompetent to stand trial or not guilty by reason of insanity at the time of the crime, and has been involuntarily hospitalized, based on the clerks’ records for persons involuntarily hospitalized after March 22, 1995.<sup>24</sup> This information must be provided in a manner agreed upon by the Council of Superior Court Clerks of Georgia and the GBI to preserve the confidentiality of patient’s rights in all other respects.<sup>25</sup> Five years from the date that GCIC receives a person’s involuntary hospitalization information, GCIC must purge its records of such information as soon as practicable and, in any event, within 30 days of the expiration of such five-year period.<sup>26</sup>

The Council of the GCIC is empowered to adopt rules, regulations, and forms necessary to implement these requirements.<sup>27</sup>

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<sup>18</sup> 18 U.S.C. § 922(d)(4).

<sup>19</sup> Ga. Code Ann. § 16-11-172(a) and (b).

<sup>20</sup> Ga. Code Ann. § 35-3-34(e)(2).

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.* See also [Ga. Comp. R. & Regs. 140-2-.17\(2\)](#).

<sup>24</sup> Ga. Code Ann. § 35-3-34(e)(2).

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> Ga. Code Ann. § 35-3-34(e). See [Ga. Comp. R. & Regs. 140-2-.17\(2\)](#).

For general information on the background check process and categories of prohibited purchasers or possessors, see the [Georgia Background Checks](#) section and the section entitled [Prohibited Purchasers Generally](#).

## **Multiple Purchases / Sales of Firearms in Georgia**

Georgia has no law restricting sales or purchases of multiple firearms. See [\*Regulating Guns in America: Restrictions on Multiple Purchases or Sales of Firearms\*](#) for a comprehensive discussion of this issue.

## Retention of Sales / Background Check Records in Georgia

Georgia requires licensed firearms dealers to keep a record of the acquisition and disposition of all firearms, which records must be identical in form and context to the firearms acquisition and disposition record required by federal law.<sup>28</sup>

The records must be maintained on the licensed premises and open to the inspection of any duly authorized law enforcement officer during the ordinary hours of business or at any reasonable time.<sup>29</sup> The record of each acquisition or disposition of a firearm must be maintained for not less than five years.<sup>30</sup>

Failure to keep and maintain the required records is grounds for revocation of the dealer's license.<sup>31</sup>

Georgia has no laws requiring the reporting of sales of firearms to a state or local agency.

See [Regulating Guns in America: Retention of Firearm Sales and Background Check Records](#) for a comprehensive discussion of this issue.

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<sup>28</sup> Ga. Code Ann. § 43-16-10.1(a), (b).

<sup>29</sup> Ga. Code Ann. § 43-16-10.1(c).

<sup>30</sup> *Id.*

<sup>31</sup> Ga. Code Ann. § 43-16-10.1(d).

## **Georgia Waiting Periods**

Georgia imposes no waiting period between the time of purchase and the actual physical transfer of a firearm. See [Regulating Guns in America: Waiting Periods](#) for a comprehensive discussion of this issue.

## Gun Dealers & Other Sellers

### Georgia Dealer Regulations

See [Regulating Guns in America: Dealer Regulations](#) for a comprehensive discussion of this issue.

[Federal law requires firearms dealers to obtain a license](#) from the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF), although resource limitations prevent the ATF from properly overseeing all its licensees.

In Georgia, any person, firm, retail dealer, wholesale dealer, pawnbroker, or corporation who sells, disposes of, or offers for sale or causes or permits to be sold, disposed of, or offered for sale any pistol or revolver or short-barreled firearm of less than 15 inches in length, whether the firearm is the seller's own property or whether the person selling the firearm is an agent or employee of the owner, must obtain a license from the Georgia Department of Public Safety permitting the sale of such firearms.<sup>32</sup> The application must be accompanied by a sworn affidavit stating that the applicant is a United States citizen, is at least age 21, and has not been convicted of a felony.<sup>33</sup> Licenses are valid for one year.<sup>34</sup> There is an annual license fee of \$25 for the owner of any sales establishment, and an annual employee license fee of \$3.<sup>35</sup> The application must include a copy of a current federal firearms dealer license.<sup>36</sup> In 2010, [Georgia repealed a requirement](#) that the application must also be accompanied by a bond for the sum of \$1,000 conditioned upon the faithful performance of the requirements of Georgia law.

