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SB 319: Chairman John Meadows Act

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CRIMES AND OFFENSES

Offenses Against Public Order and Safety: Amend Article 1 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, Relating to General Provisions Regarding Parks, Historic Areas, Memorials, and Recreation, so as to Revise Provisions of Law Regarding the Use or Possession of Any Handgun in a Park, Historic Site, or Recreational Area; Amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, Relating to Carrying and Possession of Firearms, so as to Provide a Definition; Revise Provisions of Law Regarding the Carrying of Firearms; Provide for Applications for a Weapon Carry License or Renewal of Such License; Amend Part 2 of Article 4 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, Relating to Transportation Passenger Safety, so as to Revise Provisions of Law Regarding the Carrying of Firearms; Amend Title 27 of the Official Code of Georgia Annotated, Relating to Game and Fish, so as to Revise Certain Laws Regarding the Carrying of Firearms; Amend Part 2 of Article 10 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, Relating to Parking for Persons with Disabilities, so as to Revise Certain Laws Regarding the Carrying of Firearms; Provide for a Short Title; Provide for Legislative Findings; Provide for Related Matters; Provide for an Effective Date; Repeal Conflicting Laws; and for Other Purposes

CODE SECTIONS:	O.C.G.A. §§ 12-3-10 (amended); 16-11-125.1, -126, -127, -127.1, -129, -130, -135, -137 (amended); 16-12-123, -127 (amended); 27-3-1.1, -6 (amended); 27-4-11.1 (amended); 40-6-228 (amended)
BILL NUMBER:	SB 319
ACT NUMBER:	596
GEORGIA LAWS:	2022 Ga. Laws 74
EFFECTIVE DATE:	April 12, 2022
SUMMARY:	This Act removes the requirement to obtain a weapons carry license to carry

concealed weapons in public spaces. The Act makes it lawful to carry a firearm in public so long as the individual is eligible for a license, has a license, or has a license in different state, and is not prohibited by law from possessing a firearm. Additionally, the Act applies the new licensing standard to provisions regarding the use or possession of a firearm in a park, historic site, or recreational area; courthouses, government buildings, and parking lots; at schools; by service members of the armed forces; on public transportation; wildlife management areas; and public fishing areas.

History

Before Senate Bill (SB) 319's enactment, gun owners needed a state license to legally carry their firearms in public.¹ The licensing process involved filing an application with a probate judge, completing a background check, and paying a \$75.00 fee.² Applicants could expect to receive their weapons carry licenses within thirty-five days of submitting their applications.³ Because retail gun stores already ran background checks on Georgia residents who purchased guns, lawmakers started viewing the license requirement as "an unnecessary burden" on law-abiding citizens.⁴ Those who supported eliminating

1. Doug Richards, *Kemp Looks Forward to Signing Bill that Eliminates Requirement for Gun Permit*, 11ALIVE, <https://www.11alive.com/article/news/politics/senate-bill-313/85-acbd1965-c750-4145-9d7b-9c18c7993d44> [<https://perma.cc/X4YJ-XK2K>] (Apr. 12, 2022, 3:56 PM).

2. *Id.*

3. O.C.G.A. § 16-11-129(d) (2021) (The statutory deadline is a maximum of thirty-five days: five days for the probate judge to acknowledge receipt of the application, twenty days for the law enforcement agency to report findings of the background check, and ten days for the probate judge to issue a license or renewal).

4. Video Recording of Senate Proceedings at 1 hr., 17 min., 15 sec. (Feb. 28, 2022) [hereinafter Senate Proceedings Video] (remarks by Sen. Jason Anavitarte (R-31st)), <https://www.youtube.com/watch?v=eWzYtEIBU9Y> [<https://perma.cc/S2LA-8HKA>]; Nyamekye Daniel, *Georgia Senate Approves Constitutional Carry, Firearm Deregulation Bills*, CTR. SQUARE (Feb. 28,

the license requirement believed that it created an obstacle for citizens looking to use their firearms for self-defense because they had to wait for additional permission from the state government before carrying their guns in public.⁵

During the final debate in the Georgia House of Representatives over SB 319, Representative Bonnie Rich (R-97th) shared a personal story highlighting safety concerns associated with the license requirement.⁶ In 2008, Representative Rich and her family faced harassment from a convicted child molester who was set to be released from prison.⁷ Representative Rich purchased a gun but was unable to obtain her carry permit before the harasser got out of prison, thus forcing her to stay home with her children because she lacked the license necessary to defend her family in public.⁸ Senator Jason Anavitate (R-31st) cited similar safety considerations as the reason for introducing SB 319 in the 2021–2022 legislative session, stating that law-abiding gun owners should not have to endure slow and unnecessary processes before obtaining a carry permit.⁹ This “constitutional carry” bill would eliminate the license requirement for any Georgia resident who is a “lawful weapons carrier.”¹⁰

SB 319 went into effect upon being signed into law on April 12, 2022.¹¹ Georgia, a “shall issue” state, allows anyone who qualifies as a “lawful weapons carrier” to immediately carry their handguns in public.¹² In a “shall issue” state, as opposed to a “may issue” state, “as long as an applicant passes the basic requirements set out by state law,

2022), https://www.thecentersquare.com/georgia/georgia-senate-approves-constitutional-carry-firearm-deregulation-bills/article_8bddc2b6-98cd-11ec-9d11-0b20445c5266.html [https://perma.cc/AV33-KK72].

