The sale and possession of firearms is regulated by both federal and state laws. Federal law, among other things, regulates the licensing and oversight of firearms manufacturers and dealers, prohibits certain individuals from purchasing and possessing firearms, and requires gun dealers to conduct background checks before completing gun sales. Many states have enacted additional laws intended to supplement federal regulation of firearms, including prohibiting additional categories of individuals from possessing firearms, regulating where and how individuals may carry firearms in public places, restricting or banning certain types of firearms and accessories, and requiring background checks for additional types of gun sales, including sales by private sellers at gun shows or on the Internet. Many states also enact laws that mirror the federal law to enable local law enforcement and prosecutors to enforce these laws in state courts.

### GEORGIA FIREARMS LAWS

<table>
<thead>
<tr>
<th>PROHIBITED PURCHASERS</th>
<th>DOMESTIC VIOLENCE AND FIREARMS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Federal law</strong> prohibits the sale of firearms to several categories of people including convicted felons, minors, individuals with a history of drug use or mental illness, and certain domestic violence perpetrators.</td>
<td><strong>Federal law</strong> prohibits any person who has been convicted of a domestic violence misdemeanor or who is subject to a domestic violence protective order from possessing firearms or ammunition.¹⁴</td>
</tr>
<tr>
<td><strong>Georgia law</strong> does not exceed federal law in this area. Georgia prohibits anyone who is on probation or has been convicted of certain felonies from purchasing or possessing a firearm.¹ Georgia has also enacted a law that mirrors the federal law prohibiting anyone under 18 from purchasing or possessing a handgun.</td>
<td><strong>Georgia law</strong> does not exceed or even mirror federal law in the area of domestic violence and firearms. In addition, the state does not explicitly require domestic violence perpetrators who are prohibited by federal law from possessing firearms to surrender their firearms to law enforcement.</td>
</tr>
<tr>
<td><strong>Other states</strong> have enacted numerous laws that are much stronger than Georgia law in this area. For example, 23 states and D.C. prohibit certain misdemeanants from possessing firearms.²² Twenty-seven states prohibit persons with certain juvenile convictions from purchasing or possessing firearms.²³</td>
<td><strong>Other states</strong> exceed federal law in this area. Thirty states have laws that are stronger than federal law prohibiting domestic violence perpetrators from purchasing or possessing firearms.³¹</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PRIVATE SALE BACKGROUND CHECKS</th>
<th>WAITING PERIODS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Background checks identify and prevent persons who are ineligible to purchase firearms under federal or state law from obtaining them.</td>
<td>Waiting periods give law enforcement officials sufficient time to perform background checks and provide a “cooling off” period to help guard against impulsive acts of violence.</td>
</tr>
<tr>
<td><strong>Federal law</strong> requires federally licensed firearms dealers to perform background checks on prospective firearms purchasers.³² Federal law does not require a background check when a firearm is sold by someone who is not a licensed dealer.</td>
<td><strong>Federal law</strong> does not require a waiting period. If the FBI is unable to complete a background check within three business days, the dealer may complete the transfer by default.³³</td>
</tr>
<tr>
<td><strong>Georgia law</strong> does not require a background check on the purchaser of a firearm when the seller is not a licensed dealer.</td>
<td><strong>Georgia law</strong> does not require a waiting period.</td>
</tr>
<tr>
<td><strong>Other states</strong> exceed federal law in this area. Eight states and D.C. require private sale background checks on some or all firearms purchases.³⁶ Four of these states (Connecticut, Colorado, Delaware and New York) enacted or strengthened existing laws requiring private sale background checks in 2013.</td>
<td><strong>Other states</strong> require waiting periods. Eleven states and the District of Columbia currently have waiting periods that apply to the purchase of some or all firearms.³⁷</td>
</tr>
</tbody>
</table>
## Assault Weapons

Assault weapons are designed with military features to allow rapid and accurate spray firing to kill people quickly and efficiently.

**Federal law** does not ban assault weapons. A federal assault weapons ban was in effect between 1994 and 2004 that prohibited manufacture, transfer, and possession of assault weapons. However, when the law expired in 2004, Congress did not renew the ban.

**Georgia law** does not ban assault weapons.

**Other states** require licensing of gun owners and/or purchasers. Eleven states require licenses to possess and or permits to purchase some or all firearms.

## Large Capacity Ammunition Magazines

Due to their ability to hold so many rounds of ammunition, large capacity magazines significantly increase the lethality of the automatic and semi-automatic firearms and are often used in mass shootings.

**Federal law** does not prohibit the sale or possession of large capacity ammunition magazines. A federal ban on the possession and sale of large capacity magazines was in effect between 1994 and 2004. However, when the ban expired in 2004, Congress did not renew the law.