The above-mentioned requirements, as well as the other dealer licensing regulations contained in Georgia law, do not apply to or prohibit the casual sale of firearms between individuals or bona fide gun collectors.<sup>37</sup>

Licensees must keep the license itself conspicuously displayed on their business premises.<sup>38</sup>

For information about the Georgia laws:

- Requiring federally licensed dealers to conduct background checks on firearm purchasers, see the [Georgia Background Checks](#) section.
- Requiring dealers to maintain records of sales, see the [Georgia Retention of Sales / Background Check Records](#) section.
- Applicable to both licensed and private firearm sellers, see the [Georgia Private Sales](#) section.

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<sup>32</sup> Ga. Code Ann. § 43-16-2.

<sup>33</sup> Ga. Code Ann. § 43-16-3; [Ga. Comp. R. & Regs. 570-4-.06](#).

<sup>34</sup> Ga. Code Ann. § 43-16-5.

<sup>35</sup> *Id.*

<sup>36</sup> [Ga. Comp. R. & Regs. 570-4-.06](#).

<sup>37</sup> Ga. Code Ann. § 43-16-2.

<sup>38</sup> Ga. Code Ann. § 43-16-7; [Ga. Comp. R. & Regs. 570-4-.02](#).

## Private Sales in Georgia

Georgia law does not require a background check on the purchaser of a firearm when the seller is not a licensed dealer. See [Regulating Guns in America: Private Sales](#) for a comprehensive discussion of this issue.

For laws applicable to handgun dealers, see [Georgia Dealer Regulations](#). For laws regarding the sale of firearms to minors, see [Georgia Minimum Age to Purchase or Possess Firearms](#). See the section entitled [Firearms Trafficking in Georgia](#) for additional laws that limit private sales of firearms.

## Georgia Gun Shows

Georgia has no law regulating gun shows or requiring background checks on gun purchasers at gun shows. In addition, Georgia law explicitly prohibits any county or municipal corporation, by zoning or by ordinance, resolution, or other enactment, from regulating gun shows in any manner.<sup>39</sup>

See the [Georgia Private Sales](#) section for state laws that may apply to firearm sales at gun shows.

See [Regulating Guns in America: Gun Shows](#) for a comprehensive discussion of this issue.

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<sup>39</sup> Ga. Code Ann. § 16-11-173(b)(1).

## Georgia Immunity Statutes

Georgia law reserves to the state the authority to bring suit and recover against any firearms or ammunition manufacturer, trade association, or dealer by or on behalf of any governmental unit, or department or agency 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.<sup>40</sup> However, this rule does 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.<sup>41</sup>

The Georgia General Assembly has declared that the lawful design, marketing, manufacture, or sale of firearms or ammunition to the public is not an unreasonably dangerous activity and does not constitute a nuisance per se.<sup>42</sup>

In *Sturm, Ruger & Company v. City of Atlanta*, the Court of Appeals of Georgia reversed the denial of a motion to dismiss a city's negligence claim against gun manufacturers, dealers, and trade associations in connection with the design, marketing and distribution of firearms.<sup>43</sup> Among other things, the court held that the lawsuit was precluded by the laws described above.<sup>44</sup> The court held that these statutes could be applied retroactively and that such retroactive application did not offend the state constitutional prohibitions on retroactive laws, special laws, or the state constitutional separation of powers doctrine.<sup>45</sup> See [Local Authority to Regulate Firearms in Georgia](#) for further details about this lawsuit.

