THE STATE OF GEORGIA

EXECUTIVE ORDER

BY THE GOVERNOR:

TEMPORARILY EXTENDING THE THIRTY-DAY RENEWAL REQUIREMENT FOR GEORGIA WEAPONS CARRY LICENSES

WHEREAS: On March 14, 2020, due to the impact of COVID-19 on the State of Georgia, I issued Executive Order No. 03.14.20.01, declaring a Public Health State of Emergency in Georgia; and

WHEREAS: The Georgia General Assembly concurred with Executive Order 03.14.20.01 by joint resolution on March 16, 2020; and

WHEREAS: Chief Justice Harold D. Melton of the Supreme Court of Georgia entered an Order and an Amended Order dated March 14, 2020 declaring a Statewide Judicial Emergency wherein, pursuant to O.C.G.A. § 38-3-62, he suspended, tolled, extended, and otherwise granted relief from any deadlines or other time schedules or filing requirements imposed by otherwise applicable statutes through the period covered by the Order; and

WHEREAS: The Council of Probate Court Judges of Georgia determined that the acceptance of weapons carry license applications was not an essential function of the probate courts during the Judicial Emergency period, as extended; and

WHEREAS: On April 6, 2020, Chief Justice Melton entered an Order extending the Judicial Order Declaring a Statewide Judicial Emergency through May 13, 2020; and

WHEREAS: On April 8, 2020, I issued Executive Order 04.08.20.02 extending the Public Health State of Emergency through May 13, 2020 and on April 30, 2020, I issued Executive Order 04.30.20.01 further extending the Public Health State of Emergency until June 12, 2020; and

WHEREAS: Georgia law provides that the judge of the probate court of the county of domicile of an applicant shall issue a weapons carry license to all qualified applicants as provided by law.

WHEREAS: Pursuant to O.C.G.A. §16-11-129 (a)(3)(B)(i), an application shall be considered to be for a renewal license if the applicant has a weapons carry license or renewal license with 30 or fewer days since the expiration of such weapons carry license or renewal license; and

WHEREAS: Code Section 38-3-51(c)(4) vests the Governor with the power to perform and exercise such other functions, powers, and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS: Code Section 38-3-51 vests the Governor with the power to suspend any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency if strict compliance with any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster; and

WHEREAS: Upon consideration, I have determined that the following temporary actions are necessary and appropriate to protect the health, safety, and welfare of Georgia's residents and to provide a safe and secure method for probate courts to provide for protection and social distancing for weapons carry license renewal applicants, court personnel, and the public during the continuing health crisis.

NOW, THEREFORE, PURSUANT TO THE AFOREMENTIONED GEORGIA LAW, CODE SECTION 38-3-51, AND THE AUTHORITY VESTED IN ME AS THE GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY

ORDERED: That the requirement under Code Section 16-11-129 that renewals of weapons carry licenses and renewal licenses must be applied for within thirty (30) days after the expiration of such licenses, is hereby suspended for weapons carry licenses and renewal licenses which expire between February 13, 2020 and June 12, 2020

IT IS FURTHER

ORDERED: That applications for renewals of such weapons carry licenses and renewal licenses shall be considered to be for a renewal license if the holder of such weapons carry license or renewal license applies within 120 days after the expiration date on the face of license, and that if the Public Health State of Emergency is Extended, then this provision shall apply to any weapons carry license or renewal license that expires during the Public Health State of Emergency

IT IS FURTHER

ORDERED: That nothing in this Order shall be construed to suspend or limit the sale, dispensing, or transportation of firearms or ammunition, or any component thereof.

IT IS FURTHER

ORDERED: That if one or more of the provisions contained in this Order shall be held to be invalid, in violation of the Georgia Constitution, in violation of Georgia law, or unenforceable in any respect, such invalidity, violation, or unenforceability shall not affect any other provisions of this Order, but, in such case, this Order shall be construed as if such invalid, illegal, or unenforceable provision had never been contained within the Order.

IT IS FURTHER

ORDERED: That no provision of this Order shall limit, infringe, suspend, or supplant any judicial order, judgment, or decree issued pursuant to the laws or constitution of this State or the laws or constitution of the United States, nor shall any person use any provision this Order as a defense to an action in violation of a judicial order, judgment, or decree by any court created pursuant to the laws or constitution of this State or the laws or constitution of the United States.

IT IS FURTHER

ORDERED: This Order does not attempt, nor shall it be construed, to imply that the Governor, in any instance, has the unilateral authority to overturn any judicial order, judgment, or decree.

IT IS FURTHER

ORDERED: That this Order shall be effective upon signature and shall expire at the conclusion of the Public Health State of Emergency declared in Executive Order 03.14.20.01 and renewed by Executive Orders 04.08.20.02. and 04.30.20.01. If the Public Health State of Emergency is renewed, this Order shall carry forward with the Public Health State of Emergency until such state of emergency is terminated or ceases to be renewed by the Governor.

This 8th Day of May 2020, at 2:30 P.M.

B. P. L.

GOVERNOR