5. *Id.*

6. Video Recording of House Proceedings at 1 hr., 43 min., 27 sec. (Mar. 30, 2022) [hereinafter House Proceedings Video] (remarks by Rep. Bonnie Rich (R-97th)), https://www.youtube.com/watch?v=zVsR_5EYQbA&t=2332s [https://perma.cc/ZXF5-5C7A]; Riley Bunch, *Georgia Lawmakers Pass Permitless Carry Legislation. Kemp Promises to Promptly Sign*, GPB NEWS (Apr. 1, 2022, 2:44 PM), <https://www.gpb.org/news/2022/04/01/georgia-lawmakers-pass-permitless-carry-legislation-kemp-promises-promptly-sign> [https://perma.cc/2CYN-CSC9].

7. House Proceedings Video, *supra* note 6, at 1 hr., 44 min., 30 sec.

8. *Id.*

9. Senate Proceedings Video, *supra* note 4, at 1 hr., 19 min., 27 sec.

10. *Concealed Carry in Georgia*, GIFFORDS L. CTR., <https://giffords.org/lawcenter/state-laws/concealed-carry-in-georgia/> [https://perma.cc/6A4L-273Z] (Apr. 27, 2022).

11. *Id.*; 2022 Ga. Laws 74, § 18, at 86.

12. *Concealed Carry in Georgia*, *supra* note 10.

the issuing authority . . . is compelled to issue a permit.”¹³ In other words, probate judges have little to no discretion and cannot deny a weapons carry application if the applicant meets the minimum qualifications.¹⁴ Even with permitless carry in effect, Georgians may still apply for a carry permit, which is most useful for those who wish to carry their handguns in other states that require a license.¹⁵

Lawmakers opposing the Act argued that permitless carry could allow individuals with a criminal history to carry hidden weapons in public if they purchased those weapons during a private sale.¹⁶ A private sale occurs when an individual purchases a firearm from an unlicensed firearms dealer who does not require a background check.¹⁷ Opponents are concerned about how SB 319 may influence dangerous individuals who carry firearms in public.¹⁸ Lawmakers who support the Act refute the opposition’s claim that permitless carry will worsen gun violence, arguing that violent criminals will likely carry firearms in public regardless of whether licenses are required.¹⁹ Other opponents view SB 319 as a strategic campaign measure intended to satisfy a certain voter base at the expense of making smart gun policy decisions.²⁰ Regardless, SB 319 quickly became “one of this year’s most contentious measures.”²¹

13. *Shall Issue*, U.S. CONCEALED CARRY ASS’N, <https://www.usconcealedcarry.com/resources/terminology/types-of-concealed-carry-licensurepermitting-policies/shall-issue/> [https://perma.cc/7AJF-GZJD].

14. *Id.*

15. *Concealed Carry in Georgia*, *supra* note 10.

16. Lawrence Richard, *Georgia Gov. Signs Major Constitutional Carry Bill into Law*, FOXNEWS.COM (Apr. 13, 2022, 2:23 AM), <https://www.foxnews.com/politics/georgia-gov-signs-major-constitutional-carry-law-into-effect> [https://perma.cc/LF3J-BUUK].

17. *Frequently Asked Questions About Georgia Firearms Laws*, GEORGIA CARRY.ORG, <https://www.georgiacarry.org/cms/georgias-carry-laws-explained/frequently-asked-questions/> [https://perma.cc/R8K8-Q9FT].

18. Bunch, *supra* note 6; Telephone Interview with Sen. Elena Parent (D-42nd) (May 26, 2022) [hereinafter Parent Interview] (on file with the Georgia State Law Review).

19. House Proceedings Video, *supra* note 6, at 1 hr., 44 min., 17 sec.; Senate Proceedings Video, *supra* note 4, at 1 hr., 17 min., 45 sec.

20. Bunch, *supra* note 6.

21. Richards, *supra* note 1.

*Bill Tracking of SB 319**Consideration and Passage by the Senate*

Senator Jason Anavitarte (R-31st) sponsored SB 319 in the Senate with Senator Chuck Payne (R-54th), Senator Bruce Thompson (R-14th), Senator Randy Robertson (R-29th), Senator Billy Hickman (R-4th), Senator Steve Gooch (R-51st), Senator Marty Harbin (R-16th), Senator Carden Summers (R-13th), Senator Lee Anderson (R-24th), Senator Max Burns (R-23rd), Senator Butch Miller (R-49th), Senator Clint Dixon (R-45th), Senator Mike Dugan (R-30th), Senator Frank Ginn (R-47th), Senator Russ Goodman (R-8th), Senator Bo Hatchett (R-50th), Senator Blake Tillery (R-19th), Senator Sheila McNeill (R-3rd), Senator Matt Brass (R-28th), Senator Kay Kirkpatrick (R-32nd), Senator Brandon Beach (R-21st), Senator Dean Burke (R-11th), Senator Greg Dolezal (R-27th), Senator Burt Jones (R-25th), Senator Tyler Harper (R-7th), Senator John Albers (R-56th), Senator Jeff Mullis (R-53rd), Senator John Kennedy (R-18th), Senator Lindsey Tippins (R-37th), Senator Brian Strickland (R-17th), and Senator Larry Walker, III (R-20th).²² The Senate first read the bill on January 10, 2022, and the bill was referred to the Senate Judiciary Committee.²³ The Committee favorably reported the bill as introduced on February 2, 2022.²⁴

The Senate then read the bill for the second time on February 3, 2022.²⁵ On February 28, 2022, the Senate read the bill for the third time and brought it to the floor for debate, where an amendment was introduced by Senator Michelle Au (D-48th), Senator Elena Parent (D-42nd), Senator Gloria Butler (D-55th), Senator Kim Jackson (D-41st), and Senator Jen Jordan (D-6th).²⁶ The amendment proposed requiring a universal background check in all transfers and purchases of

22. Georgia General Assembly, SB 319, Bill Tracking [hereinafter SB 319, Bill Tracking], <https://www.legis.ga.gov/legislation/60797> [<https://perma.cc/5XPT-ZMMN>].

