

House Bill 122

By: Representatives Trammell of the 132<sup>nd</sup>, Robichaux of the 48<sup>th</sup>, Frye of the 118<sup>th</sup>, Douglas of the 78<sup>th</sup>, Wilensky of the 79<sup>th</sup>, 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 revoke 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 'Move on When Ready Act' as provided for under Code  
 45 Section 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.