

House Bill 280 (AS PASSED HOUSE AND SENATE)

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

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 authorize the carrying and
3 possession of handguns in certain manners by weapons carry license holders in certain
4 buildings or on real property owned by or leased to public institutions of postsecondary
5 education; to provide for exceptions; to revise criminal penalties for violations; to provide
6 for definitions; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

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

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

- 26 (i) Not apply to buildings or property used for athletic sporting events or student
 27 housing, including, but not limited to, fraternity and sorority houses;
- 28 (ii) Not apply to any preschool or childcare space located within such buildings or
 29 real property;
- 30 (iii) Not apply to any room or space being used for classes related to a college and
 31 career academy or other specialized school as provided for under Code Section
 32 20-4-37;
- 33 (iv) Not apply to any room or space being used for classes in which high school
 34 students are enrolled through a dual enrollment program, including, but not limited
 35 to, classes related to the 'Move on When Ready Act' as provided for under Code
 36 Section 20-2-161.3;
- 37 (v) Not apply to faculty, staff, or administrative offices or rooms where disciplinary
 38 proceedings are conducted;
- 39 (vi) Only apply to the carrying of handguns which a licensee is licensed to carry
 40 pursuant to subsection (e) of Code Section 16-11-126 and pursuant to Code Section
 41 16-11-129; and
- 42 (vii) Only apply to the carrying of handguns which are concealed.
- 43 (B) Any weapons carry license holder who carries a handgun in a manner or in a
 44 building, property, room, or space in violation of this paragraph shall be guilty of a
 45 misdemeanor; provided, however, that for a conviction of a first offense, such weapons
 46 carry license holder shall be punished by a fine of \$25.00 and not be sentenced to serve
 47 any term of confinement.
- 48 (C) As used in this paragraph, the term:
- 49 (i) 'Concealed' means carried in such a fashion that does not actively solicit the
 50 attention of others and is not prominently, openly, and intentionally displayed except
 51 for purposes of defense of self or others. Such term shall include, but not be limited
 52 to, carrying on one's person while such handgun is substantially, but not necessarily
 53 completely, covered by an article of clothing which is worn by such person, carrying
 54 within a bag of a nondescript nature which is being carried about by such person, or
 55 carrying in any other fashion as to not be clearly discernible by the passive
 56 observation of others.
- 57 (ii) 'Preschool or childcare space' means any room or continuous collection of rooms
 58 or any enclosed outdoor facilities which are separated from other spaces by an
 59 electronic mechanism or human-staffed point of controlled access and designated for
 60 the provision of preschool or childcare services, including, but not limited to,
 61 preschool or childcare services licensed or regulated under Article 1 of Chapter 1A
 62 of Title 20."

63

SECTION 2.

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