23. *Id.*; State of Georgia Final Composite Status Sheet, SB 319, May 19, 2022.

24. State of Georgia Final Composite Status Sheet, SB 319, May 19, 2022.

25. *Id.*

26. *Id.*; Failed Senate Floor Amendment to SB 319, introduced by Sen. Michelle Au (D-48th), Sen. Elena Parent (D-42nd), Sen. Gloria Butler (D-55th), Sen. Kim Jackson (D-41st), and Sen. Jen Jordan (D-6th), Feb. 28, 2022.

firearms.²⁷ After the Senate debated the amendment, it lost by a vote of 34 to 22.²⁸ The Senate then passed the bill without amendment by a vote of 34 to 22 on February 28, 2022.²⁹

Consideration and Passage by the House

Representative Mandi Ballinger (R-23rd) sponsored the bill in the House.³⁰ The House first read the bill on March 1, 2022.³¹ The House read the bill for the second time on March 3, 2022, and referred the bill to the House Committee on Public Safety and Homeland Security.³²

The Committee favorably reported the bill by substitute on March 25, 2022.³³ In the substitute, the House Committee on Public Safety and Homeland Security offered multiple changes. First, in Section 1, the substitute proposed the bill be known and cited as the Chairman John Meadows Act, rather than the Georgia Constitutional Carry Act of 2021.³⁴ Second, in Section 2, the substitute changed the legislative findings to highlight the United States Constitution's Second Amendment right to keep and bear arms:

(1) The Second Amendment to the United States Constitution recognizes the right of the people to keep and bear arms and that such right shall not be infringed; and

27. Failed Senate Floor Amendment to SB 319, *supra* note 26. A universal background check is a policy in which every sale of a firearm, whether through a licensed firearms dealer or a private transaction, requires a seller to run the buyer's name through a federal database to check for criminal records and mental health history. Michael Martinez, 'Universal Background Check: What Does It Mean?', CNN, <https://www.cnn.com/2013/01/14/us/universal-background-checks/index.html> [https://perma.cc/QA9E-2JWL] (Jan. 28, 2013, 3:00 PM).

28. Georgia Senate Voting Record, SB 319, #564 (Feb. 28, 2022).

29. Georgia Senate Voting Record, SB 319, #565 (Feb. 28, 2022); State of Georgia Final Composite Status Sheet, SB 319, May 19, 2022.

30. SB 319, Bill Tracking, *supra* note 22.

31. State of Georgia Final Composite Status Sheet, SB 319, May 19, 2022.

32. *Id.*; SB 319, Bill Tracking, *supra* note 23.

33. State of Georgia Final Composite Status Sheet, SB 319, May 19, 2022.

34. Compare SB 319 (HCS), § 1, p. 2, l. 19, 2022 Ga. Gen. Assemb., with SB 319, as introduced, § 1, p. 2, l. 18, 2021 Ga. Gen. Assemb. John Meadows was a Georgia State Representative from 2004 until 2018 when he lost his battle with stomach cancer. Mark Niese, *Powerful Georgia House Rules Chairman John Meadows Dies*, ATLANTA J.-CONST. (Nov. 13, 2018), <https://www.ajc.com/news/state—regional-govt—politics/powerful-georgia-house-rules-chairman-john-meadows-dies/G9IX6u41C9uGwXTNvpGggO/> [https://perma.cc/3TQT-UK8M]. Representative Meadows served constituents in House District 5, covering Gordon and Murray Counties, and served as the House Rules Committee chair. *Id.*

(2) The people of this state, to perpetuate the principles of free government, insure justice to all, preserve peace, promote the interest and happiness of the citizen and of the family, and transmit to posterity the enjoyment of liberty, provided that the right of the people to keep and bear arms shall not be infringed but that the General Assembly shall have power to prescribe the manner in which arms may be borne.³⁵

Third, in Section 4, the substitute proposed new language to define a “lawful weapons carrier.”³⁶ As introduced, the bill defined a “lawful weapons carrier” as “any person who is not prohibited from possessing a weapon or long gun.”³⁷ The substitute proposed to define a “lawful weapons carrier” as “any person who is licensed or eligible for a license . . . and who is not otherwise prohibited by law from possessing a weapon or long gun.”³⁸ Additionally, in Section 5, the substitute proposed to keep Code section 16-11-126 in effect to provide for the application and renewal of a weapons carry license.³⁹ The bill, as introduced, repealed Code section 16-11-126 entirely.⁴⁰ Finally, Section 8 of the substitute proposed removal of Code section 16-11-129(2)(B) to eliminate the different lawful carry requirements for service members.⁴¹

On March 30, 2022, after the House read the bill for the third time, it voted not to table the bill.⁴² Following this vote, the House passed and adopted the bill by substitute by a vote of 100 to 67.⁴³ A vote to reconsider failed by a vote of 101 to 65.⁴⁴ Accordingly, the House transmitted the substitute bill to the Senate.

35. *Compare* SB 319 (HCS), § 2, p. 2, ll. 22–28, 2022 Ga. Gen. Assemb., *with* SB 319, as introduced, § 2, p. 2, ll. 21–30, 2021 Ga. Gen. Assemb.

36. SB 319 (HCS), § 4, pp. 3–4, ll. 66–70, 2022 Ga. Gen. Assemb.

37. SB 319, as introduced, § 4, p. 4, ll. 68–71, 2021 Ga. Gen. Assemb.

38. SB 319 (HCS), § 4, pp. 3–4, ll. 66–70, 2022 Ga. Gen. Assemb.

39. *Id.* § 5, pp. 4–7, ll. 86–159.

