

House Bill 207

By: Representatives Crawford of the 89th, Oliver of the 84th, Westbrook of the 163rd, Willis of the 55th, and Au of the 50th

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 provide for the storage
3 of a firearm within a motor vehicle or vessel; to provide for penalties; to provide for
4 exceptions to the standards for the carrying of weapons within school safety zones, at school
5 functions, or on a bus or other transportation furnished by a school; to provide for related
6 matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 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 revising subsections (a)
11 through (c) and subsections (g) and (h) of Code Section 16-11-126, relating to having or
12 carrying handguns, long guns, or other weapons, exceptions for homes, motor vehicles,
13 private property, and other locations and conditions, and unlawful carrying of a weapon, as
14 follows:

15 "(a) Any person who is not prohibited by law from possessing a handgun or long gun ~~may~~
16 shall be authorized to have or carry on his or her person a weapon or long gun while on his
17 or her property or inside his or her home, ~~motor vehicle,~~ or place of business.

18 (b) Any person who is not prohibited by law from possessing a handgun or long gun ~~may~~
19 shall be authorized to have or carry on his or her person a long gun in any location not
20 otherwise prohibited by law.

21 (c)(1) Any person who is a lawful weapons carrier may transport a handgun or long gun
22 in any private passenger motor vehicle in a locked compartment of, in a locked container
23 within, or in a locked firearms rack upon such motor vehicle; provided, however, that
24 private property owners or persons in legal control of private property through a lease,
25 rental agreement, licensing agreement, contract, or any other agreement to control access
26 to such private property shall have the right to exclude or eject a person who is in
27 possession of a weapon or long gun on their private property in accordance with
28 paragraph (3) of subsection (b) of Code Section 16-7-21, except as provided in Code
29 Section 16-11-135.

30 (2) Any person who is a lawful weapons carrier may transport a handgun or long gun in
31 any private vessel in a locked compartment of or in a locked container within such
32 vessel."

33 "(g)(1) Except as otherwise provided in ~~subsections (a) through (f)~~ of this Code section,
34 no person shall carry a weapon unless he or she is a lawful weapons carrier.

35 (2) A person commits the offense of unlawful carrying of a weapon when he or she
36 violates the provisions of paragraph (1) of this subsection or subsection (c) of this Code
37 section.

38 (h) Upon conviction of the offense of unlawful carrying of a weapon, a person shall be
39 punished as follows:

40 (1) For the first offense, he or she shall be guilty of a misdemeanor and, upon conviction
41 thereof, shall be punished by a fine not to exceed \$500.00; and

42 (2) For the second offense within five years, as measured from the dates of previous
43 arrests for which convictions were obtained to the date of the current arrest for which a
44 conviction is obtained, and for any subsequent offense, he or she shall be guilty of a
45 felony and, upon conviction thereof, shall be imprisoned for not less than two years and
46 not more than five years."

47 **SECTION 2.**

48 Said part is further amended in Code Section 16-11-127.1, relating to carrying weapons
49 within school safety zones, at school functions, or on a bus or other transportation furnished
50 by a school, by revising paragraphs (7), (8), and (17) of subsection (c) as follows:

51 "(7) A lawful weapons carrier when such person carries or picks up a student within a
52 school safety zone, at a school function, or on a bus or other transportation furnished by
53 a school or a lawful weapons carrier when he or she has any weapon legally ~~kept~~ stored
54 within a vehicle pursuant to paragraph (1) of subsection (c) of Code Section 16-11-126
55 when such vehicle is parked within a school safety zone or is in transit through a
56 designated school safety zone;

57 (8) A weapon possessed by a lawful weapons carrier which is under the possessor's
58 control ~~in a motor vehicle or which is~~ in a locked compartment of a motor vehicle or one
59 which is in a locked container in or a locked firearms rack which is on a motor vehicle
60 which is being used by an adult over 21 years of age to bring to or pick up a student
61 within a school safety zone, at a school function, or on a bus or other transportation
62 furnished by a school, or when such vehicle is used to transport someone to an activity
63 being conducted within a school safety zone which has been authorized by a duly
64 authorized official or local board of education as provided by paragraph (6) of this
65 subsection; provided, however, that this exception shall not apply to a student attending
66 a public or private elementary or secondary school;"

67 "(17) Teachers and other personnel who are otherwise authorized to possess or carry
68 weapons, provided that any such weapon is ~~in a locked compartment of a motor vehicle~~
69 ~~or one which is in a locked container in or a locked firearms rack which is on a motor~~
70 ~~vehicle~~ stored within a motor vehicle pursuant to paragraph (1) of subsection (c) of Code
71 Section 16-11-126;"

72 **SECTION 3.**

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