

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

**GEORGIA GUN LAWS  
(UPDATED AUGUST 2022)**

**I. GEORGIA GUN LAWS**

**Georgia Constitutional Carry Act (signed 4/12/2022)**

Georgia became a constitutional carry (a/k/a “Permitless Carry”) state in April 2022, which means that anyone who not prohibited from possessing a firearm under federal or state law and who would be eligible to obtain a Georgia Weapons Carry License (a/k/a CCW permit) is no longer required to have a Georgia Weapons Carry License in order to carry a firearm in public.

**Individuals Prohibited from Possessing a Firearm (O.C.G.A. 16-11-129(b)(2))**

Those prohibited include:

- (1) any person under 21 years old unless he/she is at least 18, and in the military, or is an honorably discharged veteran;
- (2) any person who has a felony conviction (and the conviction has not been pardoned or expunged and rights to possess a firearm restored);
- (3) any person who has a misdemeanor conviction for domestic violence (and the conviction has not been pardoned or expunged and rights to possess a firearm restored);
- (4) any person with pending felony charges;
- (5) any person who is a fugitive from justice;
- (6) any person prohibited from possessing or shipping weapons interstate under federal law;
- (7) any person convicted or charged with the manufacture or distribution of illegal drugs;
- (8) any person who had a weapons license revoked in the past three years;
- (9) any person who has been convicted of carrying a weapon in an unauthorized location;
- (10) any person who has been convicted of a misdemeanor involving drugs within the past five years or ever convicted twice;
- (11) any person who has been hospitalized as an inpatient in a mental hospital or an alcohol or drug treatment center within the past five years, unless granted a petition for relief;
- (12) any person who has been adjudicated mentally incompetent to stand trial, unless granted a petition for relief; and
- (13) any person who has been adjudicated not guilty by reason of insanity at the time of the crime, unless granted a petition for relief.

**Can I buy a gun without having a Georgia Weapons Carry License**

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 federal background check on you (for a small fee).

**Open Carry**

You do not need a Georgia Weapons Carry License to openly carry a firearm in Georgia.

## II. CONCEALED CARRY LAWS

### Georgia Weapons Carry License

Since Georgia is now a Constitutional Carry state, you are no longer required to have a Georgia Weapons Carry License in order to conceal carry a firearm. However, if you choose to obtain a Georgia Weapons Carry License, you must be 21 to apply for the license, unless you are at least 18, and are in the military, or are an honorably discharged veteran. Apply at the Probate Court of the county you live in.

Benefits of Still Obtaining a Georgia Weapons Carry License:

- (1) In order to take advantage of Georgia's reciprocity with other states regarding the carrying of firearms when traveling to a state which is not a constitutional carry state but which has reciprocity with Georgia. That means you can carry a firearm in all states with reciprocal agreements with Georgia (as long as you comply with that state's gun laws), but some states will require you to have a license while in their state to prove you are licensed in Georgia;
- (2) To speed up the wait time for purchasing a firearm from an FFL/gun store, since you will be exempt from having to get a federal background check; and
- (3) To serve as an additional form of State of Georgia picture ID, where needed.

### Police Stops

If stopped, you are not required by Georgia law to tell the police that you are carrying a concealed firearm.

### Where You CAN Conceal Carry

You can conceal carry virtually anywhere in Georgia, including:

- restaurants;
- other establishments that serve alcohol;
- rest stops;
- public transportation;
- 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)*;
- in a school safety zone, at a school function, or on a bus or other transportation furnished by the school (schools other than post-secondary) **solely when you are picking up or dropping off a student and where the firearm is secured in your vehicle when the vehicle is parked within a school safety zone or is in transit through a school safety zone.** *See O.C.G.A. § 16-11-127.1(c)(7); 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:

- in a secured area of an airport
- 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;
- any place where the carrying of firearms is prohibited by federal law (i.e. federal buildings, post office, past TSA checkpoints, etc.);
- 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), except as listed above (*See O.C.G.A. § 16-11-127.1(b)(1)*); and
- with respect to state public college campuses, (i) in buildings or property used for athletic sporting events or student housing, including, but not limited to, fraternity and sorority houses; (ii) in on-campus preschools or childcare spaces; (iii) in rooms or spaces being used for classes related to a college and career academy or other specialized school; (iv) in rooms or spaces being used for high school students taking college courses through a dual enrollment program; and (v) faculty, staff, or administrative offices, or rooms where disciplinary proceedings are conducted. *See O.C.G.A. § 16-11-127.1(c)(20)(A)*.

**Right of Retreat** - If 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. 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.

## **Traveling to Other States with Your Firearm**

### **Constitutional Carry**

In April 2022, Georgia joined the ranks of the following states that have constitutional (or permitless) carry: Alaska, Arizona, Arkansas, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Mississippi, Missouri, Montana, New Hampshire, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, Vermont, West Virginia, and Wyoming. This means that anyone who can legally

possess a firearm may carry in these states without a Weapons License/Permit. **However, you should research each state’s gun laws to determine if any age or other restrictions may apply.** (North Dakota has “permitless carry” for their residents only.)

### **Reciprocity with Georgia**

If you have a Georgia Weapons Carry License, you may be able to conceal carry your firearm in another state if Georgia has reciprocity with the state through which and to which you are traveling. Reciprocity is basically an agreement between two states to mutually recognize or honor the concealed carry license or permit of the other state. However, even if your state has reciprocity with the other state through or to which you are traveling, you are **ONLY** allowed to conceal carry in that particular state, **if you comply with that state’s concealed carry laws.**

The following states have reciprocity with Georgia and recognize a Georgia Weapons Carry License: Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

NOTE: You should familiarize yourself with the individual requirements and limitations on Georgia Weapons Carry Licenses in any of the states where you intend to travel. Gun laws vary from state to state and there may be municipal or county ordinances regulating weapons in other states, as well. Also, please note that states may honor Georgia Weapons Carry Licenses with regard to firearms while not recognizing licenses as to other weapons, such as knives.

## **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
10. Terroristic threats, aggravated child molestation, aggravated sexual battery

**NOTE: Burglary (1<sup>st</sup> 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.