

Senate Bill 449

By: Senators Wilkinson of the 50th, Ginn of the 47th, Harper of the 7th, Heath of the 31st and Anderson of the 24th

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 exempt weapons carry
3 license holders from certain weapons carry restrictions; to account for weapons carry
4 reciprocity; to provide for conforming references; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **PART I**
8 **SECTION 1-1.**

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 adding a new subsection to
11 Code Section 16-11-130, relating to exemptions from Code Sections 16-11-126 through
12 16-11-127.2, as follows:

13 "(a.1) Except to the extent provided for in subsection (c.1) of this Code section, Code
14 Sections 16-11-126 through 16-11-127.2 shall not apply to or affect any person who is a
15 weapons carry license holder as provided in Code Section 16-11-129 or is licensed to carry
16 a weapon in any other state whose laws recognize and give effect to a license issued
17 pursuant to this part as provided in subsection (e) of Code Section 16-11-126."

18 **PART II**
19 **SECTION 2-1.**

20 Said part is further amended by revising Code Section 16-11-127, relating to carrying
21 weapons in unauthorized locations, as follows:

22 "16-11-127.

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

- 24 (1) 'Courthouse' means a building occupied by judicial courts and containing rooms in
 25 which judicial proceedings are held.
- 26 (2) 'Government building' means:
- 27 (A) The building in which a government entity is housed;
- 28 (B) The building where a government entity meets in its official capacity; provided,
 29 however, that if such building is not a publicly owned building, such building shall be
 30 considered a government building for the purposes of this Code section only during the
 31 time such government entity is meeting at such building; or
- 32 (C) The portion of any building that is not a publicly owned building that is occupied
 33 by a government entity.
- 34 (3) 'Government entity' means an office, agency, authority, department, commission,
 35 board, body, division, instrumentality, or institution of the state or any county, municipal
 36 corporation, consolidated government, or local board of education within this state.
- 37 (4) 'Parking facility' means real property owned or leased by a government entity,
 38 courthouse, jail, prison, or place of worship that has been designated by such government
 39 entity, courthouse, jail, prison, or place of worship for the parking of motor vehicles at
 40 a government building or at such courthouse, jail, prison, or place of worship.
- 41 (b) Except as provided in Code Section 16-11-127.1 and subsection ~~(d)~~ or ~~(e)~~ (c) of this
 42 Code section, a person shall be guilty of carrying a weapon or long gun in an unauthorized
 43 location and punished as for a misdemeanor when he or she carries a weapon or long gun
 44 while:
- 45 (1) In a government building ~~as a nonlicense holder~~;
- 46 (2) In a courthouse;
- 47 (3) In a jail or prison;
- 48 (4) In a place of worship, unless the governing body or authority of the place of worship
 49 permits the carrying of weapons or long guns by license holders;
- 50 (5) In a state mental health facility as defined in Code Section 37-1-1 which admits
 51 individuals on an involuntary basis for treatment of mental illness, developmental
 52 disability, or addictive disease; provided, however, that carrying a weapon or long gun
 53 in such location in a manner in compliance with paragraph (3) of subsection ~~(d)~~ (c) of this
 54 Code section shall not constitute a violation of this subsection;
- 55 (6) On the premises of a nuclear power facility, except as provided in Code Section
 56 16-11-127.2, and the punishment provisions of Code Section 16-11-127.2 shall supersede
 57 the punishment provisions of this Code section; or
- 58 (7) Within 150 feet of any polling place when elections are being conducted and such
 59 polling place is being used as a polling place as provided for in paragraph (27) of Code
 60 Section 21-2-2, except as provided in subsection (i) of Code Section 21-2-413.

61 (c) A license holder or person recognized under subsection (e) of Code Section 16-11-126
 62 shall be authorized to carry a weapon as provided in Code Section 16-11-135 and in every
 63 location in this state not listed in subsection (b) or prohibited by subsection (e) of this Code
 64 section; provided, however, that private property owners or persons in legal control of
 65 private property through a lease, rental agreement, licensing agreement, contract, or any
 66 other agreement to control access to such private property shall have the right to exclude
 67 or eject a person who is in possession of a weapon or long gun on their private property in
 68 accordance with paragraph (3) of subsection (b) of Code Section 16-7-21, except as
 69 provided in Code Section 16-11-135. A violation of subsection (b) of this Code section
 70 shall not create or give rise to a civil action for damages.

71 (d) Subsection (b) of this Code section shall not apply:

72 (1) To the use of weapons or long guns as exhibits in a legal proceeding, provided such
 73 weapons or long guns are secured and handled as directed by the personnel providing
 74 courtroom security or the judge hearing the case;

75 (2) To a license holder who approaches security or management personnel upon arrival
 76 at a location described in subsection (b) of this Code section and notifies such security
 77 or management personnel of the presence of the weapon or long gun and explicitly
 78 follows the security or management personnel's direction for removing, securing, storing,
 79 or temporarily surrendering such weapon or long gun; and

80 (3) To a weapon or long gun possessed by a license holder which is under the possessor's
 81 control in a motor vehicle or is in a locked compartment of a motor vehicle or one which
 82 is in a locked container in or a locked firearms rack which is on a motor vehicle and such
 83 vehicle is parked in a parking facility.

