

House Bill 826

By: Representatives Setzler of the 35th, Gravley of the 67th, Pruett of the 149th, Golick of the 40th, Dunahoo of the 30th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 11 of Title 16 and Subpart 2 of Part 2 of Article 16 of
2 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to dangerous
3 instrumentalities and practices and public school disciplinary tribunals, respectively, so as
4 to change provisions relating to carrying weapons within certain school safety zones and at
5 school functions; to provide for and change definitions; to change provisions relating to
6 exemptions for carrying weapons within school safety zones; to provide for weapons carry
7 licenses to be carried and exhibited on demand; to change provisions relating to expulsion
8 and disciplinary policy for students bringing weapons to school; to change provisions relating
9 to student codes of conduct and safety rules on school buses; to amend Chapter 11 of Title
10 15, Title 16, Chapter 2 of Title 20, and Code Section 40-5-22 of the Official Code of Georgia
11 Annotated, relating to the Juvenile Code, crimes and offenses, elementary and secondary
12 education, and persons not to be licensed, minimum ages for licensees, and school attendance
13 requirements, respectively, so as to correct cross-references; to change provisions relating
14 to carrying weapons in unauthorized locations; to provide for related matters; to repeal
15 conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 PART I
18 SECTION 1-1.

19 Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to
20 dangerous instrumentalities and practices, is amended by revising Code Section 16-11-127.1,
21 relating to carrying weapons within school safety zones, at school functions, or on school
22 property, as follows:

23 "16-11-127.1.

24 (a) As used in this Code section, the term:

25 (1) 'Bus' means:

26 (A) A motor vehicle operated for the transportation of children to and from public
 27 school or public school activities. Such term shall not include a privately owned motor
 28 vehicle with a capacity of 15 persons or less operated for the transportation of children
 29 to and from public school activities if such motor vehicle is not being operated by an
 30 employee or independent contractor of a public school; or

31 (B) A motor vehicle operated by a local transit system which meets the equipment and
 32 identification requirements of Code Section 40-8-115; provided, however, that such
 33 motor vehicle shall be a bus only while transporting children or children and employees
 34 or independent contractors of a public school to or from public school or public school
 35 activities.

36 (2) 'Dangerous weapon' shall have the same meaning as set forth in Code Section
 37 16-11-121.

38 (3) 'Firearm' means a handgun, rifle, shotgun, or other weapon which will or can be
 39 converted to expel a projectile by the action of an explosive or electrical charge.

40 (4) 'Fireworks' shall have the same meaning as set forth in Code Section 25-10-1.

41 (5) 'Machine gun' shall have the same meaning as set forth in Code Section 16-11-121.

42 (6) 'Peace officer' shall have the same meaning as set forth in Code Section 35-8-2.

43 (7) 'Postsecondary institution' means a school which is a unit of the University System
 44 of Georgia or branch of the Technical College System of Georgia.

45 (8) 'Public school' means an educational program or institution instructing children at any
 46 level, pre-kindergarten through twelfth grade, under the control and management of a
 47 county, independent, or area board of education supported by public funds and any such
 48 program or institution under the control and management of the State Board of Education
 49 or department or agency thereof supported by public funds.

50 ~~(9) 'School safety zone' means in or on any real property or building owned by or~~
 51 ~~leased to any public or private elementary school, secondary school, or school board and~~
 52 ~~used for elementary or secondary education and in or on the campus of any public or~~
 53 ~~private technical school, vocational school, college, university, or institution of~~
 54 ~~postsecondary education school or postsecondary institution.~~

55 ~~(2) 'Weapon' means and includes any pistol, revolver, or any weapon designed or~~
 56 ~~intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife,~~
 57 ~~ballistic knife, any other knife having a blade of two or more inches, straight-edge razor,~~
 58 ~~razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or~~
 59 ~~other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any~~
 60 ~~flailing instrument consisting of two or more rigid parts connected in such a manner as~~
 61 ~~to allow them to swing freely, which may be known as a nun chahka, nun chuck,~~
 62 ~~nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at~~

63 ~~least two points or pointed blades which is designed to be thrown or propelled and which~~
 64 ~~may be known as a throwing star or oriental dart, or any weapon of like kind, and any~~
 65 ~~stun gun or taser as defined in subsection (a) of Code Section 16-11-106. This paragraph~~
 66 ~~excludes any of these instruments used for classroom work authorized by the teacher.~~