40. SB 319, as introduced, § 5, pp. 4–7, ll. 87–159, 2021 Ga. Gen. Assemb.

41. SB 319 (HCS), § 8, p. 14, ll. 327–37, 2022 Ga. Gen. Assemb.

42. State of Georgia Final Composite Status Sheet, SB 319, May 19, 2022; Georgia House Voting Record, SB 319, #816 (Mar. 30, 2022).

43. State of Georgia Final Composite Status Sheet, SB 319, May 19, 2022; Georgia House Voting Record, SB 319, #817 (Mar. 30, 2022).

44. Georgia House Voting Record, SB 319, #818 (Mar. 30, 2022).

On April 1, 2022, the Senate agreed to the House's substitute by a vote of 34 to 22.⁴⁵ The Senate sent the bill to Governor Brian Kemp (R) on April 7, 2022, and the Governor signed the bill into law on April 12, 2022, as Act 596.⁴⁶ Act 596 took effect upon Governor Kemp's signing.⁴⁷

The Act

The Act amends the following portions of the Official Code of Georgia Annotated: "Article 1 of Chapter 3 of Title 12, relating to general provisions regarding parks, historic areas, memorials, and recreation"; Part 3 of Article 4 of Chapter 11 of Title 16, "relating to carrying and possession of firearms"; Part 2 of Article 4 of Chapter 12 of Title 16, "relating to transportation passenger safety"; Title 27, "relating to game and fish"; and Part 2 of Article 10 of Chapter 6 of Title 40, "relating to parking for persons with disabilities."⁴⁸ The Act's overall purpose is to remove the requirement to possess a license in order to carry a concealed weapon in public.⁴⁹

Section 1

Section 1 titles the Act the Chairman John Meadows Act.⁵⁰

Section 2

Section 2 of the Act describes the basis for the Georgia General Assembly's amendments to the laws regarding the carrying and possession of firearms.⁵¹

Subsection (1) recognizes the Second Amendment right to keep and bear arms.⁵² Subsection (2) notes that the right to keep and bear arms

45. State of Georgia Final Composite Status Sheet, SB 319, May 19, 2022; Georgia Senate Voting Record, SB 319, #783 (Apr. 1, 2022).

46. State of Georgia Final Composite Status Sheet, SB 319, May 19, 2022.

47. *Id.*; 2022 Ga. Laws 74, § 18, at 86.

48. 2022 Ga. Laws 74.

49. *See id.*

50. 2022 Ga. Laws 74, § 1, at 75.

51. 2022 Ga. Laws 74, § 2, at 75.

52. *Id.*

may not be infringed except to the extent that the Georgia General Assembly may prescribe how firearms can be carried within the state.⁵³

Section 3

Section 3 of the Act amends Code section 12-3-10(o) “relating to general provisions regarding parks, historic areas, memorials, and recreation.”⁵⁴ Specifically, the Act revises subsection (o)(2), making it lawful to possess a weapon or long gun in parks, historic sites, and recreational areas so long as the individual is a “lawful weapons carrier.”⁵⁵

Section 4

Section 4 of the Act amends Code section 16-11-125.1, which defines terms relating to carrying and possessing firearms.⁵⁶ The amendment defines the term “lawful weapons carrier” as

any person who is licensed or eligible for a license pursuant to Code [s]ection 16-11-129 and who is not otherwise prohibited by law from possessing a weapon or long gun, any resident of any other state who would otherwise be eligible to obtain a license pursuant to such Code section but for the residency requirement, and any person licensed to carry a weapon in any other state.⁵⁷

Section 5

Section 5 of the Act amends Code section 16-11-126, which relates to firearm licensing requirements and exceptions.⁵⁸ Subsection (a) no longer has the phrase “without a valid weapons carry license,” thus making it lawful to possess or carry a weapon or long gun on one’s

53. *Id.*

54. 2022 Ga. Laws 74, § 3, at 75 (codified at O.C.G.A. § 12-3-10(o) (2022)).

55. *Id.*

56. 2022 Ga. Laws 74, § 4, at 76 (codified at § 16-11-125.1).

57. *Id.* (codified at § 16-11-125.1(2.1)).

58. 2022 Ga. Laws 74, § 5, at 76–78 (codified at § 16-11-126).

property or inside one's home, motor vehicle, or place of business if the individual is not prohibited by law from possessing a handgun or long gun.⁵⁹

Subsection (b) enables “[a]ny person who is not prohibited by law from possessing a handgun or long gun [to] have or carry” a long gun in public without a valid weapons carry license.⁶⁰

Subsection (c) no longer requires that handguns be in a case and unloaded if the individual does not have a valid weapons carry license.⁶¹ The amendment makes it so that any person who is a “lawful weapons carrier,” as defined in Code section 16-11-125.1, “may transport a handgun or long gun in any private passenger motor vehicle.”⁶² Additionally, subsection (c) provides private property owners the right to restrict firearm possession on their property.⁶³

Subsection (d) recognizes licenses to carry a weapon issued by other states and authorizes individuals with such licenses to lawfully carry their weapons in Georgia.⁶⁴

Subsection (e) authorizes any person “engaged in legal hunting, fishing, or sport shooting” to carry a weapon, long gun, or knife while “hunting, fishing, or engaging in sport shooting.”⁶⁵

Subsection (f) no longer requires a valid weapons carry license and allows any “lawful weapons carrier,” as defined in Code section 16-11-125.1, to “carry a weapon in all parks, historic sites, or recreational areas,” as defined in Code section 12-3-10.⁶⁶ The subsection is limited by Code sections 12-3-10, 27-3-1.1, 27-3-6, 16-12-122, and federal law.⁶⁷

Subsection (g)(1) sets the new standard for carrying a firearm in Georgia: “Except as otherwise provided in subsections (a) through (f) of this Code section, no person shall carry a weapon unless he or she is a lawful weapons carrier.”⁶⁸ Subsection (g)(2) defines the offense of

59. Compare O.C.G.A. § 16-11-126(a) (2022), with O.C.G.A. § 16-11-126(a) (2021).

60. O.C.G.A. § 16-11-126(b) (2022).

61. Compare O.C.G.A. § 16-11-126(c) (2022), with O.C.G.A. § 16-11-126(c) (2021)).

62. 2022 Ga. Laws 74, § 5, at 77 (codified at O.C.G.A. § 16-11-126(c) (2022)).

