

**BASS REEVES GUN CLUB (ATLANTA CHAPTER)
NATIONAL AFRICAN AMERICAN GUN ASSOCIATION (NAAGA)**

I. GEORGIA GUN LAWS ON WHEN A CCW PERMIT IS NEEDED

Can I buy a gun without having a Georgia Carry Weapons License (“CCW permit”).

Yes. At the gun store/pawn shop, you will be required to fill out ATF Form 4473 to purchase the gun. The gun store will run a background check on you (for a small fee).

Can I carry a gun without a CCW permit

No CCW permit needed to: (1) carry on your person a weapon or long gun on your property; (2) carry inside your home; (3) carry inside your motor vehicle; (4) carry in your place of business (5) carry while fishing or hunting (with a valid fishing or hunting license), or (6) carry handgun unloaded in a case.

Open Carry

No CCW permit needed to open carry a long gun in a fully open and exposed manner OR open carry a handgun in plain view in a vehicle. Other than these exceptions, a CCW permit is needed to open carry a firearm.

II. CONCEALED CARRY LAWS

Concealed Carry Permits

Must be 21 to apply for permit, unless you are/were in the military, then age is 18.

Apply at Probate Court of the County you live in

Police Stops

If stopped, you are not required by Georgia law to tell the police that you have a concealed carry weapons license or that you have a firearm.

Where You CAN Conceal Carry

With a Georgia CCW license, you can conceal carry virtually anywhere in Georgia, including:

- restaurants;
- other establishments that serve alcohol;
- rest stops;
- city, county, and state parks and wildlife management areas (except those controlled by the U.S. Army Corps. of Engineers);
- a state/county government building that is open for business and where entry into the building is not restricted or screened by security personnel. *See O.C.G.A. § 16-11-127(e)(1)*; and
- state public college campuses, with the exceptions listed below in the next section. *See O.C.G.A. § 16-11-127.1(c)(20)*.

Where You CANNOT Conceal Carry - See GA. Code § 16-11-127(b)

You **cannot** carry a concealed weapon, even with a CCW license:

- in a Government building containing a government entity with law enforcement screening;
- in a courthouse;
- in a jail or prison;
- in a place of worship, unless the governing body or authority of the place of worship gives permission;
- in a State mental health facility;
- on the premises of a nuclear power facility;
- 150 feet of a polling place;
- within a school safety zone, at a school function, or on a bus or other transportation furnished by a school (refers to schools other than post secondary); and
- with respect to state public college campuses, in on-campus preschools, faculty or administrative offices, disciplinary hearings and classrooms being used by high school students taking college courses; dormitories, fraternity and sorority houses, and athletic facilities. See O.C.G.A. § 16-11-127.1(c)(20).

Right of Retreat - If you have a CCW license and you conceal carry in one of these prohibited places, you have the right to retreat if you immediately leave the location upon notification of your failure to clear security and you will not be guilty of violating the Georgia statute.

No Right of Retreat - You also cannot conceal carry in federal buildings such as the post office and past TSA security checkpoints in the airport. Right of retreat **DOES NOT** apply if you carry in federal buildings and past TSA security checkpoint in the airport.

Private Properties Displaying “No Gun” Signs

Private properties that display a “No Gun” sign do not have the force of law unless that property is specifically mentioned in the State Law above as being off limits to permit holders. Thus, it is not unlawful to carry a concealed firearm into a private property as long as you have a CCW permit. However, if you are asked to leave the property, then you must leave. Refusing is breaking the law and you can be charged with criminal trespass.

III. GEORGIA GUN LAW ON JUSTIFIED USE OF FORCE

Forcible Felonies

Defined in O.C.G.A. § 16-1-3(6) as any felony which involves the use or threat of physical force or violence against any person. Main Forcible Felonies:

1. **Murder** - O.C.G.A. § 16-5-1; voluntary manslaughter - O.C.G.A. § 16-5-2
2. **Robbery** (sudden snatching or use of force or threats with intent to commit theft) - O.C.G.A. § 16-8-40; **Armed Robbery** (*use of weapon or object appearing to be a weapon* with intent to commit theft) - O.C.G.A. § 16-8-41
3. **Carjacking** (called hijacking of a motor vehicle) - O.C.G.A. § 16-5-44.1 - *while in possession of a firearm or weapon* perp obtains a motor vehicle from the person by force and violence or intimidation or attempts
4. **Home Invasion** (breaking into house *with deadly weapon* with intent to commit forcible felony *while house is occupied*) - - O.C.G.A. § 16-7-5