**Georgia law** does not prohibit the sale or possession of large capacity ammunition magazines.

**Other states** require reporting of lost or stolen firearms. Nine states and D.C. require some or all firearms owners to report the loss or theft of their firearms to law enforcement. Two of these states (Delaware and Maryland) enacted these laws in 2013.

---

5. 18 U.S.C. § 922(g)(8), (9).
7. 18 U.S.C. § 922(s).
Historically, most states either prohibited or severely limited the carrying of firearms in public. Over the past three decades, however, state laws have changed dramatically. In that time, many states have weakened their laws to permit more people to carry guns in public places with fewer restrictions and have reduced or eliminated the authority of local law enforcement to deny permits to potentially dangerous individuals.

**WEAPONS CARRY LICENSE:**

All but four states require that individuals receive a license or permit before carrying a firearm in public. States generally take two approaches to issuing licenses to carry firearms in public places. In “Shall issue” states, authorities are required to issue a license to carry firearms to any individual who meets the minimum statutory requirements, regardless of whether there is anything in that person’s history that would suggest that they may pose a danger to the community. In “May issue” states, authorities are given the discretion to grant or deny a permit to an individual who meets minimum requirements based on other factors, such as history of violence or proven necessity for carrying a firearm.

Georgia is a “shall issue” state. Any person seeking a permit to carry a firearm in public must be granted one unless they:

- Are under 21 years of age
- Have been convicted of a felony or are the subject of pending felony proceedings
- Are a fugitive from justice
- Are prohibited from firearm possession under federal law
- Have been convicted of a drug manufacture or distribution offense
- Have had a weapons carry license revoked
- Have been convicted of certain firearms offenses within the preceding five years
- Have been hospitalized in mental health or drug treatment center within the preceding five years

Ten states (California, Connecticut, Delaware, Hawaii, Iowa, Maryland, Massachusetts, New Jersey, New York, and Rhode Island) and the District of Columbia are “may issue” states. The four states that allow a person to carry a firearm in public without a permit are Alaska, Arizona, Vermont, and Wyoming. The remaining states are shall issue states.

**WHO CAN CARRY GUNS IN PUBLIC?**

In 2010, Georgia significantly weakened its laws governing who may carry firearms in public. In addition to individuals who have obtained the weapons carry license described above (who may carry a handgun either openly or concealed) Georgia now allows the carrying of a firearm by any person who:

- Is on his or her property or inside his or her home, motor vehicle, or place of business;
- Is carrying a long gun (shotgun or rifle), 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; or
- Has a valid hunting or fishing license, or who is otherwise legally engaged in hunting or fishing or sport shooting.
SAFETY TRAINING

Georgia does not require applicants to undergo firearm safety training prior to obtaining a weapons carry license. Eighteen states require safety training as a prerequisite to obtaining a license to carry firearms in public.\(^{\text{II}}\)

RECIROCITY

Georgia allows a person licensed to carry a handgun in another state whose laws recognize a Georgia weapons carry license to carry a handgun in Georgia, but only while the licensee is not a resident of Georgia and as long as it is carried in compliance with Georgia law.\(^{\text{III}}\)

GUNS IN VEHICLES

Georgia allows anyone who is eligible for a weapons carry license to transport a firearm in a motor vehicle, even if he or she does not actually have a weapons carry license\(^{\text{IV}}\). An employer may not prohibit an employee from storing a firearm in his or her vehicle in the employer’s parking area so long as the employee has a weapons carry license and the firearm is locked and out of sight.\(^{\text{V}}\) Weapons carry license holders may also carry a firearm on an airplane, bus or rail vehicle unless prohibited by federal law.\(^{\text{VI}}\) Licensees may 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.\(^{\text{VII}}\)

GUNS IN SCHOOLS

Georgia law bars any person from carrying or possessing any firearm while within a school safety zone or on a school bus.\(^{\text{VIII}}\) However, there are several exceptions including participants in organized shooting events, a holder of a weapons carry license who is picking up a student, and a holder of a weapons carry license when he or she has a weapon legally kept within a vehicle parked at the school property.\(^{\text{IX}}\)

OTHER LOCATION RESTRICTIONS

Georgia law generally prohibits anyone from carrying a firearm in a government building, courthouse, jail, prison, place of worship, a state mental health facility that admits individuals on an involuntary basis, in a bar or within 150 feet of a polling place.\(^{\text{x}}\)

\(^{\text{II}}\) California, Connecticut, Delaware, Hawaii, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, North Carolina, Oregon, Rhode Island, South Carolina, Texas and Utah.
\(^{\text{VI}}\) Ga. Code Ann. §§ 16-12-123(b), 16-12-127.
\(^{\text{x}}\) Ga. Code Ann. §§ 16-11-127(b) 21-2-413(i).
WHAT WOULD IT DO?
Senate Bill 101 would change Georgia firearms laws in three ways. If enacted, the bill would:

- Weaken existing law regulating where weapons carry license holders may carry loaded firearms.
- Weaken current standards that must be met to obtain a weapons carry license.
- Strengthen current laws that restrict persons with certain mental health and criminal histories from obtaining a weapons carry license.

