

## Section 42-7 Discharge of a Firearm in Effingham County Georgia

1. As used in this Code section, the term:
  - a) "Firearm" means any handgun, rifle, or shotgun.
  - b) *vacant*
  - c) "Public highway" means every public street, road, and highway in this state.
  - d) *vacant*
  - e) "Sport shooting range" means an area designated and operated by a person or entity for the sport shooting of firearms, target practice, trapshooting, skeet shooting, or shooting sporting clays and not available for such use by the general public without payment of a fee, membership contribution, or dues or without the invitation of an authorized person, or any area so designated and operated by a unit of government, regardless of the terms of admission thereto.
  - f) *vacant*
  - g) "Unit of government" means any of the departments, agencies, authorities, or political subdivisions of the state, cities, municipal corporations, townships, or villages and any of their respective departments, agencies, or authorities.
  
2. It shall be unlawful for any person in Effingham County to discharge or shoot any firearms which project lead or any other missile as follows:
  - a) into a dwelling, house, railroad train, boat, aircraft, motor vehicle, or any building or structure used for assembling of people; or
  - b) within seventy-five (75) yards of any occupied building or upon the land of another or across the property line of another without first obtaining written permission of such property owner(s); or
  - c) at a mark, at any inanimate object, or at random, on, along or across a public highway; or
  - d) at or from any motor vehicle, at any person, at any other motor vehicle, or at any building or habitable structure.
  - e) it shall be unlawful for any person, without legal justification, to discharge a firearm on or within 50 yards of a public highway.
  
3. **Section 42-7** shall not apply to or affect any of the following:
  - a) All federal, military, state, county, and municipal law enforcement peace officers possessing the duty and power of arrest whether such officers are within or outside their jurisdictions or on or off duty, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged

in assisting such officer, or any other person otherwise authorized by Georgia statute; or

- b) Any person lawfully exercising the destruction of dangerous animals, or for lawful nuisance wildlife abatement by persons properly permitted by the Georgia Department of Natural Resources, or in the lawful exercise of trapping by properly licensed trappers; or
- c) In connection with the discharge of blank cartridges for theatrical purposes or for signal purposes in athletic or sporting events, military exercises, funerals, reviews, or memorial events; or
- d) Any citizen when lawfully defending person or property; or
- e) Any citizen or legal entity engaged in the lawful use or legal nonconforming use under any zoning ordinance at any private or commercial sport shooting range.

1. For the purposes of this section a “sport shooting range” means an area designed and operated for the use and discharge of guns, air guns, BB guns, pistols, or other firearms, which project lead or any other missile that received prior approval from Effingham County to operate.

4. It shall be unlawful for any person to discharge a firearm while:

- a) Under the influence of alcohol or any drug or any combination of alcohol and any drug to the extent that it is unsafe for the person to discharge such firearm except in defense of life, health, and property;
- b) The person’s alcohol concentration is 0.08 grams or more at any time while discharging such firearm or within three (3) hours after such discharge of such firearm from alcohol consumed before such discharge ended; or
- c) Subject to the provisions of subsection (3) of this Code section, there is any amount of marijuana or a controlled substance as defined in O.C.G.A. §16-13-21, present in the person’s blood or urine, or both, including the metabolites and derivatives of each or both without regard to whether or not any alcohol is present in the person’s breath or blood.

5. The fact that any person charged with violating this section is or has been legally entitled to use a drug shall not constitute a defense against any charge of violating this section; provided, however, that such person shall not be in violation of this subsection unless such person is rendered incapable of possessing or discharging a firearm safely as a result of using a drug other than alcohol which such person is legally entitled to use.

6. Any person convicted of violating subsection (3) of this section shall be guilty of a misdemeanor of a high and aggravated nature.



## **2022 Georgia Code**

### **Title 16 - Crimes and Offenses**

#### **Chapter 11 - Offenses Against Public Order and Safety**

#### **Article 4 - Dangerous Instrumentalities and Practices**

#### **Part 1 - General Provisions**

### **§ 16-11-103. Discharge of Gun or Pistol Near Public Highway; Penalty**

**Universal Citation:** [GA Code § 16-11-103 \(2022\)](#)

- a. As used in this Code section, the term:
  1. “Firearm” means any handgun, rifle, or shotgun.
  2. “Public highway” means every public street, road, and highway in this state.
  3. “Sport shooting range” means an area designated and operated by a person or entity for the sport shooting of firearms, target practice, trapshooting, skeet shooting, or shooting sporting clays and not available for such use by the general public without payment of a fee, membership contribution, or dues or without the invitation of an authorized person, or any area so designated and operated by a unit of government, regardless of the terms of admission thereto.
  4. “Unit of government” means any of the departments, agencies, authorities, or political subdivisions of the state, cities, municipal corporations, townships, or villages and any of their respective departments, agencies, or authorities.
- b. Except as provided in subsection (c) of this Code section, it shall be unlawful for any person, without legal justification, to discharge a firearm on or within 50 yards of a public highway.
- c. This Code section shall not apply to a discharge of a firearm which occurs within 50 yards of a public highway if such discharge is shielded from the view of a traveler on the public highway and occurs at:
  1. An indoor or outdoor sport shooting range;
  2. Facilities used for firearm or hunting safety courses sponsored by a unit of government, nonprofit corporation, or commercial enterprise; or
  3. The business location of any person, firm, retail dealer, wholesale dealer, pawnbroker, or corporation licensed as a firearm dealer.
- d. Any person who violates subsection (b) of the Code section shall be guilty of a misdemeanor.