67 (b)(1) Except as otherwise provided in subsection (c) of this Code section, it shall be
 68 unlawful for any person to carry to or to possess or have under such person's control
 69 while within a school safety zone or ~~at a school building, school function, or school~~
 70 ~~property~~ or on a bus or other transportation furnished by ~~the~~ a public school any ~~weapon~~
 71 firearm or explosive compound, other than fireworks ~~the possession of which is regulated~~
 72 ~~by Chapter 10 of Title 25.~~

73 (2) Any license holder who violates this subsection shall be guilty of a misdemeanor.
 74 Any person who is not a license holder who violates this subsection shall be guilty of a
 75 felony and, upon conviction thereof, be punished by a fine of not more than \$10,000.00,
 76 by imprisonment for not less than two nor more than ten years, or both.

77 (3) Any person convicted of a violation of this subsection involving a dangerous weapon
 78 or machine gun, ~~as such terms are defined in Code Section 16-11-121,~~ shall be punished
 79 by a fine of not more than \$10,000.00 or by imprisonment for a period of not less than
 80 five nor more than ten years, or both.

81 (4) A child who violates this subsection may be subject to the provisions of Code Section
 82 15-11-601.

83 (5) This subsection shall not apply to any firearm used for classroom work authorized
 84 by a teacher.

85 (c) The provisions of this Code section shall not apply to:

86 (1) A private school ~~Baseball bats, hockey sticks, or other sports equipment possessed~~
 87 ~~by competitors for legitimate athletic purposes;~~

88 (2) Participants in organized sport shooting events or firearm training courses;

89 (3) Persons participating in military training programs conducted by or on behalf of the
 90 armed forces of the United States or the Georgia Department of Defense;

91 (4) Persons participating in law enforcement training conducted by a police academy
 92 certified by the Georgia Peace Officer Standards and Training Council or by a law
 93 enforcement agency of the state or the United States or any political subdivision thereof;

94 (5) The following persons, when acting in the performance of their official duties or
 95 when en route to or from their official duties:

96 (A) A peace officer ~~as defined by Code Section 35-8-2;~~

97 (B) A law enforcement officer of the United States government;

98 (C) A prosecuting attorney of this state or of the United States;

- 99 (D) An employee of the Georgia Department of Corrections or a correctional facility
 100 operated by a political subdivision of this state or the United States who is authorized
 101 by the head of such correctional agency or facility to carry a firearm;
- 102 (E) A person employed as a campus police officer or school security officer who is
 103 authorized to carry a weapon in accordance with Chapter 8 of Title 20; and
- 104 (F) Medical examiners, coroners, and their investigators who are employed by the state
 105 or any political subdivision thereof;
- 106 (6) A person who has been authorized in writing by a duly authorized official of ~~the~~
 107 ~~school~~ a public school, local board of education, or postsecondary institution to have in
 108 such person's possession or use ~~as part of any activity being conducted at a school~~
 109 ~~building, school property, or school function~~ a weapon within a school safety zone or on
 110 a bus or other transportation furnished by a public school a firearm which would
 111 otherwise be prohibited by this Code section. Such authorization shall specify the
 112 ~~weapon or weapons~~ type of firearms which have been authorized and the time period
 113 during which the authorization is valid;
- 114 (7) A person who is licensed in accordance with Code Section 16-11-129 or issued a
 115 permit pursuant to Code Section 43-38-10, ~~when such person carries or picks up a student~~
 116 ~~at a school building, school function, or school property~~ when he or she is within a school
 117 safety zone or on a bus or other transportation furnished by ~~the~~ a public school or a
 118 person who is licensed in accordance with Code Section 16-11-129 or issued a permit
 119 pursuant to Code Section 43-38-10 when he or she has any ~~weapon~~ firearm legally kept
 120 within a vehicle when such vehicle is parked ~~at such school property~~ within a school
 121 safety zone or is in transit through a designated school safety zone;
- 122 (8) A ~~weapon~~ firearm possessed by a license holder which is under the possessor's
 123 control in a motor vehicle or which is in a locked compartment of a motor vehicle or one
 124 which is in a locked container in or a locked firearms rack which is on a motor vehicle
 125 which is being used by an adult over 21 years of age ~~to bring to or pick up a student at~~
 126 ~~a school building, school function, or school property~~ within a school safety zone or on
 127 a bus or other transportation furnished by ~~the~~ a public school, or when such vehicle is
 128 used to transport someone to an activity being conducted ~~on school property~~ within a
 129 school safety zone which has been authorized by a duly authorized official ~~of the school~~
 130 as provided by paragraph (6) of this subsection; provided, however, that this exception
 131 shall not apply to a student attending ~~such~~ a public school;
- 132 (9) Persons employed in fulfilling defense contracts with the government of the United
 133 States or agencies thereof when possession of the ~~weapon~~ firearm is necessary for
 134 manufacture, transport, installation, and testing under the requirements of such contract;

