



Department of Labor
State of Georgia

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OFFICIAL OPINION 97-27

To: Commissioner
Georgia Department of Public Safety and Director Georgia Bureau of Investigation

August 18, 1997

Re: Official Code of Georgia Annotated 16-11-126(e) requires that this state recognize and give effect to firearms permits issued by other states whose laws recognize and give effect to a Georgia permit. Only the states of Idaho, Michigan, Mississippi, New Hampshire, and Texas do so.

At its 1996 session, the General Assembly enacted O.C.G.A. † 16-11-126(e). That Subsection for the first time authorized the recognition, under certain specific situations, of firearms permits issued by other states. Cf. 1957 Op. Att'y Gen. p. 143; 1954-56 Op. Att'y Gen. p. 338. Under that amendment, if the law of another state gives effect within that state to a Georgia permit, then a person licensed to carry a handgun by that state may carry a firearm in the State of Georgia as if licensed by this state.

Following the amendment, this office contacted the respective Attorneys General of the several states to determine which states' laws would give effect to a permit issued by the State of Georgia. This opinion is necessarily not all-inclusive because some states did not respond. However, because guidance is needed by law enforcement officers and the public, this official opinion is being issued at this time.

The following states do not give effect to a firearms permit issued by the State of Georgia:

Alabama; Alaska; Arizona; Arkansas; Colorado; Delaware (although law enforcement officers from other states are authorized to carry weapons while on official business); Florida; Hawaii; Illinois (under Illinois law, reciprocity is limited to the possession of a weapon which is either not immediately accessible or which is non-functioning; it is my opinion that this recognition is so limited that it cannot be fairly said to "give effect" to a Georgia permit, as required by O.C.G.A. † 16-11-126(e)); Iowa; Kansas; Kentucky; Louisiana (although Louisiana authorizes the deputy secretary of public safety services to enter into reciprocal agreements, Georgia law does not contemplate such agreements; Louisiana law does not give effect to a Georgia permit in the absence of an executive agreement); Maine; Maryland; Massachusetts (however, Massachusetts does recognize permits for participants in a pistol or revolver competition, attendees of a meeting or exhibition of an organized group of firearm collectors, and hunters, and deems law enforcement officers to be duly licensed); Minnesota; Missouri; Montana; Nebraska; Nevada; New Jersey; New York (New York does recognize permits for persons attending competitive shooting matches or gun shows, and exempts from the licensing requirement law enforcement officers while on official business); North Carolina; Ohio; Oklahoma (while Oklahoma has limited reciprocity, Oklahoma law requires that, in order to be recognized, the state must require that all permittees complete competency qualification

or training on the specific firearm to be carried; because Georgia has no such requirement, Oklahoma cannot recognize Georgia permits); Oregon; Pennsylvania; South Carolina (South Carolina has reciprocity provisions, but South Carolina law requires that, in order to be recognized, the state must have licensing standards equal to or greater than South Carolina's: South Carolina requires that all permittees provide proof of handgun training as a condition of licensing; because Georgia has no such requirement, South Carolina cannot recognize Georgia permits); South Dakota; Tennessee; Virginia (while Virginia makes provision for reciprocity beginning July 1,

1997, a condition of reciprocity is that the other state have a means for instantaneous verification of the validity of all permits issued in the state which is available 24 hours per day: as Georgia does not have this capability, it appears that Virginia cannot grant recognition to a Georgia citizen at this time); Washington; Wisconsin.

Thus, residents of these states are not entitled to recognition of their state's firearms license or permit and may carry handguns in Georgia only in the places and manner authorized by Georgia law for which no permit is necessary.

The following states do grant recognition to Georgia residents with firearms permits:

Idaho; Michigan; Mississippi; New Hampshire; Texas.

Thus, residents of these states are entitled to recognition of their state's firearms license or permit and may carry handguns in Georgia in the places and manner authorized by Georgia law for Georgia residents with a firearms permit.

Finally, the State of Vermont has no permitting system. Therefore, it is my official opinion that, because Vermont has no permit to which the State of Georgia may give effect, no reciprocity may be granted to Vermont residents.

Prepared by:

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