63. § 16-11-126(c).

64. § 16-11-126(d).

65. § 16-11-126(e).

66. Compare O.C.G.A. § 16-11-126(f) (2021), with O.C.G.A. § 16-11-126(f) (2022)).

67. O.C.G.A. § 16-11-126(f) (2022).

68. § 16-11-126(g)(1).

unlawful carrying of a weapon: “A person commits the offense of unlawful carrying of a weapon when he or she violates the provisions of paragraph (1) of this subsection.”⁶⁹

Subsection (h) provides the punishment for conviction of unlawful carrying of a weapon.⁷⁰ The punishment for unlawful carrying is the same as the former offense of carrying a weapon without a valid weapons carry license.⁷¹

Section 6

Section 6 of the Act amends Code section 16-11-127, “relating to carrying weapons in unauthorized locations” such as government buildings, court houses, mental health facilities, and prisons.⁷² The Act amends the Code section to replace any use of the term “license holder” with the term “lawful weapons carrier.”⁷³

Section 7

Section 7 of the Act amends Code section 16-11-127.1, “relating to carrying weapons within school safety zones, at school functions,” or on school transportation.⁷⁴ The Act amends subsections (b) and (c) to replace any use of the term “license holder” with the term “lawful weapons carrier.”⁷⁵

Section 8

Section 8 of the Act amends Code section 16-11-129 “by revising paragraphs (2) and (3) of subsection (a) and subparagraph (b)(2)(H)[,]” “relating to weapons carry license, gun safety information, temporary renewal permit, mandamus, and verification of license.”⁷⁶ Specifically, Section 8 repeals an exception for service members

69. § 16-11-126(g)(2).

70. § 16-11-126(h).

71. *Compare* O.C.G.A. § 16-11-126(h) (2021), *with* O.C.G.A. § 16-11-126(h) (2022).

72. 2022 Ga. Laws 74, § 6, at 78–80 (codified at O.C.G.A. § 16-11-127 (2022)).

73. *Compare id.*, *with* O.C.G.A. § 16-11-127 (2021).

74. 2022 Ga. Laws 74, § 7, at 80–81 (codified at O.C.G.A. § 16-11-127.1 (2022)).

75. *Compare id.*, *with* O.C.G.A. § 16-11-127.1 (2021).

76. 2022 Ga. Laws 74, § 8, at 81–82 (codified at O.C.G.A. § 16-11-129 (2022)).

whose licenses expire while they are on active duty because the exception is no longer necessary.⁷⁷

Section 9

Section 9 of the Act amends paragraph (11) of subsection (a) of Code section 16-11-130, which relates to exemptions from the firearms licensing Code sections.⁷⁸ The Act makes a technical revision by simply replacing a reference to “Code [s]ection 35-8-13” with “Code [s]ection 35-8-25.”⁷⁹

Section 10

Section 10 of the Act amends subsection (b) of Code section 16-11-135, which relates to employer parking lots and the rights of gun owners in such lots.⁸⁰ The Act simply changes the requirement from possessing a valid weapons carry license to being a “lawful weapons carrier.”⁸¹

Section 11

Section 11 of the Act amends Code section 16-11-137, which relates to proof of valid weapons carry licenses and exceptions.⁸² Subsections (a) and (c) are repealed, removing the requirement to have a valid weapons carry license in immediate possession while carrying a weapon and eliminating the punishment for failing to have a license in one’s possession.⁸³ The Code section now provides that no person shall be detained for investigation into whether the individual has a valid license, regardless of whether the individual is exempt by Code from possessing a license or whether the individual is a “lawful weapons carrier.”⁸⁴

77. *Compare id.*, with O.C.G.A. § 16-11-129 (2021).

78. 2022 Ga. Laws 74, § 9, at 82–83 (codified at O.C.G.A. § 16-11-130 (2022)).

79. *Compare id.*, with O.C.G.A. § 16-11-130 (2021).

80. 2022 Ga. Laws 74, § 10, at 83.

81. *Compare id.* (codified at O.C.G.A. § 16-11-135(b) (2022)), with O.C.G.A. § 16-11-135(b) (2021).

82. 2022 Ga. Laws 74, § 11, at 83.

83. *Compare id.* (codified at O.C.G.A. § 16-11-137 (2022)), with O.C.G.A. § 16-11-137 (2021).

84. O.C.G.A. § 16-11-137 (2022).

Section 12

Section 12 of the Act amends subsection (b) of Code section 16-12-123, which relates to boarding an aircraft, bus, or rail vehicle with a firearm, by replacing the requirement to have a valid weapons carry license with the requirement to be a “lawful weapons carrier.”⁸⁵

Section 13

Section 13 of the Act amends subsection (a) of Code section 16-12-127, “relating to prohibition on firearms, hazardous substances, knives, and other devices,” by replacing the requirement to have a valid weapons carry license with the requirement to be a “lawful weapons carrier.”⁸⁶

Section 14

Section 14 of the Act amends paragraphs (1) and (2) of Code section 27-3-1.1, “relating to acts prohibited on wildlife management areas,” by replacing the requirement to have a valid weapons carry license with the requirement to be a “lawful weapons carrier.”⁸⁷

Section 15

Section 15 of the Act amends Code section 27-3-6, “relating to possession of [a] firearm while hunting with a bow and arrow,” by replacing the requirement to have a valid weapons carry license with the requirement to be a “lawful weapons carrier.”⁸⁸

85. Compare O.C.G.A. § 16-12-123(b) (2021), with 2022 Ga. Laws 74, § 12, at 83–84 (codified at O.C.G.A. § 16-12-123(b) (2022)).

