

House Bill 544

By: Representatives Abdul-Salaam of the 74th, Talton of the 145th, Jordan of the 77th, Brooks of the 63rd, Beasley-Teague of the 65th, and others

A BILL TO BE ENTITLED
AN ACT

1 To provide for a short title; to amend Part 3 of Article 4 of Chapter 11 of Title 16 of the
2 Official Code of Georgia Annotated, relating to carrying and possessing weapons, so as to
3 change certain provisions relating to carrying weapons with school safety zones, at school
4 functions, or on school property; to provide for a definition; to prohibit carrying weapons in
5 parks; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "Travon Wilson Act."

9 **SECTION 2.**

10 Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
11 relating to carrying and possessing weapons, is amended by striking in its entirety Code
12 Section 16-11-127.1, relating to carrying of weapons in school safety zones, at school
13 functions, or on school property, and inserting in lieu thereof the following:

14 "16-11-127.1.

15 (a) As used in this Code section, the term:

16 (1) 'School safety zone' means in, on, or within 1,000 feet of any real property owned by
17 or leased to any public or private elementary school, secondary school, or school board
18 and used for elementary or secondary education and in, on, or within 1,000 feet of the
19 campus of any public or private technical school, vocational school, college, university,
20 or institution of postsecondary education.

21 (2) 'Park' means any park, land, historic site, recreation center, playground, or
22 recreational area which is designated as a park by the state or any political subdivision
23 thereof. Such term does not include wildlife management areas.

24 ~~(2)~~(3) 'Weapon' means and includes any pistol, revolver, or any weapon designed or
25 intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife,

1 ballistic knife, any other knife having a blade of two or more inches, straight-edge razor,
 2 razor blade, spring stick, metal knucks, blackjack, any bat, club, or other bludgeon-type
 3 weapon, or any flailing instrument consisting of two or more rigid parts connected in
 4 such a manner as to allow them to swing freely, which may be known as a nun chahka,
 5 nun chuck, nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration,
 6 having at least two points or pointed blades which is designed to be thrown or propelled
 7 and which may be known as a throwing star or oriental dart, or any weapon of like kind,
 8 and any stun gun or taser as defined in subsection (a) of Code Section 16-11-106. This
 9 paragraph excludes any of these instruments used for classroom work authorized by the
 10 teacher.

11 (b) Except as otherwise provided in subsection (c) of this Code section, it shall be unlawful
 12 for any person to carry to or to possess or have under such person's control while within
 13 a park, a school safety zone, or at a school building, school function, or school property or
 14 on a bus or other transportation furnished by the school any weapon or explosive
 15 compound, other than fireworks the possession of which is regulated by Chapter 10 of
 16 Title 25. Any person who violates this subsection shall be guilty of a felony and, upon
 17 conviction thereof, be punished by a fine of not more than \$10,000.00, by imprisonment
 18 for not less than two nor more than ten years, or both; provided, however, that upon
 19 conviction of a violation of this subsection involving a firearm as defined in paragraph (2)
 20 of subsection (a) of Code Section 16-11-131, or a dangerous weapon or machine gun as
 21 defined in Code Section 16-11-121, such person shall be punished by a fine of not more
 22 than \$10,000.00 or by imprisonment for a period of not less than five nor more than ten
 23 years, or both. A child who violates this subsection shall be subject to the provisions of
 24 Code Section 15-11-63.

25 (c) The provisions of this Code section shall not apply to:

- 26 (1) Baseball bats, hockey sticks, or other sports equipment possessed by competitors for
 27 legitimate athletic purposes;
- 28 (2) Participants in organized sport shooting events or firearm training courses;
- 29 (3) Persons participating in military training programs conducted by or on behalf of the
 30 armed forces of the United States or the Georgia Department of Defense;
- 31 (4) Persons participating in law enforcement training conducted by a police academy
 32 certified by the Georgia Peace Officer Standards and Training Council or by a law
 33 enforcement agency of the state or the United States or any political subdivision thereof;
- 34 (5) The following persons, when acting in the performance of their official duties or
 35 when en route to or from their official duties:
- 36 (A) A peace officer as defined by Code Section 35-8-2;
- 37 (B) A law enforcement officer of the state or United States government;

1 (C) A prosecuting attorney of this state or of the United States;

2 (D) An employee of the Georgia Department of Corrections or a correctional facility
3 operated by a political subdivision of this state or the United States who is authorized
4 by the head of such correctional agency or facility to carry a firearm;

5 (E) A person employed as a campus police officer or school security officer who is
6 authorized to carry a weapon in accordance with Chapter 8 of Title 20; and

7 (F) Medical examiners, coroners, and their investigators who are employed by the state
8 or any political subdivision thereof;

9 (6) A person who has been authorized in writing by a duly authorized official of the
10 school to have in such person's possession or use as part of any activity being conducted
11 at a school building, school property, or school function a weapon which would otherwise
12 be prohibited by this Code section. Such authorization shall specify the weapon or
13 weapons which have been authorized and the time period during which the authorization
14 is valid;

15 (6.1) A person who has been authorized in writing by a duly authorized official of the
16 park to have in such person's possession or use as part of any activity being conducted
17 at a park, park building, or park facility a weapon which would otherwise be prohibited
18 by this Code section. Such authorization shall specify the weapon or weapons which have
19 been authorized and the time period during which the authorization is valid;

20 (7) A person who is licensed in accordance with Code Section 16-11-129 or issued a
21 permit pursuant to Code Section 43-38-10, when such person carries or picks up a person
22 or student at a park, school building, school function, or school property or on a bus or
23 other transportation furnished by the school or any weapon legally kept within a vehicle
24 in transit through a park by any person or through a designated school zone by any person
25 other than a student;

