
The Constitution¹, Guns and the Citizens' Right to Bear Arms

"A well-regulated Militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

– *The Constitution of the United States of America*

"The right of the people to keep and bear arms shall not be infringed, but the General Assembly shall have power to prescribe the manner in which arms may be borne."

– *The Constitution of the State of Georgia*

The *Constitution of the United States, Bill of Rights* is comprised of ten amendments to protect individual rights, not the rights of government. That fact makes it ludicrous to assert that the Second Amendment allows only members of a trained organized militia to keep and bear arms. Though the *Constitution of the State of Georgia* protects the right to bear arms, bills are often introduced to limit their use and the citizens' freedom to use. Such is the case this session.

S.B. 12 prefiled December 11, 2008 and, officially, introduced by Senator Ramsey the first day of the session provides new regulations for the manufacture, sale and possession of handgun ammunition in Georgia. If this passes, paragraphs 16-11-190 through 16-11-197 would be added to Article 4, Chapter 11 of Code 16. Most paragraphs explain and put in place the plan Georgia's Public Safety Department would implement to encode bullets. These are the details:

16-11-191. (a) On and after January 1, 2010, all handgun ammunition manufactured in the state, sold or offered for sale in the state, imported into the state for sale or personal use, kept for sale in the state, or given, lent, or possessed in the state must have a unique ID code¹ etched by the manufacturer in accordance with rules and regulations to be determined by the department.

(b) Effective January 1, 2012, all non-coded handgun ammunition owned by private citizens or commercial entities shall be unlawful and must be disposed of.

16-11-193 explains the five misdemeanor charges that could result from noncompliance.

16-11-195 establishes on each bullet a tax of \$0.005 retailers would collect and send monthly to the Department of Revenue, to be deposited into the state treasury.

ACTION – Oppose. Call Judiciary Committee Senators listed under S.B. 9 below.

S.B. 9 introduced January 12th by Senator Douglas repeals the mandate that concealed weapons must be in holsters. That could lead to this danger: non-holstered guns could accidentally be discharged if they're carried in handbags or other accessories that could be jostled or dropped.

ACTION – Oppose unless it's amended to require holsters for weapons concealed in accessories. Call Judiciary Committee Senators Smith, Ch., 404 656-0034; Harp, 463-3931; Hamrick, 656-0036; Adelman, 463-1376; Brown, 656-5035; Cowsert, 463-1366; Crosby, 463-5258; Fort, 656-5091; Hill, Judson, 656-0150; Reed, 463-1379; Seabaugh, 646-6446; and Wiles 657-0406.

¹ Coni Marie Sheridan's *Standard Journal* article 1-14-09, "Bill would pull plug on reloading," warns that encoding bullets and cartridge cases at the factory will outlaw reloading. However, encoding legislation is being systematically introduced nation wide. NRA's Institute for Legislative Action (NRA-ILA) reports, "[I]n the last year, so-called 'encoded' or 'serialized' ammunition bills have been introduced in 13 states – Arizona, Connecticut, Hawaii, Illinois, Indiana, Maryland, Mississippi, Missouri, New York, Pennsylvania, Rhode Island, Tennessee and Washington." *Now Georgia can be added to that list.*

H.B. 38, Prohibit Forced Microchip Implantation in Humans

Today, highly sophisticated chips are being embedded in human tissue, *i.e.* people.

Microchips were first used 30 years ago for tracking cattle *via* electronic ear tags. In the 1990s inanimate objects, as well as millions of livestock, fish, pets and racehorses were tagged. Chips responsive to scans are in vehicles, tires, library books, passports, and popular retail products. Chips in clothing labels are washable, indestructible and often undetectable. Population groups are being chipped to track movement, collect, store, retrieve and transmit personal data.

Georgia legislative history. In 2006 Representative Setzler introduced H.R. 1558 creating a Study Committee on Biological Privacy. It passed. After four public meetings, legislation was recommended and Representative Setzler introduced H.B. 276 in 2007 to regulate the use of genetic data and prohibit the implantation of biometric sensors into humans. H.B. 276 died. In 2008 Representative Setzler introduced H.B. 940 to require personal permission before such a device could be implanted in your body. That bill died, also, but this year, he's trying again.

H.B. 38 introduced January 23, 2009 by Representative Setzler of District 35 is outlined below:

- (a) No person shall be required to be implanted with a microchip.
- (b) Implantation includes any means intended to introduce a microchip internally, beneath the skin, or applied to the skin of a person. (This does not include pacemakers.)
- (c) If a person is covertly implanted, a two-year statute of limitations is allowed for victims to seek damages of at least \$10,000 for each day the implant remains in the body.
- (d) Individuals choosing to be implanted may do so, providing the physician's implanting procedure conforms to regulations of the Composite State Board of Medical Examiners.