Finally, no sport shooting range or unit of government or person owning, operating, or using a sport shooting range for the sport shooting of firearms is subject to any action for civil or criminal liability, damages, abatement, or injunctive relief resulting from or relating to noise generated by the operation of the range if the range remains in compliance with noise control or nuisance abatement rules, regulations, statutes, or ordinances applicable to the range on the date on which it commenced operation.<sup>46</sup>

For detailed information about government and private party lawsuits against the gun industry, the status of litigation involving gun industry immunity statutes in various states, or pending gun industry immunity legislation, visit the [Brady Center's Legal Action Project](#) and the [Coalition to Stop Gun Violence's Gun Industry Immunity page](#).

See [LCAV's policy page on Immunity Statutes / Manufacturer Litigation](#) for further information.

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<sup>40</sup> Ga. Code Ann. § 16-11-173(b)(2).

<sup>41</sup> *Id.*

<sup>42</sup> Ga. Code Ann. § 16-11-173(a)(2).

<sup>43</sup> 560 S.E.2d 525 (Ga. Ct. App. 2002).

<sup>44</sup> *Sturm, Ruger*, 560 S.E.2d at 530-32.

<sup>45</sup> *Id.* at 530-32.

<sup>46</sup> Ga. Code Ann. § 41-1-9(c).

## **Gun Owner Responsibilities**

### **Licensing of Gun Owners or Purchasers in Georgia**

Georgia has no law requiring gun owners or purchasers to obtain a license. See [Regulating Guns in America: Licensing of Gun Owners or Purchasers](#) for a comprehensive discussion of this issue.

## Georgia Registration of Firearms

Georgia has no law requiring firearm owners to register their firearms. In fact, Georgia law explicitly states that application forms for a weapons carry license may not “require data which is nonpertinent or irrelevant such as serial numbers or other identification capable of being used as a de facto registration of firearms owned by the applicant.”<sup>47</sup>

See the section entitled [Retention of Sales / Background Check Records in Georgia](#) for information about sales reporting requirements.

See [Regulating Guns in America: Registration of Firearms](#) for a comprehensive discussion of this issue.

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<sup>47</sup> Ga. Code Ann. § 16-11-129(a).

## **Reporting Lost or Stolen Firearms in Georgia**

Georgia does not require firearm owners to report the loss or theft of a firearm. See [\*Regulating Guns in America: Reporting Lost or Stolen Firearms\*](#) for a comprehensive discussion of this issue.

## Firearms in Public Places

### Concealed Weapons Permitting in Georgia

See [Regulating Guns in America: Carrying Concealed Weapons](#) for a comprehensive discussion of this issue.

In 2010, Georgia significantly [loosened its law](#) limiting the manner in which license holders may carry handguns. Georgia now allows the carrying of a firearm by any person who:

- Has a valid “weapons carry” license and is carrying a handgun (regardless of whether the handgun is concealed);
- Is on his or her property or inside his or her home, motor vehicle, or place of business;
- Is carrying a long gun, even if the person does not have a license, provided that, if the long gun is loaded, it is carried openly;
- Is carrying a handgun enclosed in a case and unloaded, even if the person does not have a license;
- Is eligible for a weapons carry license (even if the person does not actually have a license) and is transporting a firearm in a passenger motor vehicle, provided that a private property owner may forbid possession of a firearm on his or her property; or
- Has a valid hunting or fishing license, or who is otherwise legally engaged in hunting or fishing or sport shooting.<sup>48</sup>

Georgia is a “shall issue” state, meaning that a probate court judge must issue a “weapons carry” license if the applicant meets certain qualifications. The probate court judge must issue a license “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 all the requirements” contained in Georgia law.<sup>49</sup>

Applicants may apply for a “weapons carry” license to the probate court judge in the applicant’s county of domicile.<sup>50</sup> In 2010, Georgia [loosened its eligibility requirements for licenses](#). Now, licenses will not be issued to any person:

