H. B. 280

(AS PASSED HOUSE AND SENATE)

By: Representatives Ballinger of the 23\textsuperscript{rd}, Powell of the 32\textsuperscript{nd}, Meadows of the 5\textsuperscript{th}, Jasperse of the 11\textsuperscript{th}, Jones of the 91\textsuperscript{st}, and others

A BILL TO BE ENTITLED

AN ACT

To amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, so as to authorize the carrying and possession of handguns in certain manners by weapons carry license holders in certain buildings or on real property owned by or leased to public institutions of postsecondary education; to provide for exceptions; to revise criminal penalties for violations; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, is amended in Code Section 16-11-127.1, relating to carrying weapons within school safety zones, at school functions, or on a bus or other transportation furnished by a school, by revising paragraph (2) of subsection (b) and by revising subsection (c) by deleting "or" at the end of paragraph (18), by replacing the period with "; or" at the end of paragraph (19), and by adding a new paragraph to read as follows:

"(2) Except as provided for in paragraph (20) of subsection (c) of this Code section, any license holder who violates this subsection shall be guilty of a misdemeanor. Any person who is not a license holder who violates this subsection shall be guilty of a felony and, upon conviction thereof, be punished by a fine of not more than $10,000.00, by imprisonment for not less than two nor more than ten years, or both."

"(20)(A) Any weapons carry license holder when he or she is in any building or on real property owned by or leased to any public technical school, vocational school, college, or university, or other public institution of postsecondary education; provided, however, that such exception shall:
(i) Not apply to buildings or property used for athletic sporting events or student housing, including, but not limited to, fraternity and sorority houses;
(ii) Not apply to any preschool or childcare space located within such buildings or real property;
(iii) Not apply to any room or space being used for classes related to a college and career academy or other specialized school as provided for under Code Section 20-4-37;
(iv) Not apply to any room or space being used for classes in which high school students are enrolled through a dual enrollment program, including, but not limited to, classes related to the 'Move on When Ready Act' as provided for under Code Section 20-2-161.3;
(v) Not apply to faculty, staff, or administrative offices or rooms where disciplinary proceedings are conducted;
(vi) Only apply to the carrying of handguns which a licensee is licensed to carry pursuant to subsection (e) of Code Section 16-11-126 and pursuant to Code Section 16-11-129; and
(vii) Only apply to the carrying of handguns which are concealed.

(B) Any weapons carry license holder who carries a handgun in a manner or in a building, property, room, or space in violation of this paragraph shall be guilty of a misdemeanor; provided, however, that for a conviction of a first offense, such weapons carry license holder shall be punished by a fine of $25.00 and not be sentenced to serve any term of confinement.

(C) As used in this paragraph, the term:

(i) 'Concealed' means carried in such a fashion that does not actively solicit the attention of others and is not prominently, openly, and intentionally displayed except for purposes of defense of self or others. Such term shall include, but not be limited to, carrying on one's person while such handgun is substantially, but not necessarily completely, covered by an article of clothing which is worn by such person, carrying within a bag of a nondescript nature which is being carried about by such person, or carrying in any other fashion as to not be clearly discernible by the passive observation of others.
(ii) 'Preschool or childcare space' means any room or continuous collection of rooms or any enclosed outdoor facilities which are separated from other spaces by an electronic mechanism or human-staffed point of controlled access and designated for the provision of preschool or childcare services, including, but not limited to, preschool or childcare services licensed or regulated under Article 1 of Chapter 1A of Title 20.'
SECTION 2.

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