Background. Microchips, which are radio frequency identification devices (RFID), may be as big as index cards or as tiny as 0.25 mm – smaller than a period at the end of a sentence. Those innocuous, work-saving microchips that track animals and count inventory have been developed into privacy invading devices for the express purpose of implanting and tracking humans.

Devices with low radio frequencies, 30 to 300 kHz, such as VeriChips, are designed for use on living beings – humans and animals – because of the water-content of their bodies. VeriChips are 12 mm or .47-inch-long RFID tags encased in glass capsules and produced by Applied Digital Solutions. Millions of dogs and cats worldwide are implanted with “Home Again” chips sold by Schering-Plough. In California, American Veterinary ID Systems (AVID) developed the RFID chips now used to tag farm and laboratory animals.

If pending patent application No. 20040174258 is granted, Persephone, Inc. in California will hold the patent on a “Method and Apparatus for Locating and Tracking Persons” with deep body implants that require major surgery to embed and the same surgery for removal. Secret implants during surgery could occur. Devices could go undetected unless rejected by the body.

Health Note: Many study animals with microchip-associated tumors died prematurely due to tumors arising from embedded foreign bodies. Many tumors metastasized, spreading cancer to the lungs, liver, stomach, pancreas and other organs in pets¹.

ACTION – Support. Call House Judiciary Committee Representatives Willard, Ch., 404 656-5125; Ralston, 656-0213; Jacobs, 656-0152; Golick, 656-5215; Wilkinson, 463-8143; Allison, 656-0177; Bruce, 656-0314; Dobbs, 656-7859; Hatfield, 656-0109; Lane, 656-5087; Lindsey, 463-2245; Maddox, 65-0109; McKillip, 656-0220; Oliver, 656-0265; O'Neal, 656-5103; Shipp, 656-6372; Stephenson, 656-0126; Teilhet, 656-0298; and Weldon, 656-0152.

¹ “Microchip-Induced Tumors in Laboratory Rodents and Dogs: A Review of the Literature 1990-2006,” by Katherine Albrecht, Ed.D., CASPIAN at <http://www.antichips.com/cancer>

H.B. 33 Religious Viewpoints Antidiscrimination Act

H.B. 33 introduced by Representative Rice of District 51 on January 15, 2009 requires local school systems to enact the “Religious Viewpoints Antidiscrimination Act” that would:

- (a) prohibit discrimination against a student based on a religious viewpoint expressed;
- (b) require local school systems to establish a limited public forum for student speakers;
- (c) allow students to express religious beliefs in class assignments;
- (d) allow religious groups and activities just as noncurricular groups and activities are allowed;
- (e) require a local school system policy on forums and student expression of religious views.
- (f) Articles 1,2,3,4,5 provide a model policy local school systems may use for each situation.

Article 1: Student Expression of Religious Viewpoints

Article 2: Student Speakers at Nongraduation Events

Article 3: Student Speakers at Graduation Ceremonies

Article 4: Religious Expression in Class Assignments

Article 5: Freedom to Organize Religious Groups and Activities

H.B. 33, Paragraph 20-2-1063 states: *“Students in local school systems in this state may express their beliefs about religion on homework, artwork, and other written and oral assignments from discrimination based on the religious content of their submissions. Homework and classroom assignments shall be judged by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by the school system. Students shall not be penalized or rewarded based on the religious content of their work.”*

H.B. 33, Paragraph 20-2-1064 states in part: *“Students in local school systems in this state may organize prayer groups, religious clubs, ‘see you at the pole’ gatherings, or other religious gatherings before, during, and after school to the same extent that students are permitted to organize other noncurricular student activities and groups. Religious groups shall be given the same access to school facilities for assembling as is given to other noncurricular groups without discrimination based on the religious content of the students’ expression.”*

This also authorizes local school systems to issue disclaimers of neutrality toward any student prayer or religious expression.

ACTION – Support. Call House Judiciary Committee Representatives Willard, Ch., 404 656-5125; Ralston, 656-0213; Jacobs, 656-0152; Golick, 656-5215; Wilkinson, 463-8143; Allison, 656-0177; Bruce, 656-0314; Dobbs, 656-7859; Hatfield, 656-0109; Lane, 656-5087; Lindsey, 463-2245; Maddox, 65-0109; McKillip, 656-0220; Oliver, 656-0265; O’Neal, 656-5103; Shipp, 656-6372; Stephenson, 656-0126; Teilhet, 656-0298; and Weldon, 656-0152.