- Under 21 years of age;
- Who has been convicted of a felony and has not been pardoned;
- Against whom proceedings are pending for a felony;
- Who is a fugitive from justice;
- Who is prohibited from possessing a firearm pursuant to federal law;
- Who was convicted of an offense arising out of the unlawful manufacture or distribution of a controlled substance or other dangerous drug;
- Who has had his or her weapons carry license revoked;
- Who was, during the five years immediately preceding the application, under restraint or supervision resulting from a conviction for (1) pointing a gun or pistol at another; (2) carrying a weapons without a weapons carry license; (3) carrying a weapon in an unauthorized location; or (4) use or possession of a controlled substance;

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<sup>48</sup> Ga. Code Ann. §§ 16-11-125.1(5), 16-11-126.

<sup>49</sup> Ga. Code Ann. § 16-11-129(d)(4).

<sup>50</sup> Ga. Code Ann. § 16-11-129(a).

- Who has been hospitalized as an inpatient in a mental hospital or alcohol or drug treatment center within the five years preceding the application, although the judge retains discretion to issue a license to the individual in some circumstances.<sup>51</sup>

However, a person convicted of any drug offense may nevertheless be issued a license if first offender treatment without adjudication of guilt was entered and the sentence successfully completed and the person has not had any other conviction since that time and for at least five years preceding the application.<sup>52</sup>

For purposes of these prohibitions, “convicted” means a plea of guilty, a finding of guilt, or the acceptance of a plea of nolo contendere.<sup>53</sup>

### **Firearm Safety Training**

Georgia does not require applicants to undergo firearm safety training or otherwise demonstrate competence with a firearm.

### **Duration & Renewal**

Georgia “weapons carry” licenses are valid for five years.<sup>54</sup> Renewal licenses are also valid for five-year periods, and are subject to the same requirements as an original license.<sup>55</sup> If less than 90 days remain before expiration of a license or the license expired within the last 30 days, the license holder may apply for a temporary renewal license, which expires in 90 days.<sup>56</sup>

### **Disclosure or Use of Information**

The Georgia rules governing the inspection of public records do not apply to any application submitted to or any permanent records maintained by a probate court judge relating to “weapons carry” licenses, or pursuant to any other requirement for maintaining records relative to the possession of firearms.<sup>57</sup> Law enforcement agencies may obtain records relating to licensing and possession of firearms as provided by law.<sup>58</sup>

In addition, license application forms must “be designed to elicit information from the applicant pertinent to his or her eligibility” for a license, and shall not “require data which is nonpertinent or irrelevant such as serial numbers or other identification capable of being used as a de facto registration of firearms owned by the applicant.”<sup>59</sup>

### **Reciprocity**

Georgia law allows a person licensed to carry a handgun or weapon in another state whose laws recognize and give effect to a Georgia weapons carry license to carry a handgun in

<sup>51</sup> Ga. Code Ann. § 16-11-129(b)(2).

<sup>52</sup> Ga. Code Ann. § 16-11-129(c)(3).

<sup>53</sup> Ga. Code Ann. § 16-11-129(b)(1)(B).

<sup>54</sup> Ga. Code Ann. § 16-11-129(a).

<sup>55</sup> *Id.*

<sup>56</sup> See Ga. Code Ann. § 16-11-129 for further information related to license renewals.

<sup>57</sup> Ga. Code Ann. § 50-18-72(d)

<sup>58</sup> *Id.*

<sup>59</sup> Ga. Code Ann. § 16-11-129(a).

Georgia, but only while the licensee is not a resident of Georgia.<sup>60</sup> The licensee must carry the handgun in compliance with Georgia laws.<sup>61</sup>

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<sup>60</sup> Ga. Code Ann. § 16-11-126(e).