86. Compare O.C.G.A. § 16-12-127(a) (2021), with 2022 Ga. Laws 74, § 13, at 84 (codified at O.C.G.A. § 16-12-127(a) (2022)).

87. Compare O.C.G.A. § 27-3-1.1 (2021), with 2022 Ga. Laws 74, § 14, at 84–85 (codified at O.C.G.A. § 27-3-1.1 (2022)).

88. Compare O.C.G.A. § 27-3-6 (2021), with 2022 Ga. Laws 74, § 15, at 85 (codified at O.C.G.A. § 27-3-6 (2022)).

Section 16

Section 16 of the Act amends Code section 27-4-11.1, “relating to possession of firearms . . . [i]n public fishing areas[,]” by replacing the requirement to have a valid weapons carry license with the requirement to be a “lawful weapons carrier.”⁸⁹

Section 17

Section 17 amends paragraph (4) of subsection (b) of Code section 40-6-228, “relating to parking for persons with disabilities” by replacing the exception for those individuals with valid weapons carry licenses with an exception for individuals who are “lawful weapons carriers.”⁹⁰

Analysis

Permitless Carry States

The trend throughout the country has been to repeal requirements to obtain licenses to carry weapons.⁹¹ The vice president of Georgia 2nd Amendment (GA2A), John Monroe, stated that a bill to do so has been frequently introduced in the Georgia legislature over the last fifteen years.⁹² Fueled by this national trend and political pressure from the upcoming election, Georgia became the twenty-fifth state to eliminate licensing requirements for concealed carry.⁹³ In 2003, Alaska was the

89. Compare O.C.G.A. § 27-3-6 (2021), with 2022 Ga. Laws 74, § 16, at 85 (codified at O.C.G.A. § 27-4-11.1(a) (2022)).

90. Compare O.C.G.A. § 40-6-228(b)(4) (2021), with 2022 Ga. Laws 74, § 17, at 85 (codified at O.C.G.A. § 40-6-228(b)(4) (2022)).

91. Electronic Mail Interview with John Monroe, Vice President, GA2A (Aug. 3, 2022) [hereinafter Monroe Interview] (on file with the Georgia State Law Review). GA2A is a nonprofit organization, dedicated to “ensur[ing] that the rights of gun owners are not compromised by the Georgia General Assembly, local officials, and those who ostensibly support gun rights while they work behind the scenes to erode [gun owners’] liberties.” *About GA2A*, GA2A, <https://ga2a.org/about/> [https://perma.cc/7W2B-E7NG].

92. Monroe Interview, *supra* note 91.

93. *Id.*; Allison Jordan, *Frequently Asked Questions About Permitless Carry*, CTR. FOR AM. PROGRESS, <https://americanprogress.org/article/frequently-asked-questions-about-permitless-carry/> [https://perma.cc/7W4V-Y3S6] (May 2, 2022).

first state to enact permitless carry, followed by numerous states.⁹⁴ Now that half of the states have removed carry permit requirements, other states will likely follow the momentum and draft similar bills.⁹⁵

Permitless carry laws differ from state to state regarding age, military service, and residency specifications.⁹⁶ In Georgia, the permitless carry law requires an individual to be twenty-one or older to carry without a permit, but the age limit is reduced to eighteen for members of the military.⁹⁷ In nine of the permitless carry states, an individual only has to be eighteen or older to carry without a permit, regardless of whether the individual is a member of the military.⁹⁸ Regarding other specifications, North Dakota, for example, has a residency requirement where an individual must be eighteen or older and a resident of North Dakota to carry without a permit in the state.⁹⁹ Georgia does not have a similar residency requirement. Otherwise, the general premise of the various state laws is the same: these states do not require permits for carrying handguns in certain public spaces.¹⁰⁰ Although a significant number of states enacting permitless carry may suggest widespread support for these laws, public polling seems to indicate otherwise.¹⁰¹

Nationwide Opposition to Permitless Carry

Despite an increasing number of states enacting permitless carry laws, public concern over the safety implications remains high.¹⁰² Public opinion shows that Americans view permit requirements as “common sense” public safety laws.¹⁰³ Even in states that already

94. *Constitutional Carry in 25 States*, U.S. CONCEALED CARRY ASS'N: USCCA FIREARMS & SELF-DEF. BLOG (Mar. 23, 2022) [hereinafter *Constitutional Carry*], <https://www.usconcealedcarry.com/blog/constitutional-carry-in-states/> [<https://perma.cc/X4UW-FYKZ>].

95. See Jordan, *supra* note 93. As of May 2, 2022, permitless carry bills are pending in five more state legislatures, part of a general “movement toward permitless carry.” *Id.*

96. See *Constitutional Carry*, *supra* note 94.

97. *Id.*

98. *Id.*

99. *Id.*

100. See *Concealed Carry Facts and Fiction*, U.S. CONCEALED CARRY ASS'N, <https://www.usconcealedcarry.com/resources/gun-facts-and-fiction/concealed-carry/> [<https://perma.cc/GL3Q-3WEC>].

