

House Bill 397 (AS PASSED HOUSE AND SENATE)

By: Representatives Barnes of the 84th, Post 2, Wix of the 33rd, Post 1, Hill of the 81st, Dodson of the 84th, Post 1, and Buckner of the 82nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia
2 Annotated, relating to carrying and possession of firearms, so as to provide an affirmative
3 defense for the unauthorized possession of firearms or other deadly weapons at public
4 gatherings; to amend Part 2 of Article 4 of Chapter 12 of Title 16 of the Official Code of
5 Georgia Annotated, relating to transportation passenger safety, so as to provide for
6 exceptions to certain prohibitions; to provide an affirmative defense for the unauthorized
7 possession of firearms, hazardous substances, knives, or other devices in a transportation
8 facility or aboard an aircraft, bus, or rail vehicle; to provide for related matters; to provide
9 for an effective date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

12 Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
13 relating to carrying and possession of firearms, is amended by striking Code Section
14 16-11-127, relating to carrying deadly weapons at public gatherings, in its entirety and
15 inserting in lieu thereof the following:

16 "16-11-127.

17 (a) Except as provided in Code Section 16-11-127.1, a person is guilty of a misdemeanor
18 when he or she carries to or while at a public gathering any explosive compound, firearm,
19 or knife designed for the purpose of offense and defense.

20 (b) For the purpose of this Code section, 'public gathering' shall include, but shall not be
21 limited to, athletic or sporting events, churches or church functions, political rallies or
22 functions, publicly owned or operated buildings, or establishments at which alcoholic
23 beverages are sold for consumption on the premises. Nothing in this Code section shall
24 otherwise prohibit the carrying of a firearm in any other public place by a person licensed
25 or permitted to carry such firearm by this part.

1 (c) This Code section shall not apply to competitors participating in organized sport
 2 shooting events. Law enforcement officers, peace officers retired from state or federal law
 3 enforcement agencies, judges, magistrates, solicitors-general, and district attorneys may
 4 carry pistols in publicly owned or operated buildings.

5 (d) It is an affirmative defense to a violation of this Code section if a person notifies a law
 6 enforcement officer or other person employed to provide security for a public gathering of
 7 the presence of such item as soon as possible after learning of its presence and surrenders
 8 or secures such item as directed by the law enforcement officer or other person employed
 9 to provide security for a public gathering."

10 SECTION 2.

11 Part 2 of Article 4 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,
 12 relating to transportation passenger safety, is amended by striking Code Section 16-12-125,
 13 relating to avoiding or interfering with securing measures, in its entirety and inserting in lieu
 14 thereof the following:

15 "16-12-125.

16 (a) Except as otherwise provided in this Code section, it It shall be unlawful for any
 17 person to avoid or interfere with a properly functioning security measure. Any person
 18 convicted of a violation of this Code section shall be guilty of a misdemeanor of a high and
 19 aggravated nature; provided, however, that any person who violates this Code section with
 20 the intent to commit a felony within the terminal or with regard to any aircraft, bus, or rail
 21 vehicle shall be punished by imprisonment for not less than five nor more than 25 years,
 22 a fine not to exceed \$100,000.00, or both.

23 (b) Any violation of this Code section shall be considered a separate offense.

24 (c) This Code section shall not apply to authorized agents of the entity owning or operating
 25 such security measure."

26 SECTION 3.

27 Said part is further amended by striking Code Section 16-12-126, relating to intentionally
 28 interfering with safety or traffic control devices, in its entirety and inserting in lieu thereof
 29 the following:

30 "16-12-126.

31 (a) Except as otherwise provided in this Code section, it It shall be unlawful intentionally
 32 to disable or inhibit the operation or effectiveness of any properly functioning safety device
 33 of any description or to render any item or substance less safe when said item or substance
 34 is in any freight of a transportation company, in baggage or possessions of a passenger, or
 35 in a terminal.

1 (b) Except as otherwise provided in this Code section, it shall be unlawful to
 2 intentionally render inoperable or partially inoperable for any period of time any properly
 3 functioning device designed or operated for traffic control that is owned, operated, or
 4 maintained by or for the benefit of a transportation company.

5 (c) Any violation of this Code section shall be punished by imprisonment for not less than
 6 five nor more than 20 years, a fine not to exceed \$100,000.00, or both.

7 (d) Any violation of this Code section shall be considered a separate offense.

8 (e) This Code section shall not apply to authorized agents of the entity owning or operating
 9 such safety device or device designed or operated for traffic control."

10 SECTION 4.

11 Said part is further amended by striking Code Section 16-12-127, relating to prohibition on
 12 firearms, hazardous substances, knives, or other devices, in its entirety and inserting in lieu
 13 thereof the following:

14 "16-12-127.

15 (a) It shall be unlawful for any person, with the intention of avoiding or interfering with
 16 a security measure or of introducing into a terminal any explosive, destructive device, or
 17 hoax device as defined in Code Section 16-7-80; firearm; hazardous substance as defined
 18 by Code Section 12-8-92; or knife or other device designed or modified for the purpose of
 19 offense and defense, to:

20 (1) Have any such item on or about his or her person, or

21 (2) Place or cause to be placed or attempt to place or cause to be placed any such item:

22 (A) In a container or freight of a transportation company;

23 (B) In the baggage or possessions of any person or any transportation company without
 24 the knowledge of the passenger or transportation company; or

25 (C) Aboard such aircraft, bus, or rail vehicle.

26 (b) A person violating the provisions of this Code section shall be guilty of a felony and
 27 shall, upon conviction, be sentenced to imprisonment for not less than one year nor more
 28 than 20 years, a fine not to exceed \$15,000.00, or both. A prosecution under this Code
 29 section shall not be barred by the imposition of a civil penalty imposed by any
 30 governmental entity.

31 (c) It is an affirmative defense to a violation of this Code section if a person notifies a law
 32 enforcement officer or other person employed to provide security for a transportation
 33 company of the presence of such item as soon as possible after learning of its presence and
 34 surrenders or secures such item as directed by the law enforcement officer or other person
 35 employed to provide security for a transportation company."

1 **SECTION 5.**

2 This Act shall become effective on the first day of the month following the month in which
3 it is approved by the Governor or in which it becomes law without such approval.

4 **SECTION 6.**

5 All laws and parts of laws in conflict with this Act are repealed.