<sup>61</sup> *Id.*

## Open Carrying in Georgia

Georgia allows any person to openly carry a handgun if the person has a “weapons carry” license.<sup>62</sup> Georgia also allows any person to openly carry a long gun.<sup>63</sup> In fact, if a long gun is carried while it is loaded, it must be carried openly.<sup>64</sup>

*For a comprehensive discussion of this issue, see [LCAV's policy page on the Open Carrying of Firearms in Public](#).*

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<sup>62</sup> Ga. Code Ann. §§ 16-11-125.1(5), 16-11-126(c), (h)(1).

<sup>63</sup> Ga. Code Ann. § 16-11-126(b).

<sup>64</sup> *Id.*

## Location Restrictions

### Guns in Vehicles in Georgia

Georgia allows anyone who is not prohibited from possessing firearms to have or carry a firearm on his or her person inside his or her motor vehicle.<sup>65</sup> Georgia also allows anyone who is eligible for a “weapons carry” license to transport a firearm in a passenger motor vehicle - even if he or she doesn’t actually have a license.<sup>66</sup> A private property owner or person in legal control of property through a lease, rental agreement, licensing agreement, contract, or any other agreement to control access to such property has the right to forbid possession of a firearm on the property.<sup>67</sup>

However, Georgia prohibits an employer from conditioning employment on the prospective employee’s agreement that he or she will not enter the parking lot when his or her motor vehicle contains a firearm that is locked out of sight within the trunk, glove box, or other enclosed compartment or area of the motor vehicle, provided that the employee possesses a Georgia “weapons carry” license.<sup>68</sup> This provision does not apply to an employer providing a secure parking area not accessible to the general public, or to an area used for parking on a temporary basis, among other exceptions.<sup>69</sup> In addition, this provision does not restrict the rights of private property owners or persons in legal control of property, and when a private property owner or person in legal control of property is also an employer, his or her rights as a private property owner or person in legal control of property govern.<sup>70</sup>

Georgia generally prohibits anyone from boarding or attempting to board any aircraft, bus or rail vehicle with a firearm.<sup>71</sup> However, [a law Georgia enacted in 2010](#) allows the holder of a Georgia “weapons carry” license to carry a firearm in these locations.<sup>72</sup> The law also allows a license holder to possess a firearm in a motor vehicle parked in a parking facility of a government entity, courthouse, jail, prison, place of worship, or bar, so long as the firearm is in the locked compartment of the vehicle, or in a locked container in or a locked firearms rack on the vehicle.<sup>73</sup>

Regarding guns in motor vehicles in wildlife management areas, see the section entitled [Other Location Restrictions in Georgia](#), below.

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<sup>65</sup> Ga. Code Ann. § 16-11-126(a).

<sup>66</sup> Ga. Code Ann. § 16-11-126(d).

<sup>67</sup> *Id.*

<sup>68</sup> Ga. Code Ann. § 16-11-135(a).

<sup>69</sup> Ga. Code Ann. § 16-11-135(d).

<sup>70</sup> Ga. Code Ann. § 16-11-135(k).

<sup>71</sup> Ga. Code Ann. §§ 16-12-123(b), 16-12-127.

<sup>72</sup> *Id.*

<sup>73</sup> Ga. Code Ann. § 16-11-127(a)(5), (d)(3).

## Guns in Schools in Georgia

Georgia law bars any person (including the holder of a ["weapons carry" license](#)) from carrying, possessing or having under the person's control any firearm 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.<sup>74</sup> Among other exceptions, this prohibition does not apply to:

- An instrument used for classroom work authorized by the teacher;
- Participants in organized sports shooting events or firearms training courses;
- A person authorized in writing by a school official to have in his or her possession or use the firearm as part of an activity conducted at a school building, school property, or school function;
- A holder of a weapons carry license who is carrying or picking up a student or on a bus or other school-furnished transportation;
- A holder of a weapons carry license when he or she has a weapon legally kept within a vehicle parked at the school property or is in transit through a designated school zone;
- A handgun under the control of a weapons carry license holder in a locked compartment, container or firearms rack in or on a motor vehicle being used by a non-student adult over 21 to bring or pick up a student or on school-furnished transportation, or to transport someone to an activity being conducted on school property authorized by a school official; or
- A person residing or transacting lawful business or visiting such resident located within a school safety zone but outside a school building, school property, a school function, or school-furnished transportation.<sup>75</sup>

See [LCAV's policy page on Guns in Schools](#) for further information.