84 (e)(1) A license holder shall be authorized to carry a weapon in a government building
 85 when the government building is open for business and where ingress into such building
 86 is not restricted or screened by security personnel. A license holder who enters or
 87 attempts to enter a government building carrying a weapon where ingress is restricted or
 88 screened by security personnel shall be guilty of a misdemeanor if at least one member
 89 of such security personnel is certified as a peace officer pursuant to Chapter 8 of Title 35;
 90 provided, however, that a license holder who immediately exits such building or
 91 immediately leaves such location upon notification of his or her failure to clear security
 92 due to the carrying of a weapon shall not be guilty of violating this subsection or
 93 paragraph (1) of subsection (b) of this Code section. A person who is not a license holder
 94 and who attempts to enter a government building carrying a weapon shall be guilty of a
 95 misdemeanor.

96 (2) Any license holder who violates subsection (b) of this Code section in a place of
 97 worship shall not be arrested but shall be fined not more than \$100.00. Any person who

98 ~~is not a license holder who violates subsection (b) of this Code section in a place of~~
 99 ~~worship shall be punished as for a misdemeanor.~~
 100 ~~(f)(d)~~ Nothing in this Code section shall in any way operate or be construed to affect,
 101 repeal, or limit the exemptions provided for under Code Section 16-11-130."

102 **SECTION 2-2.**

103 Said part is further amended by revising paragraph (2) of subsection (b) and paragraphs (18)
 104 through (20) of subsection (c) of Code Section 16-11-127.1, relating to carrying weapons
 105 within school safety zones, at school functions, or on a bus or other transportation furnished
 106 by a school, as follows:

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

112 "(18) Constables of any county of this state; or

113 (19) Any person who is 18 years of age or older or currently enrolled in classes on the
 114 campus in question and carrying, possessing, or having under such person's control an
 115 electroshock weapon while in or on any building or real property owned by or leased to
 116 such public technical school, vocational school, college or university or other public
 117 institution of postsecondary education; provided, however, that, if such person makes use
 118 of such electroshock weapon, such use shall be in defense of self or others. The
 119 exemption under this paragraph shall apply only to such person in regard to such
 120 electroshock weapon. As used in this paragraph, the term 'electroshock weapon' means
 121 any commercially available device that is powered by electrical charging units and
 122 designed exclusively to be capable of incapacitating a person by electrical charge,
 123 including, but not limited to, a stun gun or taser as defined in subsection (a) of Code
 124 Section 16-11-106; ~~or~~

125 ~~(20)(A) Any weapons carry license holder when he or she is in any building or on real~~
 126 ~~property owned by or leased to any public technical school, vocational school, college,~~
 127 ~~or university, or other public institution of postsecondary education; provided, however,~~
 128 ~~that such exception shall:~~

129 ~~(i) Not apply to buildings or property used for athletic sporting events or student~~
 130 ~~housing, including, but not limited to, fraternity and sorority houses;~~

131 ~~(ii) Not apply to any preschool or childcare space located within such buildings or~~
 132 ~~real property;~~

133 ~~(iii) Not apply to any room or space being used for classes related to a college and~~
 134 ~~career academy or other specialized school as provided for under Code Section~~
 135 ~~20-4-37;~~

136 ~~(iv) Not apply to any room or space being used for classes in which high school~~
 137 ~~students are enrolled through a dual enrollment program, including, but not limited~~
 138 ~~to, classes related to the 'Move on When Ready Act' as provided for under Code~~
 139 ~~Section 20-2-161.3;~~

140 ~~(v) Not apply to faculty, staff, or administrative offices or rooms where disciplinary~~
 141 ~~proceedings are conducted;~~

142 ~~(vi) Only apply to the carrying of handguns which a licensee is licensed to carry~~
 143 ~~pursuant to subsection (e) of Code Section 16-11-126 and pursuant to Code Section~~
 144 ~~16-11-129; and~~

145 ~~(vii) Only apply to the carrying of handguns which are concealed.~~

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

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

152 ~~(i) 'Concealed' means carried in such a fashion that does not actively solicit the~~
 153 ~~attention of others and is not prominently, openly, and intentionally displayed except~~
 154 ~~for purposes of defense of self or others. Such term shall include, but not be limited~~
 155 ~~to, carrying on one's person while such handgun is substantially, but not necessarily~~
 156 ~~completely, covered by an article of clothing which is worn by such person, carrying~~
 157 ~~within a bag of a nondescript nature which is being carried about by such person, or~~
 158 ~~carrying in any other fashion as to not be clearly discernible by the passive~~
 159 ~~observation of others.~~

160 ~~(ii) 'Preschool or childcare space' means any room or continuous collection of rooms~~
 161 ~~or any enclosed outdoor facilities which are separated from other spaces by an~~
 162 ~~electronic mechanism or human-staffed point of controlled access and designated for~~
 163 ~~the provision of preschool or childcare services, including, but not limited to,~~
 164 ~~preschool or childcare services licensed or regulated under Article 1 of Chapter 1A~~
 165 ~~of Title 20."~~

166

PART III

167

SECTION 3-1.

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