

JOHN R. MONROE ATTORNEY AT LAW

June 24, 2009

The Hon. Maurice Hilliard
Judge of the Roswell Municipal Court
38 Hill Street
Roswell, GA 30075

RE: Carrying firearms

Dear Judge Hilliard:

I am writing on behalf of my client, GeorgiaCarry.Org, Inc., the leading gun rights organization in Georgia. Last week, a GCO member was dining in the Chic-Fil-A in Roswell while openly carrying a handgun. Marshal J. Hall was in the restaurant and confronted the member, asking first if he were a law enforcement officer and then if he had a firearms license. Marshal Hall asked to see the firearms license, and advised the member that the member was required to conceal his firearm. Marshall Hall said that openly carrying firearms is not allowed in Georgia. Fortunately, the matter ended without incident, as the member left the restaurant with his firearm.

I called Jim Gibson on Monday to discuss the matter with him, and he echoed Marshal Hall's opinion that openly carrying firearms is not allowed in Georgia. I disagreed, but he did not care to discuss the matter. When I pressed the point that marshals should not be enforcing firearms laws if they are not familiar with them, Mr. Gibson said he would discuss the legalities with you and call me back to discuss it. That brings me to the purpose of my letter, which is to point you to the appropriate sources so you do not have to search for them.

Aside from specific laws dealing with places off limits and regulations of certain firearms and people, there are two general laws in Georgia dealing with carrying of firearms: O.C.G.A. §§ 16-11-126 (carrying a concealed weapon) and 16-11-128 (carrying a pistol without a license). A person with a firearms license generally is exempted from both provisions. Even without the exemption, however, it is clear that neither provision prohibits openly carrying a firearm. Obviously, the concealed weapon statute does not prohibit carrying a firearm openly. And, carrying a pistol without a license applies (to someone without a license) whether the pistol is carried openly or concealed. It is worthy to note that there is no prohibition against an unlicensed person from carrying a long gun openly (it being more or less impossible to conceal one).

Georgia appellate courts have acknowledge on multiple occasions that open carrying is permitted (with a license in the case of a pistol), the most recent case being *Goss v. State*, 165 Ga. App. 448 (1983). In ruling that a person need not use a holster when openly carrying a

gun, the court observed that it would not be practical to carry a pistol openly in the hand if it had to be in a holster.

I am sure that you will agree with me, after reading these sources, that openly carrying firearms is not prohibited in Georgia. I thank you for this opportunity to bring the matter to your attention and the attention of the marshals.

Please call me if you have any questions.

Sincerely,

John R. Monroe