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<sup>74</sup> Ga. Code Ann. § 16-11-127.1(b).

<sup>75</sup> Ga. Code Ann. § 16-11-127.1(a)(2), (c), (d)(1). Regarding the suspension or expulsion of students who have carried a firearm in school, see Ga. Code Ann. §§ 20-2-751.1(a), 20-2-751(4).

## Other Location Restrictions in Georgia

Georgia law prohibits anyone from carrying a firearm:

- In a government building, courthouse, jail, prison, place of worship;
- In a state mental health facility that admits individuals on an involuntary basis for treatment of mental illness, developmental disability; or addictive disease;
- In a bar, unless the owner of the bar permits the carrying of firearms by license holders; or
- Within 150 feet of any polling place.<sup>76</sup>

These location restrictions do not apply, however, to a firearm possessed by a ["weapon carry" license](#) holder if the firearm is under the license holder's control in a motor vehicle or is in a locked compartment, container, or firearms rack in or on a motor vehicle parked in parking facility.<sup>77</sup>

[A law Georgia enacted in 2010](#) repealed several stronger restrictions, including a provision prohibiting a license holder from consuming alcoholic beverages in a restaurant or other eating establishment while carrying a firearm, and a provision prohibiting the carrying of firearms at "public gatherings" defined to include athletic and sporting events and political rallies and functions.

Georgia prohibits any person (including the holder of a weapons carry license) from carrying, possessing or having under his or her control a firearm while on the premises of a nuclear power facility.<sup>78</sup>

In addition, private property owners and persons in legal control of property through a lease, rental agreement, licensing agreement, contract or other agreement to control access to property generally have the right to forbid possession of a firearm on their property.<sup>79</sup>

Firearms are generally prohibited in all parks, historic sites, and recreational areas.<sup>80</sup> However, a person with a valid "weapons carry" license may carry a handgun in these locations, including in all publicly owned buildings located in such parks, historic sites and recreational areas, and in wildlife management areas, and on public transportation, but may not carry a handgun into a place where it is prohibited by federal law.<sup>81</sup>

In addition, regarding wildlife management areas and public fishing areas, Georgia prohibits the possession of:

- A firearm, other than a handgun, during a closed hunting season for that area unless such firearm is unloaded and stored in a motor vehicle so as not to be readily accessible

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<sup>76</sup> Ga. Code Ann. §§ 16-11-127(b) 21-2-413(i).

<sup>77</sup> Ga. Code Ann. § 16-11-127(d)(3).

<sup>78</sup> Ga. Code Ann. § 16-11-127.2.

<sup>79</sup> Ga. Code Ann. § 16-11-127(c).

<sup>80</sup> Ga. Code Ann. § 12-3-10(o)(3).

<sup>81</sup> Ga. Code Ann. §§ 12-3-10(o), 16-11-126(g).

- A handgun during a closed hunting season for that area unless such person possesses a valid weapons carry license;
- A loaded firearm other than a handgun, in a motor vehicle during a legal open hunting season for that area; or
- A loaded handgun in a motor vehicle during a legal open hunting season for that area unless such person possesses a valid weapons carry license.<sup>82</sup>

Similarly, [the 2010 Georgia law](#) generally prohibits anyone from having a firearm on or about one's person in the terminal of an airport, unless the person has a "weapons carry" license. However, even license holders may not carry a firearm where prohibited by federal law.<sup>83</sup>

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<sup>82</sup> Ga. Code Ann. §§ 27-3-1.1, 27-4-11.1.

