

The House Committee on Public Safety and Homeland Security offers the following substitute to HB 35:

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 that the local
3 board of education of each school system in this state shall be authorized to designate one
4 or more qualified and trained personnel to possess or carry approved firearms onto school
5 property; to provide for related matters; to provide an effective date; to repeal conflicting
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
10 relating to carrying and possession of firearms, is amended by revising subsection (c) of
11 Code Section 16-11-127.1, relating to carrying weapons within school safety zones, at school
12 functions, or on school property, by striking "or" at the end of paragraph (17), by replacing
13 the period with "; or" at the end of paragraph (18), and by inserting a new paragraph to read
14 as follows:

15 "(19) Designated school personnel under Code Section 16-11-127.3."

16 **SECTION 2.**

17 Said part is further amended by adding a new Code section to read as follows:

18 "16-11-127.3.

19 (a) Notwithstanding any provision of this part to the contrary, a local board of education
20 shall be authorized to approve one or more qualified persons to possess or carry firearms
21 on school property. School property includes anywhere within a school safety zone or
22 school building, at a school function, on any property owned, controlled, or managed by
23 the school, and on a school bus or other transportation furnished by the school.

24 (b) No local school board shall approve personnel to possess or carry firearms as provided
25 in subsection (a) of this Code section until such local school board has adopted and
26 implemented a policy which provides for:

27 (1) Sufficient training of approved personnel prior to authorizing such personnel to carry
28 firearms. The training shall at a minimum include training on judgment pistol shooting,
29 marksmanship, and a review of current laws relating to the use of force for the defense
30 of self and others; provided, however, that the local school board training policy may
31 substitute for certain training requirements the personnel's prior military or law
32 enforcement service if the approved personnel has previously served as a certified law
33 enforcement officer or has had military service which involved similar firearm training;

34 (2) An approved list of the types of firearms and ammunition and the number of firearms
35 and amount of ammunition authorized to be possessed or carried;

36 (3) The exclusion from approval of any personnel who has had an employment or other
37 history indicating any type of mental or emotional instability as determined by the local
38 school board; and

39 (4) A mandatory method of securing such firearms which shall include at a minimum a
40 requirement that the firearm, if permitted to be carried concealed by personnel, shall be
41 carried in a holster on the person and not in a purse, briefcase, bag, or similar other
42 accessory which is not secured on the body of the person and, if maintained separate from
43 the person, shall be maintained in a secured lock safe or similar lock box that cannot be
44 easily accessed by students.

45 (c) Any personnel selected to possess or carry firearms on school property shall have a
46 valid weapons carry license, and the local board of education shall be responsible for
47 conducting a criminal history background check of such employee annually to determine
48 whether such person remains qualified to possess a weapons carry license.

49 (d) The selection of approved personnel to possess or carry a firearm on school property
50 shall be done strictly on a voluntary basis. No person shall be required to possess or carry
51 firearms on school property. No employee shall be terminated or otherwise retaliated
52 against for refusing to possess or carry a firearm.

53 (e) The local board of education shall be responsible for any costs associated with
54 approving personnel to carry or possess firearms on school property; provided, however,
55 that nothing contained herein shall prohibit any approved personnel from paying for part
56 or all of such costs or using any other funding mechanism available, including donations
57 or grants from private persons or entities.

58 (f) Documents and meetings pertaining to personnel approved to carry or possess firearms
59 on school property shall be considered employment and public safety security records and
60 shall not be subject to public inspection or copying. Such documents are exempt from

61 disclosure under Article 4 of Chapter 18 of Chapter 50, relating to the inspection of public
62 records.
63 (g) This Code section shall not be construed to require or otherwise mandate that any local
64 school board or school administrator adopt or implement a practice or program for the
65 approval of personnel to possess or carry firearms on school property nor shall this Code
66 section create any liability for adopting or declining to adopt such practice or program.
67 Such decision shall rest with each individual local board of education."

68 **SECTION 3.**

69 This Act shall become effective upon its approval by the Governor or upon its becoming law
70 without such approval.

71 **SECTION 4.**

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