

Stephanie Jackson

From: Jeff Milsteen
Sent: Tuesday, January 03, 2012 4:32 PM
To: Nels Peterson
Subject: AG-#655128-v1-Memo-OhioGunLaws-12-11.DOC
Attachments: AG-#655128-v1-Memo-OhioGunLaws-12-11.doc

Stephanie Jackson

From: Joseph Drolet
Sent: Thursday, December 29, 2011 4:08 PM
To: Jeff Milsteen
Subject: AG-#655128-v1-Memo-OhioGunLaws-12-11.DOC
Attachments: AG-#655128-v1-Memo-OhioGunLaws-12-11.DOC

Jeff,
Here is a draft memo in regard to Ohio's request for conditional gun license reciprocity.

The Attorney General of the State of Ohio has requested that the State of Georgia honor Ohio gun licenses despite the fact that Ohio would only honor Georgia gun licenses conditionally. The Georgia license would be honored only if the Georgia license holder could show certification of completing gun safety training.

O.C.G.A. § 16-11-126(e) provides that a “person licensed to carry a handgun or weapon in any other state whose laws recognize and give effect to a license issued pursuant to this part shall be authorized to carry a weapon in this state. . . .” The statute contemplates full and unconditional recognition of the Georgia license as a prerequisite to recognition of the foreign license.

In order to accommodate the State of Ohio’s request, the Georgia statute would have to be altered to eliminate true reciprocity and replace it with a system that would honor other states licenses while they do not honor Georgia licenses. This could be accomplished by adding a proviso that authorizes this office to enter into agreements to honor licenses of other states that set conditions for honoring Georgia licenses. Language could be added at the end of the above code section as follows: “Provided further that the Attorney General shall be authorized to enter into agreements with the attorney general of any other state to provide for recognition of such other state’s licenses on the condition that such other state will recognize Georgia’s license if the licensee has proof of completion of a firearms safety course certified by the National Rifle Association.”

Another alternative would be to add language in the code section above to read: a “person licensed to carry a handgun or weapon in any other state whose laws recognize and give effect to a license issued pursuant to this part or recognize a license issued pursuant to this part on condition that such licensee has proof of completion of a firearms safety course certified by the National Rifle Association shall be authorized to carry a weapon in this state. . . .”

One problem inherent in these proposals is certification by a private organization (the National Rifle Association or any other private organization). The State of Georgia does not provide any state certification nor does the State set any standards for private certification. Thus, unless the legislation sets minimum standards of training (Ohio apparently requires ten hours of classroom training and two hours of actual firing range instruction) there is no way to tell if Ohio or other states would honor training that may be less than that required under their own statutes.