



UNIVERSITY SYSTEM OF GEORGIA



House Bill 280

Changes to OCGA 16-11-127.1

Background

- House Bill 280, commonly referred to as “campus carry” legislation was signed by Governor Nathan Deal on May 4, 2017.
- Legislation changes OCGA 16-11-127.1 and it goes into effect on July 1, 2017.



STATE OF GEORGIA
OFFICE OF THE GOVERNOR
ATLANTA 30334-0090

Nathan Deal
GOVERNOR

HB 280 Signing Statement

Last year, HB 859 overwhelmingly passed the General Assembly and was sent to my desk. It would have permitted a weapons carry license holder to carry a concealed weapon into certain areas of a college campus that had been previously prohibited. While many coined it the “campus carry” bill, it kept in place many restrictions prohibiting weapons from campus.

Under Georgia law, these holders of licenses, issued by county probate courts judges, must be state residents and 21 years of age or older. They are required to successfully complete a criminal history record check and a background check, preventing those with serious criminal and/or mental health histories from obtaining licenses.⁷

Prior to passage of HB 859 last year, I relayed to the General Assembly my view that the bill removed too many restrictions and that certain areas should remain prohibited from licensed carry holders. These areas included preschool or childcare space, rooms where disciplinary proceedings are conducted, and faculty, staff, or administrative offices.

The General Assembly opted not to add my suggestions into the final version of HB 859. I subsequently vetoed HB 859 and explained my position in an accompanying veto message: that while the Second Amendment guarantees an individual’s right to keep and bear arms, it is both constitutional and prudent to place certain restrictions on that right in certain places.

This year, the General Assembly overwhelmingly passed HB 280, which maintains the same restrictions that were present in HB 859. It also addresses the areas of campus over which I raised concerns last year, along with additional areas of college campuses where weapons would not be permitted.

As a result, HB 280 prohibits the carrying of a concealed weapon by anyone, including weapons carry license holders, on the following areas of a college campus:

- Buildings or property used for athletic sporting events;
- Student housing, including but not limited to dormitories, fraternity and sorority houses;
- Any preschool or childcare space;
- Any room or space being used for classes related to a college and career academy or other specialized school;
- Any room or space used for classes in which high school students are enrolled through a dual enrollment program, including, but not limited to, classes related to the “Move on When Ready Act”;
- Any faculty, staff, or administrative offices; and,
- Rooms where disciplinary proceedings are conducted.



These excluded areas represent the most “sensitive places” on a college campus. It is altogether appropriate that weapons not be allowed in these areas. I appreciate the thoughtful consideration given by the General Assembly in expanding these excluded areas within a college campus in this year’s bill.

While HB 280 addresses the rights and restrictions relating to weapons carry license holders on a college campus, it in effect may have greater significance for students who are going to or coming from a campus. Unfortunately, in parts of the state, the path to higher education travels through dangerous territory.

At the present time, assailants can, and do, target these students knowing full well that their victims are not permitted to carry protection, even those who are weapons carry license holders, because they are either going to or coming from a campus where no weapons are allowed. In recent years, we’ve witnessed college students fall victim to violent attacks in or while traveling to libraries and academic buildings, and while traveling to and from their homes to class.

A year ago, I was aware of and troubled by the vulnerability of those individuals that were unprotected as they made their way to and from a college campus. In my veto message last year, I called upon the leaders of municipalities and counties in which colleges are located, along with their law enforcement agencies, to review and improve, if necessary, their security measures in areas surrounding these colleges. I am not convinced that their response has been adequate.

Since this year’s bill is more narrowly tailored as to exclude areas on a college campus, and without adequate increased security by local jurisdictions in areas outside college campuses, I, therefore, have signed HB 280.

⁷Read more about these restrictions here: <http://gaprobate.gov/content/weapons-carry-licenses>



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Overview of Changes



Changes only apply to:

1. Weapons carry license-holders*;
2. And carrying of handguns – changes do not apply to long guns.
3. And carrying in a “concealed” manner – defined as;

“Carried in such a fashion that does not actively solicit the attention of others, and is not prominently, openly, and intentionally displayed except for purposes of defense of self or others.”



Reciprocity Laws

* Includes license-holders from:

Alabama
Alaska
Arkansas
Arizona
Colorado
Florida
Idaho
Indiana

Iowa
Kansas
Kentucky
Louisiana
Maine
Michigan
Mississippi
Missouri

Montana
New Hampshire
North Carolina
North Dakota
Ohio
Oklahoma
Pennsylvania
South Carolina

South Dakota
Tennessee
Texas
Utah
West Virginia
Wisconsin
Wyoming



Where are License-Holders Allowed to Carry On Campus?