<sup>83</sup> Ga. Code Ann. §§ 16-12-122, 16-12-127.

## **Consumer & Child Safety**

### **Georgia Design Safety Standards for Handguns**

Georgia does not regulate junk guns or unsafe firearms. See [Regulating Guns in America: Design Safety Standards for Handguns](#) for a comprehensive discussion of this issue.

## Locking Devices in Georgia

In 2006, Georgia created the [Suicide Prevention Program](#) to be managed by the injury prevention section of the Division of Public Health of the Georgia Department of Human Resources. As part of that law, Georgia recognized that, "In Georgia, three out of four suicide deaths involve a firearm." The law requires the injury prevention section to, among other things, "Work with public officials to improve firearm safety."<sup>84</sup>

Nevertheless, Georgia law does not require a locking device to accompany the sale of a firearm (although the [federal law](#) applies). Georgia law also does not generally require firearm owners to lock their weapons. State administrative regulations may govern the secure control of firearms in certain locations.

See [Regulating Guns in America: Locking Devices](#) for a comprehensive discussion of this issue.

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<sup>84</sup> Ga. Code Ann. § 37-1-27 (formerly § 31-2-9).

## **Personalized / Owner-Authorized Firearms in Georgia**

Georgia does not require firearms to be personalized. See [\*Regulating Guns in America: Personalized Firearms\*](#) for a comprehensive discussion of this issue.

## Georgia Child Access Prevention

Georgia prohibits parents and legal guardians from allowing persons under age 18 to possess a handgun.<sup>85</sup> A parent or legal guardian of a minor is criminally liable if he or she knows of the minor's unlawful possession of a handgun and fails to make reasonable efforts to prevent it.<sup>86</sup>

A separate provision of Georgia law prohibits any parent or legal guardian from intentionally, knowingly, or recklessly furnishing, or permitting a minor to possess, a handgun, if the parent or legal guardian is aware of a substantial risk that the minor will use the handgun to commit a felony.<sup>87</sup> This criminal liability also attaches if the parent or legal guardian, who is aware of a substantial risk that the minor will use the handgun to commit a felony, fails to make reasonable efforts to prevent commission of the offense by the minor.<sup>88</sup>

A parent or legal guardian is also criminally liable if he or she furnishes a handgun to, or permits possession of a handgun by, any minor who has been convicted of a forcible felony or forcible misdemeanor, or who has been adjudicated delinquent for an offense which would constitute a forcible felony or forcible misdemeanor if such minor were an adult.<sup>89</sup>

Georgia law does not penalize a person who negligently stores a firearm, even if a minor gains access to it.

See [Regulating Guns in America: Child Access Prevention](#) for a comprehensive discussion of this issue.

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<sup>85</sup> Ga. Code Ann. §§ 16-11-101.1(c)(1), 16-11-132.

<sup>86</sup> Ga. Code Ann. §§ 16-11-101.1(c)(1). These provisions do not apply to a minor:

- Attending a hunter education course or a firearms safety course;
- Engaging in practice in the use of a firearm or target shooting at an established range authorized by the governing body of the jurisdiction where such range is located;
- 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. § 501(c)(3) which uses firearms as a part of such performance;
- Hunting or fishing pursuant to a valid license if such person has in his or her possession 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;
- Traveling to or from any of the aforementioned activities, if the pistol or revolver is not loaded;
- Who is on his or her parent's, legal guardian's, or grandparent's real property and who has the permission of his or her parent, legal guardian, or grandparent to possess the handgun; or
- At his or her residence and possesses a handgun while exercising rights authorized in Ga. Code Ann. §§ 16-3-21 or 16-3-23 (provisions regarding the justified use of force against another) with the permission of his or her parent or legal guardian.

Ga. Code Ann. § 16-11-132(c).