ACORN

S.R. 7 introduced January 13th by Senator Mullis of District 53 asks the IRS and Secretary of the Treasury to investigate fraudulent activities of the Association of Community Organizations for Reform Now (ACORN) and remove their tax-exempt status. ACORN is charged with submitting voter registrations with false data to eleven states in the presidential election and in Nevada using names of dead people and 15 Dallas Cowboys’ names on registration forms. In Ohio, a person admitted to signing 73 voter registration applications over a five-month period through ACORN. In Connecticut, ACORN submitted a registration card containing the name and false birth date of a seven-year-old girl.

ACTION – Support. Contact Rules Committee Senators Balfour, Ch., 656-0095; Hamrick, 656-0036; Seabaugh, 656-6446; Adelman, 463-1376; Butler, 656-0075; Hill, Jack, 656-5038; Hooks, 656-0065; Johnson, 656-5109; Moody, 463-8055; Pearson, 656-9221; Rogers, 463-1378; Shafer, 656-0048; Smith, 656-0034; Thomas, 656-6436; Tolleson, 656-0081; Unterman, 463-1368; and Williams, 656-0089.

Penalty for HIV Assaults

H.B. 47 introduced by Representative Bearden of District 68 increases the penalty for assaults with intent to infect peace officers and correctional officers with HIV or hepatitis, while officers are engaged in the performance of official duties or on account of performance of their official duties. The current penalty is five to 20 years in prison for infecting law enforcement officers with HIV or hepatitis with the assailant's body fluids (blood, semen, or vaginal secretions), saliva, urine or feces. This bill increases the penalty to five to 30 years in prison.

ACTION – Support. Call Judiciary – Non-Civil Committee Representatives Golick, Ch., 404 651-7737; Hatfield, 656-0109; Bearden, 656-0287; Abdul-Salaam, 656-0325; Abrams, 656-0220; Benfield, 656-7859; Byrd, 656-0126; Cole, 651-7737; Collins, 656-0188; Cooper, 656-5069; Everson, 656-0188; Franklin, 656-0152; Knox, 656-6831; Levitas, 656-0202; Lunsford, 656-7416; Mangham, 656-0126; Ramsey, 656-0188; Randall, 656-0109; and Setzler, 656-0177.

Allows Student Self-Administration of Certain Drugs

S.B. 8 introduced by Senator Murphy of District 27 adds a new section to the elementary and secondary education law on student health. It provides the following:

- (a) Students may have and self-inject auto-injectable epinephrine for life-threatening allergies.
- (b) Local boards of education must adopt policies authorizing students to do so.
- (c) School systems, their employees and agents would not be liable for adverse effects.
- (d) Student's parent or guardian must, periodically, provide a written statement from a licensed physician, detailing the medication name, method, amount and time schedule for dosages.
- (e) Students could self-inject epinephrine in school, at school sponsored activities, under school personnel supervision or in before/after-school care on school operated property.
- (f) Students violating these provisions would be subject to disciplinary action.

ACTION – Support. Call Health and Human Services Committee Senators Thomas, Ch., 404 656-6436; Unterman, 463-1368; Goggans, 463-5263; Adelman, 463-1376; Balfour, 656-0095; Butler, 656-0075; Grant, 656-0082; Hawkins, 656-6578; Henson, 656-0085; Hill, Judson, 656-0150; Jackson, Lester, 463-5261; Orrock, 463-8054; Shafer, 656-0048; Smith, 656-0034; Tate, 463-8053; and Wiles, 657-0406.

Eminent Domain

H.R. 70 introduced by Representative Stephens of District 164 adds a paragraph to Georgia's constitutional eminent domain provisions that allow the taking of private property. Currently, Article 1, Section 3, Paragraph 1 stipulates in (a) through (e) the payment property owners may expect for the loss of their property. However, H.R. 70 gives locals a little power to decide whether or not property is taken, by adding the following to Article 1, Section 3, Paragraph 1:

“(f) Condemnation of private property pursuant to the power of eminent domain shall be approved by a resolution or ordinance of the governing authority of the municipality within which the property is located, if any, or otherwise by the governing authority of the county within which the property is located.”

For H.R. 70 to pass, two-thirds of the Senate and two-thirds of the House must vote for it. If it passes the General Assembly, voters would answer this question on the November 2010 ballot:

“Shall the Constitution of Georgia be amended so as to require that the condemnation of private property through the power of eminent domain must be approved by the governing authority of the municipality within which the property is located, if any, or otherwise by the governing authority of the county within which the property is located?”

If it passes by a majority of voters, (f) quoted above will be added to the State Constitution.

ACTION – Support. Call House Judiciary Committee Representatives listed on page 2.

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