Weapons carry license-holders are allowed to carry concealed handguns in any building or on real property owned by or leased to USG institutions (with some exceptions).

NOTE: OCGA 16-11-127.1 (20) is not applicable to properties that are NOT owned or leased by the institution, even if the property is within the officer's 500-yard jurisdiction.



Prohibited Areas on Campus

There are locations on campus where weapons license-holders are NOT allowed to carry concealed handguns on campus property owned or leased by the institution.

NOTE: Changes to OCGA 16-11-127.1 do not change the exemption status for individuals authorized under OCGA 16-11-130. This includes:

- Police Officers
- Active Military
- Judges
- Etc.



Intercollegiate Athletic Sporting Facilities

Weapons carry license-holders are NOT allowed to carry in:

- Buildings or property used for athletic sporting events.
- Specifically stadiums, gymnasiums, and similar facilities in which intercollegiate games are conducted.

NOTE: This exemption applies to these facilities at all times, not only when athletic events are being conducted.



Intercollegiate Athletic Sporting Facilities

It does not prohibit carry in:

- “Tailgating” areas where fans may congregate outside the sports facility.
- Student recreation centers and similar facilities that are NOT used for intercollegiate games.



Intercollegiate Athletic Sporting Facilities

Weapons carry license-holders are NOT allowed to carry in:

- Homer Rice Center for Sports Performance
- Howard Candler Jr. Football Center
- Bobby Dodd Stadium Complex
 - Arthur B. Edge Building
 - Student Success Center
 - Wardlaw Building
- McCamish Pavilion including
 - Zelnak Basketball Center
 - Luck Building
 - Coliseum Annex Building
- John and Mary Brock Football Facility
- Rose Bowl Field
- Ken Byers Tennis Complex
 - Bill Moore Indoor Tennis Center
- George C. Griffin Track & Field Facility
- Shirley Clements Mewborn Field
- Russ Chandler Stadium
- O'Keefe Gymnasium
- Campus Recreation Center



Residence Halls, Fraternity and Sorority Houses

Weapons license holders are NOT allowed to carry in:

- Student housing facilities, including residence halls or fraternity and sorority houses, on property owned or leased by the institution.

It does not include:

- Fraternity and sorority houses, or property that is privately owned, not on the property of the institution even if they fall within the 500-yard jurisdiction of the campus police.



Preschool or Childcare Spaces



Weapons license-holders are NOT allowed to carry in preschool or childcare spaces, including any enclosed outdoor facilities which are separated by:

- Electronic mechanism such as card access; or, human-staffed point of controlled access.



Preschool or Childcare Spaces

It does not include:

- Hallways, common lobby areas, or spaces adjacent to preschool or childcare spaces that are outside the controlled access point.
- Outside spaces that are NOT enclosed.



Preschool or Childcare Spaces

The Children's Campus @ Georgia Tech (251 10th Street – Building F of Graduate Student Housing)



Classes Where High School Students are Enrolled

Weapons license-holders are NOT allowed to carry in:

- Classes where high school students are enrolled through dual enrollment programs, including but not limited to “Move on When Ready” students.

It does not include:

- Classrooms where there are no high school students enrolled.



Classes Where High School Students are Enrolled

Weapons-carry holders need to visit the Office of the Registrar to determine if a class has enrolled high school students.

It is the responsibility of the license-holder to determine if they are legally able to carry to class.



Offices: Faculty, Staff or Administrative

Weapons license-holders are NOT allowed to carry in:

- Offices for faculty, staff, or administrative offices, to include office suites.

It does not include:

- Hallways, or common areas adjacent to an office that are not a part of the office or suite.



Offices or Rooms: Disciplinary Proceedings

Weapons license-holders are NOT allowed to carry in:

- Offices or rooms **WHEN** disciplinary proceedings are being conducted.



Handling Calls Received

Dispatchers or officers must gain additional information when receiving calls about an individual with a handgun that are consistent with existing procedures.

- What type of weapon does the individual have?
- Is the individual displaying the weapon, or do they have it drawn?
- What is the individual doing at this time?

This information should be relayed to officers in the field.



Responding To Calls Received



- Officers should carefully evaluate calls received regarding an individual with a concealed handgun.
- Based on officers' observations, additional action may not be required if the individual does not appear to be violating the law.
- Officers need to be aware that OCGA 16-11-137 provides that *"A person carrying a weapon shall not be subject to detention for the sole purpose of investigating whether such person has a weapons carry license."*
- Officers need to exercise diligence in the application of the law. Contact supervisors with any questions.



Conclusion

Questions regarding policies, not legal questions, should be submitted for review through the GTPD website:

<http://www.police.gatech.edu/campus-carry-questions>

