

Senate Bill 229

By: Senators Harrell of the 40th, Au of the 48th, Jordan of the 6th, Parent of the 42nd,
Merritt of the 9th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-11-127.1 of the Official Code of Georgia Annotated, relating to
2 carrying weapons within school safety zones, at school functions, or on a bus or other
3 transportation furnished by a school, so as to repeal the authorization for the carrying and
4 possession of handguns in certain manners by weapons carry license holders in certain
5 buildings or on real property owned by or leased to public institutions of postsecondary
6 education; to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 16-11-127.1 of the Official Code of Georgia Annotated, relating to carrying
10 weapons within school safety zones, at school functions, or on a bus or other transportation
11 furnished by a school, is amended by revising paragraph (2) of subsection (b) and
12 paragraphs (18) through (20) of subsection (c) as follows:

13 ~~"(2) Except as provided for in paragraph (20) of subsection (c) of this Code section, any~~
14 Any license holder who violates this subsection shall be guilty of a misdemeanor. Any
15 person who is not a license holder who violates this subsection shall be guilty of a felony

16 and, upon conviction thereof, be punished by a fine of not more than \$10,000.00, by
17 imprisonment for not less than two nor more than ten years, or both."

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

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

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

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

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

39 ~~(iii) Not apply to any room or space being used for classes related to a college and~~
40 ~~career academy or other specialized school as provided for under Code Section~~
41 ~~20-4-37;~~

42 ~~(iv) Not apply to any room or space being used for classes in which high school~~
43 ~~students are enrolled through a dual enrollment program, including, but not limited~~
44 ~~to, classes related to the 'Dual Enrollment Act' as provided for under Code Section~~
45 ~~20-2-161.3;~~

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

48 ~~(vi) Only apply to the carrying of handguns which a licensee is licensed to carry~~
49 ~~pursuant to subsection (e) of Code Section 16-11-126 and pursuant to Code Section~~
50 ~~16-11-129; and~~

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

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

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

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

66 ~~(ii) 'Preschool or childcare space' means any room or continuous collection of rooms~~
67 ~~or any enclosed outdoor facilities which are separated from other spaces by an~~
68 ~~electronic mechanism or human-staffed point of controlled access and designated for~~

69 ~~the provision of preschool or childcare services, including, but not limited to,~~
70 ~~preschool or childcare services licensed or regulated under Article 1 of Chapter 1A~~
71 ~~of Title 20."~~

72 **SECTION 2.**

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