WHERE WOULD IT ALLOW WEAPONS TO BE CARRIED?
Senate Bill 101 would change the law regulating where weapons may be carried in:

- K-12 schools, colleges, and university campuses and other post-secondary institutions
- Houses of Worship
- Government Buildings
- Airport Terminals

WOULD THE BILL ALLOW GUNS IN SCHOOLS?
Current law allows a school official to authorize in writing that a person may possess a firearm or use a firearm on school property as part of a school activity.

SB 101 would expand this provision by allowing a K-12, postsecondary school, or local board of education, to authorize a weapons carry licensee to carry in a school safety zone, at a school function or on a bus or other school furnished transportation.

A local board of education could also authorize school personnel to carry a firearm. The board would have to require training, provide an approved list of weapons and ammunition, and not authorize personnel with a history of mental or emotional instability to carry firearms. In addition, personnel would have to carry firearms holstered on the body or in a locked safe.

WOULD THE BILL ALLOW GUNS ON CAMPUS?
Under current law, a person may possess a firearm, or use a firearm in connection with a school activity, on the grounds of, or in buildings owned or leased by, a public or private college, university or other institution of postsecondary education only if he or she has permission of a duly authorized school official.

If SB 101 were enacted, a weapons carry licensee would not need permission to carry in these places with the exception of any property or buildings used for athletic sporting events or student housing (including fraternity and sorority houses). For these areas, the president of an institution would need to establish a policy allowing licensees to carry firearms.

FOR MORE INFORMATION, VISIT OUR WEBSITE SMARTGUNLAWS.ORG OR CALL OUR OFFICE AT 415.433.2062
WHAT ABOUT GUNS IN OTHER LOCATIONS?

Current law prohibits any person, including a weapons carry licensee, from bringing a firearm into a **house of worship**. SB 101 would allow licensees to carry firearms in houses of worship if permitted by the administrative board of the house of worship.

Current law prohibits any person from carrying a firearm into a **government building**. SB 101 would allow licensees to carry weapons into government buildings that do not have security personnel screening entrants during the hours the building is open to the public.

Under current law, it is a felony for a person to carry a firearm into an airport terminal without also holding a weapons carry license. SB 101 would make it a misdemeanor to carry a firearm (regardless of whether the person is holding a license), in an airport terminal in any area beyond security screening checkpoints. The bill provides that this restriction does not apply to an airport drive, parking areas, walkways or shops and other areas of the terminal open to unscreened passengers. SB 101 does not repeal Georgia’s current law making it a felony to carry without a license in an airport terminal and it is unclear how the new provision is intended to interact with current law.

HOW WOULD THE BILL WEAKEN WEAPONS CARRY LICENSE REQUIREMENTS?

Current law requires an applicant for a weapons license to be denied if he or she:

- Has had his or her license revoked in the past;
- Has been found guilty of carrying a weapon in an unauthorized location in the last five years;
- Has been convicted of certain misdemeanors involving controlled substance and had a second controlled substance conviction or certain other convictions within five years; and
- Has been convicted of intentionally pointing a gun at a person without legal justification.

SB 101 would make the first three applicants eligible for a license if three years had passed since the disqualifying even took place. The bill would completely remove the last item as a disqualifying event. The bill would also remove the requirement that an applicant for a renewal weapons carry license be fingerprinted.

WHAT ELSE WOULD THE BILL DO?

SB 101 would prohibit applicants with certain mental health and criminal histories from obtaining a weapons carry license. While current law prohibits an applicant who has been an inpatient in a mental hospital or drug or alcohol treatment center within the past 5 years, the new law would instead prohibit an applicant who:

- Has had any involuntary treatment within the last five years;
- Has been adjudicated mentally incompetent to stand trial;
- Has been adjudicated not guilty by reason of insanity;
- Is registered on the state sexual offender registry; and
- Has had a guardian or conservator appointed to represent him or her as a result of a mental illness or alcohol or drug dependency.

SB 101 would also require records regarding involuntary treatment, and defendants adjudicated mentally incompetent to stand trial or found not guilty by reason of insanity to be sent to state databases which would be checked prior to the issuance of a weapons carry license.

FOR MORE INFORMATION, VISIT OUR WEBSITE SMARTGUNLAWS.ORG OR CALL OUR OFFICE AT 415.433.2062