135 (10) Those employees of the State Board of Pardons and Paroles when specifically
 136 designated and authorized in writing by the members of the State Board of Pardons and
 137 Paroles to carry a ~~weapon~~ firearm;

138 (11) The Attorney General and those members of his or her staff whom he or she
 139 specifically authorizes in writing to carry a ~~weapon~~ firearm;

140 (12) Probation supervisors employed by and under the authority of the Department of
 141 Corrections pursuant to Article 2 of Chapter 8 of Title 42, known as the 'State-wide
 142 Probation Act,' when specifically designated and authorized in writing by the director of
 143 the Division of Probation;

144 (13) Public safety directors of municipal corporations;

145 (14) State and federal trial and appellate judges;

146 (15) United States attorneys and assistant United States attorneys;

147 (16) Clerks of the superior courts;

148 (17) Teachers and other ~~school~~ personnel who are otherwise authorized to possess or
 149 carry ~~weapons~~ firearms, provided that any such ~~weapon~~ firearm is in a locked
 150 compartment of a motor vehicle or one which is in a locked container in or a locked
 151 firearms rack which is on a motor vehicle; or

152 (18) Constables of any county of this state.

153 (d)(1) This Code section shall not prohibit any person who resides or works in a business
 154 or is in the ordinary course transacting lawful business or any person who is a visitor of
 155 such resident located within a school safety zone from carrying, possessing, or having
 156 under such person's control a ~~weapon~~ firearm within a school safety zone; provided,
 157 however, that it shall be unlawful for any such person to carry, possess, or have under
 158 such person's control while ~~at a school building or school function or on school property,~~
 159 ~~a school bus,~~ on a bus or other transportation furnished by ~~the~~ a public school any
 160 ~~weapon~~ firearm or explosive compound, other than fireworks ~~the possession of which is~~
 161 ~~regulated by Chapter 10 of Title 25.~~

162 (2) Any person who violates this subsection shall, upon conviction, be subject to the
 163 penalties specified in subsection (b) of this Code section.

164 (3) ~~This subsection shall not be construed to waive or alter any legal requirement for~~
 165 ~~possession of weapons or firearms otherwise required by law.~~

166 (e) It shall be no defense to a prosecution for a violation of this Code section that:

167 (1) A public school or postsecondary institution ~~School~~ was or was not in session at the
 168 time of the offense;

169 (2) The real property was being used for other purposes besides public school or
 170 postsecondary institution purposes at the time of the offense; or

171 (3) The offense took place on a bus or other transportation furnished by a public school
 172 vehicle.

173 (f) In a prosecution under this Code section, a map produced or reproduced by any
 174 municipal or county agency or department for the purpose of depicting the location and
 175 boundaries of the area of the real property of a public school board or a private or public
 176 elementary or secondary school that is used for school purposes or the area of any campus
 177 of any public or private technical school, vocational school, college, university, or
 178 institution of postsecondary education or the area of any postsecondary institution, or a true
 179 copy of the map, shall, if certified as a true copy by the custodian of the record, be
 180 admissible and shall constitute prima-facie evidence of the location and boundaries of the
 181 area, if the governing body of the municipality or county has approved the map as an
 182 official record of the location and boundaries of the area. A map approved under this Code
 183 section may be revised from time to time by the governing body of the municipality or
 184 county. The original of every map approved or revised under this subsection or a true copy
 185 of such original map shall be filed with the municipality or county and shall be maintained
 186 as an official record of the municipality or county. This subsection shall not preclude the
 187 prosecution from introducing or relying upon any other evidence or testimony to establish
 188 any element of this offense. This subsection shall not preclude the use or admissibility of
 189 a map or diagram other than the one which has been approved by the municipality or
 190 county.