26 (8) A weapon which is in a locked compartment of a motor vehicle or one which is in
27 a locked container in or a locked firearms rack which is on a motor vehicle which is being
28 used by an adult over 21 years of age to bring to or pick up a student at a school building,
29 school function, or school property or on a bus or other transportation furnished by the
30 school, or when such vehicle is used to transport someone to an activity being conducted
31 on school property which has been authorized by a duly authorized official of the school;
32 provided, however, that this exception shall not apply to a student attending such school;

33 (8.1) A weapon which is in a locked compartment of a motor vehicle or one which is in
34 a locked container in or a locked firearms rack which is on a motor vehicle which is being
35 used by an adult over 21 years of age to bring to or pick up a person at a park, park
36 building, or park facility, or when such vehicle is used to transport someone to an activity

1 being conducted on park property which has been authorized by a duly authorized official
 2 of the park;

3 (9) Persons employed in fulfilling defense contracts with the government of the United
 4 States or agencies thereof when possession of the weapon is necessary for manufacture,
 5 transport, installation, and testing under the requirements of such contract;

6 (10) Those employees of the State Board of Pardons and Paroles when specifically
 7 designated and authorized in writing by the members of the State Board of Pardons and
 8 Paroles to carry a weapon;

9 (11) The Attorney General and those members of his or her staff whom he or she
 10 specifically authorizes in writing to carry a weapon;

11 (12) Probation supervisors employed by and under the authority of the Department of
 12 Corrections pursuant to Article 2 of Chapter 8 of Title 42, known as the 'State-wide
 13 Probation Act,' when specifically designated and authorized in writing by the director of
 14 the Division of Probation;

15 (13) Public safety directors of municipal corporations;

16 (14) State and federal trial and appellate judges;

17 (15) United States attorneys and assistant United States attorneys;

18 (16) Clerks of the superior courts; or

19 (17) Teachers and other school personnel who are otherwise authorized to possess or
 20 carry weapons, provided that any such weapon is in a locked compartment of a motor
 21 vehicle or one which is in a locked container in or a locked firearms rack which is on a
 22 motor vehicle.

23 (d)(1) This Code section shall not prohibit any person who resides or works in a business
 24 or is in the ordinary course of transacting lawful business or any person who is a visitor
 25 of such resident located within a school safety zone from carrying, possessing, or having
 26 under such person's control a weapon within a school safety zone; provided, however,
 27 it shall be unlawful for any such person to carry, possess, or have under such person's
 28 control while at a school building or school function or on school property, a school bus,
 29 or other transportation furnished by the school any weapon or explosive compound, other
 30 than fireworks the possession of which is regulated by Chapter 10 of Title 25.

31 (2) Any person who violates this subsection shall be subject to the penalties specified in
 32 subsection (b) of this Code section.

33 (3) This subsection shall not be construed to waive or alter any legal requirement for
 34 possession of weapons or firearms otherwise required by law.

35 (d.1)(1) This Code section shall not prohibit any person who resides or works in a
 36 business or is in the ordinary course of transacting lawful business or any person who is
 37 a visitor of such resident located within a park from carrying, possessing, or having under

1 such person's control a weapon within a park; provided, however, it shall be unlawful for
 2 any such person to carry, possess, or have under such person's control while at a park any
 3 weapon or explosive compound, other than fireworks the possession of which is regulated
 4 by Chapter 10 of Title 25.

5 (2) Any person who violates this subsection shall be subject to the penalties specified in
 6 subsection (b) of this Code section.

7 (3) This subsection shall not be construed to waive or alter any legal requirement for
 8 possession of weapons or firearms otherwise required by law.

9 (e) It shall be no defense to a prosecution for a violation of this Code section that:

10 (1) School was or was not in session at the time of the offense;

11 (2) The real property was being used for other purposes besides school purposes at the
 12 time of the offense; or

13 (3) The offense took place on a school vehicle.

14 (e.1) It shall be no defense to a prosecution for a violation of this Code section that a park
 15 was closed or not open for business at the time of the offense.

16 (f) In a prosecution under this Code section, a map produced or reproduced by any
 17 municipal or county agency or department for the purpose of depicting the location and
 18 boundaries of the area on or within 1,000 feet of the real property of a school board or a
 19 private or public elementary or secondary school that is used for school purposes or within
 20 1,000 feet of any campus of any public or private technical school, vocational school,
 21 college, university, or institution of postsecondary education, or a true copy of the map,
 22 shall, if certified as a true copy by the custodian of the record, be admissible and shall
 23 constitute prima-facie evidence of the location and boundaries of the area, if the governing
 24 body of the municipality or county has approved the map as an official record of the
 25 location and boundaries of the area. A map approved under this Code section may be
 26 revised from time to time by the governing body of the municipality or county. The
 27 original of every map approved or revised under this subsection or a true copy of such
 28 original map shall be filed with the municipality or county and shall be maintained as an
 29 official record of the municipality or county. This subsection shall not preclude the
 30 prosecution from introducing or relying upon any other evidence or testimony to establish
 31 any element of this offense. This subsection shall not preclude the use or admissibility of
 32 a map or diagram other than the one which has been approved by the municipality or
 33 county.

34 (g) A county school board may adopt regulations requiring the posting of signs designating
 35 the areas within 1,000 feet of school boards and private or public elementary and secondary
 36 schools as 'Weapon-free and Violence-free School Safety Zones.'

1 (h) A county, city, or consolidated governing authority may adopt regulations requiring
2 the posting of signs designating parks as 'Weapon-free Zones.'"

3 **SECTION 2.**

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