5. **Aggravated assault** (threat with intent to commit a forcible felony or threat with a weapon) - O.C.G.A. § 16-5-21
6. **Aggravated battery** (maliciously causing dismemberment or seriously disfiguring person's body) - O.C.G.A. § 16-5-24
7. **Rape** - O.C.G.A. § 16-6-1
8. **Kidnapping** - O.C.G.A. § 16-5-40
9. **Arson** - O.C.G.A. §§ 16-7-60, 16-7-61, and 16-7-62

Others: Terroristic threats, aggravated child molestation, aggravated sexual battery

NOTE: Burglary (1st degree) - O.C.G.A. § 16-7-1(b) - breaking into or entering house with intent to commit a felony or theft - no deadly weapon needed nor use of force against a person) - **NOT a forcible felony unless person uses force or threats of intimidation. However, under the Castle Doctrine (defense of habitation), you may be justified in using deadly force if:** (1) That force is used against another person who is not a member of the family or household and who unlawfully and forcibly enters or has unlawfully and forcibly entered the residence and (2) you know or have reason to believe that an unlawful and forcible entry occurred;
See language after second "OR" under Castle Doctrine below.

LAW OF SELF DEFENSE OR DEFENSE OF OTHERS - O.C.G.A. § 16-3-21

§ 16-3-21. Use of force in defense of Self or Others

a) A person is justified in threatening or using force against another when and to the extent that he or she reasonably believes that such threat or force is necessary to defend himself or herself or a third person against such other's imminent use of unlawful force; however, except as provided in Code Section 16-3-23, **a person is justified in using force which is intended or likely to cause death or great bodily harm only if he or she reasonably believes that such force is necessary to prevent death or great bodily injury to himself or herself or a third person OR to prevent the commission of a forcible felony.**

b) A person is not justified in using force under the circumstances specified in subsection (a) of this Code section if he:

- (1) Initially provokes the use of force against himself with the intent to use such force as an excuse to inflict bodily harm upon the assailant;
- (2) Is attempting to commit, committing, or fleeing after the commission or attempted commission of a felony; or
- (3) Was the aggressor or was engaged in a combat by agreement unless he withdraws from the encounter and effectively communicates to such other person his intent to do so and the other, notwithstanding, continues or threatens to continue the use of unlawful force.

CASTLE DOCTRINE (Defense of Habitation) - O.C.G.A. § 16-3-23

§ 16-3-23. Use of force in defense of habitation (habitation includes house and car)

A person is justified in threatening or using force against another when and to the extent that he or she reasonably believes that such threat or force is necessary to prevent or terminate such other's unlawful entry into or attack upon a habitation; **however, such person is justified in the use of DEADLY force only if:**

- (1) The entry is made or attempted in a violent and tumultuous manner;
- (2) he or she reasonably believes that the entry is attempted or made for the purpose of assaulting or offering personal violence to any person dwelling or being therein; and

(3) that such force is necessary to prevent the assault or offer of personal violence;

OR

(1) That force is used against another person who is not a member of the family or household and who unlawfully and forcibly enters or has unlawfully and forcibly entered the residence and
(2) you know or have reason to believe that an unlawful and forcible entry occurred;

OR

(1) You reasonably believe that the entry is made or attempted for the purpose of committing a felony therein; and
(2) that such force is necessary to prevent the commission of the felony.

Reasonable Person standard – courts will use reasonable person standard – i.e. would a reasonable person believe, given the situation, that they were in fear of imminent death or grave bodily harm.

DEFENSE OF PROPERTY AGAINST TRESPASS - O.C.G.A. § 16-3-24

§ 16-3-24. Use of Force in Defense of Property Other Than a Habitation

You may use reasonable (NOT deadly) force to protect your property from trespass or tortious interference. However, **you may only use DEADLY force in Defense of property to prevent the commission of a forcible felony such as carjacking or robbery (or arson where human life is in danger).**

STAND YOUR GROUND - - O.C.G.A. § 16-3-23.1

Provides no duty to retreat before the use of force. You can stand your ground and use force, including deadly force, to:

- a. Defend yourself or others from great bodily harm, death, or a forcible felony - O.C.G.A. § 16-3-21
- b. Defend your home - O.C.G.A. § 16-3-23
- c. Defend your property when the perp or trespasser commits a **forcible felony** like carjacking or robbery - O.C.G.A. § 16-3-24

AOJP FACTORS

Ability - Your attacker must have the ability—the physical, practical ability—to cause you harm (including disparity in size, physical power, or numbers between you and your attacker(s)).

Opportunity – attacker must also have the opportunity to cause you harm—right here and right now. The biggest consideration here is range or proximity.

Jeopardy - a “reasonable and prudent” person would have believed himself/herself to be in *immediate* jeopardy/danger. **Also, “immediate jeopardy” condition can go away, and then you are not allowed to use lethal force.**

Preclusion - you are expected to use force *only as a last resort*—that is, only when the circumstances *preclude* all other safe options.