101. Jordan, *supra* note 93.

102. *Id.*

103. See *Guns in Public*, EVERYTOWN FOR GUN SAFETY ACTION FUND,

allow permitless carry, residents are concerned that increases in gun-related injuries and deaths will occur if states make it easier for individuals to carry handguns in public.¹⁰⁴ Some studies confirm the expected increase in violence, with one study showing a 13% to 15% increase in violent crime over a ten-year period in states with permitless carry.¹⁰⁵ Arizona, after enacting permitless carry in 2010, saw “an 11 percent increase in gun injuries and deaths and a 24 percent increase in the probability that an individual involved in a violent crime would be fatally shot.”¹⁰⁶ Another study identified a connection between permitless carry and an increase in officer-involved civilian shootings.¹⁰⁷ The study explained that “[t]he trend of more states allowing civilians to carry concealed guns without a permit may be influencing the perceived threat of danger faced by law enforcement,” which then leads to an increased number of officer-involved shootings.¹⁰⁸ Other sources, however, argue that researchers cannot prove a direct relationship between permitless carry and increased gun violence.¹⁰⁹ These experts claim there is currently not enough available data due to the laws’ novelty, so researchers should not rely on insufficient data to draw conclusions about the relationship between permitless carry and gun violence.¹¹⁰

<https://www.everytown.org/issues/guns-in-public/> [https://perma.cc/72WJ-TV3T].

104. *See id.*; Jordan, *supra* note 93.

105. Milenko Martinovich, *States with Right-to-Carry Concealed Handgun Laws Experience Increases in Violent Crime, According to Stanford Scholar*, STANFORD NEWS (June 21, 2017), <https://news.stanford.edu/2017/06/21/violent-crime-increases-right-carry-states/> [https://perma.cc/APT4-QQMY].

106. Jordan, *supra* note 93.

107. *Study Finds Link Between Dropping Permit Requirement for Carrying Concealed Weapons and Increase in Officer-Involved Shootings with Civilian Victims*, BLOOMBERG SCH. OF PUB. HEALTH, JOHNS HOPKINS (May 11, 2022), https://publichealth.jhu.edu/2022/study-finds-link-between-dropping-permit-requirement-for-carrying-concealed-weapons-and-increase-in-officer-involved-shootings-with-civilian-victims?utm_source=The+Trace+mailing+list&utm_campaign=8b02147f8e-EMAIL_CAMPAIGN_2019_09_24_04_06_COPY_01&utm_medium=email&utm_term=0_f76c3ff31c-8b02147f8e-112383329 [https://perma.cc/EK4K-4JY3].

108. *Id.* (quoting “Mitchell Doucette, PhD, MS, assistant scientist in the Bloomberg School’s Department of Health Policy and Management, core faculty member in the Center for Gun Violence Solutions, and the study’s lead author.”).

109. Quinton Chandler, *As Oklahoma’s Permitless Carry Law Looms, Kansas May Tell us What to Expect*, STATEIMPACT OKLA. (Oct. 24, 2019, 11:29 AM), <https://stateimpact.npr.org/oklahoma/2019/10/24/as-oklahomas-permitless-carry-law-looms-kansas-may-tell-us-what-to-expect/> [https://perma.cc/NS34-2CAT].

110. *Id.*

Regardless of whether the data indicates a direct link between permitless carry and increased violence, nationwide polling shows that Americans widely support states requiring carry permits and other measures before gun owners can carry their handguns in public.¹¹¹ According to the Pew Research Center, “there is widespread opposition in both parties to allowing people to carry concealed firearms without a permit.”¹¹² In a Pew survey, 79% of respondents opposed unlicensed or permitless concealed carry.¹¹³ A Johns Hopkins national survey also revealed that 83% of gun owners believe states should require individuals to pass safety tests before allowing them to conceal-carry in public places.¹¹⁴

Opposition to Permitless Carry in Georgia

Polls of Georgia residents follow the nationwide trend of opposing permitless carry policies.¹¹⁵ According to an Atlanta Journal-Constitution poll of 872 registered Georgia voters, 70% of respondents indicated they do not agree with allowing individuals to carry concealed handguns in public without a permit.¹¹⁶ Many of the respondents believe that licensing requirements were an important “legal step” before individuals could “carry a concealed handgun in public.”¹¹⁷

Georgia lawmakers that oppose permitless carry cited similar reasons for rejecting SB 319 during the Senate floor debates.¹¹⁸ Senator Elena Parent (D-42nd) stated that 5,200 weapons carry permits

111. See Jordan, *supra* note 93.

112. *Amid a Series of Mass Shootings in the U.S., Gun Policy Remains Deeply Divisive*, PEW RSCH. CTR. (Apr. 20, 2021), <https://www.pewresearch.org/politics/2021/04/20/amid-a-series-of-mass-shootings-in-the-u-s-gun-policy-remains-deeply-divisive/> [https://perma.cc/83QT-9XHK].

113. Charles Franklin, *State Gun Laws and Public Opinion*, MARQ. UNIV. L. SCH. FAC. BLOG (Jun. 8, 2022), <https://law.marquette.edu/facultyblog/2022/06/state-gun-laws-and-public-opinion/> [https://perma.cc/W74X-5K5K].

114. Jordan, *supra* note 93.

115. Maya T. Prabhu, *AJC Poll: Georgians Oppose Permit-Less Gun Carry, Repeal of Roe v. Wade*, ATLANTA J.-CONST. (Jan. 28, 2022), <https://www.ajc.com/politics/ajc-poll-georgians-oppose-permit-less-gun-carry-repeal-of-roe-v-wade/AWT3EBPIY5GYLINCHDRERGIKSQ/> [https://perma.cc/6SG3-6BV6].