<sup>87</sup> Ga. Code Ann. § 16-11-101.1(c)(2).

<sup>88</sup> *Id.*

<sup>89</sup> Ga. Code Ann. § 16-11-101.1(c)(3).

## **Classes of Weapons / Ammunition**

### **Assault Weapons in Georgia**

Georgia law does not regulate or prohibit the sale or possession of assault weapons. See [Regulating Guns in America: Assault Weapons](#) for a comprehensive discussion of this issue.

## **Large Capacity Ammunition Magazines in Georgia**

Georgia does not regulate or prohibit the sale or possession of large capacity magazines. See [Regulating Guns in America: Large Capacity Ammunition Magazines](#) for a comprehensive discussion of this issue.

## **Fifty Caliber Rifles in Georgia**

Georgia does not regulate or prohibit the sale or possession of fifty caliber rifles. Georgia has no law restricting fifty caliber rifles. See [Regulating Guns in America: Fifty Caliber Rifles](#) for a comprehensive discussion of this issue.

## **Machine Guns/Automatic Firearms in Georgia**

Georgia generally allows possession of a machine gun if it is registered as required by federal law.<sup>90</sup> Federal law generally allows private citizens to possess machine guns manufactured prior to May 19, 1986 so long as they are registered.

See [LCAV's policy page on Machine Guns](#) for further information.

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<sup>90</sup> Ga. Code Ann. §§ 16-11-122 – 16-11-123, 16-11-124(d).

## Non-Powder Guns in Georgia

Georgia law makes it unlawful for any person to use or possess in any park, historic site, or recreational area air rifles or other device which discharges projectiles by any means, unless the device is unloaded and stored so as not to be readily accessible or unless such use has been approved within restricted areas by prior written permission of the commissioner of natural resources or his or her authorized representative.<sup>91</sup>

Georgia has no other laws regulating non-powder guns. See [Regulating Guns in America: Non-Powder Guns](#) for a comprehensive discussion of this issue.

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<sup>91</sup> Ga. Code Ann. § 12-3-10(o)(4).

## **Ammunition Regulation in Georgia**

Georgia law does not significantly regulate the sale, transfer, purchase or possession of ammunition in any way. Furthermore, Georgia law limits local regulation of ammunition. See [Local Authority to Regulation Firearms \(and Ammunition\) in Georgia](#) for further information.

See [Regulating Guns in America: Ammunition Regulation](#) for a comprehensive discussion of this issue.

## **Investigating Gun Crimes**

### **Georgia Microstamping/Ballistic Identification**

Georgia has no laws regarding firearm microstamping or ballistic identification.

See [Regulating Guns in America: Ballistic Identification](#) for a comprehensive discussion of this issue.

## Firearms Trafficking in Georgia

See [LCAV's policy page on Firearms Trafficking](#) for further information on this topic.

Federal law requires federally licensed firearms dealers to conduct a background check on all firearm purchasers using the National Instant Criminal Background Check System. Georgia law incorporates this requirement.<sup>92</sup>

Georgia law prohibits anyone from attempting to solicit, persuade, encourage, or entice any dealer to transfer or otherwise convey a firearm other than to the actual buyer.<sup>93</sup>

Georgia law also penalizes anyone who buys, sells, receives, disposes of, conceals, or has in his or her possession a firearm from which he or she knows the manufacturer's serial number, or any other distinguishing number or identification mark has been removed for the purpose of concealing or destroying the firearm's identity.<sup>94</sup>

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<sup>92</sup> Ga. Code Ann. §§ 16-11-171, 16-11-172.

<sup>93</sup> Ga. Code Ann. § 16-11-113.

<sup>94</sup> Ga. Code Ann. § 16-9-70(a).

## **Georgia State Links**

[Bureau of Alcohol, Tobacco, Firearms and Explosives, Atlanta Field Division \(GA\)](#)

[Georgians for Gun Safety](#)

[Office of the Attorney General of Georgia](#)