



SUPREME COURT OF GEORGIA

Atlanta July 7, 2016

The Honorable Supreme Court met pursuant to adjournment.
The following order was passed:

It is ordered that new Uniform Superior Court Rule 48 (relating to court inquiry about weapons carry license) be approved effective July 21, 2016, as follows:

Rule 48. Inquiry Regarding Weapons Carry License

(A) A judge shall make the inquiry required by OCGA § 16-11-129 (e):

(1) When sentencing for conviction of: any felony;¹ any charge of carrying a weapon without a license;² any charge of carrying a weapon or long gun in an unauthorized location;³ any misdemeanor involving the use or possession of a controlled substance;⁴ or any misdemeanor crime of domestic violence as defined in 18 USC § 921 (a) (33);⁵

(2) When addressing any criminal defendant on pending felony charges;⁶

(3) When addressing any person hospitalized as an inpatient in any mental hospital or alcohol or drug treatment center;⁷

(4) When addressing any criminal defendant adjudicated mentally incompetent to stand trial;⁸

(5) When addressing any criminal defendant adjudicated not guilty by reason of insanity;⁹

¹ OCGA § 16-11-129 (b) (2) (B).

² OCGA § 16-11-129 (b) (2) (H) (i).

³ OCGA § 16-11-129 (b) (2) (H) (ii).

⁴ OCGA § 16-11-129 (b) (2) (I).

⁵ OCGA § 16-11-129 (b) (2) (E); 18 USC § 922 (g) (9).

⁶ OCGA § 16-11-129 (b) (2) (C).

⁷ OCGA § 16-11-129 (b) (2) (J).

⁸ OCGA § 16-11-129 (b) (2) (K).

⁹ OCGA § 16-11-129 (b) (2) (L).

(6) When addressing any person who is an unlawful user of or addicted to any controlled substance;¹⁰

(7) When addressing any alien unlawfully in the United States or here on a nonimmigrant visa;¹¹

(8) When addressing any person who is subject to a restraining order as described in 18 USC § 922 (g) (8).

(B) Where required by OCGA § 16-11-129 (e), the judge shall inquire whether a person convicted of any crime or involved in any matter which would make the maintenance of a weapons carry license by such person unlawful is the holder of a weapons carry license. If such person is the holder of a weapons carry license, then the sentencing judge shall inquire of the person the county of the probate court which issued such weapons carry license, or if the person has ever had his or her weapons carry license renewed, then of the county of the probate court which most recently issued the person a renewal license.

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I hereby certify that the above is a true extract from
the minutes of the Supreme Court of Georgia

Witness my signature and the seal of said court hereto
affixed the day and year last above written.

 Clerk

¹⁰ OCGA § 16-11-129 (b) (2) (E); 18 USC § 922 (g) (3).

¹¹ OCGA § 16-11-129 (b) (2) (E); 18 USC § 922 (g) (5).