116. *Id.*

117. *Id.*

118. See Senate Proceedings Video, *supra* note 4, at 1 hr., 42 min., 44 sec. (remarks by Sen. Elena Parent (D-42nd)).

were denied in Georgia in the previous year, mostly due to criminal convictions.¹¹⁹ Permitless carry eliminates the state's ability to prevent these individuals from getting carry permits, and according to Senator Parent, this means "more accidents, suicides, road rage incidents, and yes, more former good guys who are now bad guys."¹²⁰

Opponents are also concerned about the effects that lax gun laws have on the Iron Pipeline, a weapons smuggling route along Interstate 95 where illegal firearms are exported from southern states to other parts of the country, primarily New York City.¹²¹ The Iron Pipeline continues to operate because a "low-quality handgun that sells for \$100 in an Atlanta store might sell for \$500 or \$600 in New York City."¹²² Because of this price disparity, "[a]bout 50,000 guns are found to be diverted to criminals across state lines every year . . . and many more are likely to cross state lines undetected."¹²³ Georgia has become one of the leading exporters of firearms along the Iron Pipeline.¹²⁴ As a result, criminal activity involving gun violence in other states can be traced back to guns purchased in Georgia, demonstrating that Georgia's gun laws can have a broader impact.¹²⁵ For example, an individual who shot and killed two Brooklyn police officers in 2014 used a gun that came from a pawnshop south of Atlanta.¹²⁶ Experts lack direct evidence to support that permitless carry will contribute to the Iron Pipeline, but many believe Georgia's lenient gun laws as a whole are a main contributor to the Iron Pipeline's success.¹²⁷ Georgia residents and lawmakers are therefore concerned about how permitless carry could affect the safety of Americans across the country, not just Georgians.

119. *Id.* at 1 hr., 54 min., 32 sec.

120. *Id.* at 1 hr., 55 min., 39 sec.

121. See Parent Interview, *supra* note 18; Celeste Headlee & Sean Powers, *Southern Exports on the Iron Pipeline*, GPB NEWS, <https://www.gpb.org/news/2017/10/25/southern-exports-on-the-iron-pipeline> [<https://perma.cc/395P-Y4WL>] (Aug. 14, 2020, 12:50 AM).

122. Gregor Aisch & Josh Keller, *How Gun Traffickers Get Around State Gun Laws*, N.Y. TIMES (Nov. 13, 2015), <https://www.nytimes.com/interactive/2015/11/12/us/gun-traffickers-smuggling-state-gun-laws.html> [<https://perma.cc/395P-Y4WL>].

123. *Id.*

124. *Id.*

125. See *id.*

126. *Id.*

127. See Aisch & Keller, *supra* note 122; Parent Interview, *supra* note 18.

Permitless Carry Benefits Responsible Gun Owners

Despite widespread opposition to permitless carry and its potential safety implications, permitless carry in Georgia does achieve its intended goal of eliminating steps for law-abiding gun owners.¹²⁸ Senator Jason Anavitarte (R-31st) explains that once an individual has legal possession of a firearm, he or she satisfies the requirements needed to carry that firearm in public, which makes the licensing process unnecessary.¹²⁹ Supporters, therefore, believe that the licensing requirement acted more like “government red tape” and “a simple piece of paper” than a process that achieved any significant safety measures.¹³⁰

The permitless carry policy in Georgia may not contribute to the steep increases in gun violence that the opposition expects.¹³¹ Supporters reason that licensing requirements do not deter violent criminals from carrying their firearms in public because they are breaking the law simply by possessing these firearms to begin with, so they are unlikely to comply with the permit requirement anyway.¹³² Similarly, the 5,200 individuals who were denied carry permits in Georgia last year primarily because of criminal convictions would also be denied from purchasing firearms from retail gun stores for the same reason.¹³³ Therefore, retail gun stores conducting background checks will continue to weed out individuals who cannot legally own a firearm to help prevent guns from ending up in the wrong hands.¹³⁴ Ultimately, lawmakers argue that permitless carry is justified as long as Georgians do not associate criminals’ actions with lawful gun owners’ actions because those gun owners should not have to jump through unnecessary hoops due to the actions of criminals.¹³⁵ Despite public

128. See Senate Proceedings Video, *supra* note 4, at 1 hr., 17 min., 15 sec.

129. See *id.* at 1 hr., 19 min., 34 sec.

130. *Georgia: Gov. Kemp Signs Constitutional Carry*, NAT’L RIFLE ASS’N OF AM., INST. FOR LEGIS. ACTION (Apr. 12, 2022), <https://www.nraia.org/articles/20220412/georgia-gov-kemp-signs-constitutional-carry> [<https://perma.cc/W6JM-X248>]; Senate Proceedings Video, *supra* note 4, at 2 hr., 21 min., 17 sec. (remarks by Sen. Randy Robertson (R-29th)).

131. See Senate Proceedings Video, *supra* note 4, at 1 hr., 17 min., 15 sec.

132. *Id.* at 1 hr. 17 min., 45 sec.

133. *Id.* at 2 hr., 16 min., 55 sec. (remarks by Sen. Randy Robertson (R-29th)).

134. See *id.*

135. See *id.* at 1 hr., 17 min., 15 sec. (remarks by Sen. Jason Anavitarte (R-31st)).

concern over the potential safety implications of permitless carry, SB 319 benefits law-abiding gun owners in Georgia.

Conclusion

SB 319, the Chairman John Meadows Act, is the Georgia General Assembly's attempt to align Georgia firearm law with the Second Amendment right to bear arms. The Act's supporters insist that "constitutional carry" is a right not to be infringed upon by an unnecessary licensing process. However, the Act's opponents fear that permitless carry will increase gun violence plaguing not only Georgia but the entire country.

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