191 (g) A county school board may adopt regulations requiring the posting of signs designating
 192 the areas of school boards and private or public elementary and secondary schools as
 193 "Weapon-free and Violence-free School Safety Zones."

194 SECTION 1-2.

195 Said article is further amended by adding a new Code section to read as follows:

196 "16-11-137.

197 (a) Every license holder shall have his or her valid weapons carry license in his or her
 198 immediate possession at all times when carrying a weapon, or if such person is exempt
 199 from having a weapons carry license pursuant to Code Section 16-11-130 or subsection (c)
 200 of Code Section 16-11-127.1, he or she shall have proof of his or her exemption in his or
 201 her immediate possession at all times when carrying a weapon, and his or her failure to do
 202 so shall be prima-facie evidence of a violation of the applicable provision of Code Sections
 203 16-11-126 through 16-11-127.2.

204 (b) A person convicted of a violation of this Code section shall be fined no more than
 205 \$10.00 if he or she produces in court his or her weapons carry license, provided that it was
 206 valid at the time of his or her arrest, or produces proof of his or her exemption."

207 **SECTION 1-3.**

208 Subpart 2 of Part 2 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia
 209 Annotated, relating to public school disciplinary tribunals, is amended by revising Code
 210 Section 20-2-751, relating to definitions, as follows:

211 "20-2-751.

212 As used in this subpart, the term:

213 (1) 'Dangerous weapon' shall have the same meaning as set forth in Code Section
 214 16-11-121.

215 ~~(1)~~(2) 'Expulsion' means expulsion of a student from a public school beyond the current
 216 school quarter or semester.

217 (3) 'Firearm' shall have the same meaning as set forth in Code Section 16-11-127.1.

218 (4) 'Hazardous object' means any dirk, bowie knife, switchblade knife, ballistic knife,
 219 any other knife having a blade of two or more inches, straight-edge razor, razor blade,
 220 spring stick, knuckles, whether made from metal, thermoplastic, wood, or other similar
 221 material, blackjack, any bat, club, or other bludgeon-type weapon, or any flailing
 222 instrument consisting of two or more rigid parts connected in such a manner as to allow
 223 them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku,
 224 shuriken, or fighting chain, or any disc, of whatever configuration, having at least two
 225 points or pointed blades which is designed to be thrown or propelled and which may be
 226 known as a throwing star or oriental dart, or any instrument of like kind, any nonlethal
 227 air gun, and any stun gun or taser as defined in subsection (a) of Code Section 16-11-106.
 228 Such term shall not include any of these instruments used for classroom work authorized
 229 by the teacher.

230 ~~(2)~~(5) 'Long-term suspension' means the suspension of a student from a public school for
 231 more than ten school days but not beyond the current school quarter or semester.

232 ~~(3)~~(6) 'Short-term suspension' means the suspension of a student from a public school
 233 for not more than ten school days.

234 ~~(4) 'Weapon' means a firearm as such term is defined in Section 921 of Title 18 of the~~
 235 ~~United States Code."~~

236 **SECTION 1-4.**

237 Said subpart is further amended by revising Code Section 20-2-751.1, relating to expulsion
 238 and disciplinary policy for students bringing weapons to school, as follows:

239 "20-2-751.1.

240 (a) Each local board of education shall establish a policy ~~requiring the expulsion from~~
 241 ~~school for a period of not less than one calendar year of any student who is determined,~~

242 pursuant to this subpart, ~~to have brought a weapon to school~~ regarding a student's
 243 possession of a firearm, dangerous weapon, or hazardous object at school.

244 ~~(b) The local board of education shall have the authority to modify such expulsion~~
 245 ~~requirement as provided in subsection (a) of this Code section on a case-by-case basis.~~

246 ~~(c)~~(b) A hearing officer, tribunal, panel, superintendent, or local board of education shall
 247 be authorized to place a student determined to have brought a firearm, dangerous weapon,
 248 or hazardous object to school in an alternative educational setting.

249 ~~(d)~~(c) Nothing in this Code section shall infringe on any right provided to students with
 250 Individualized Education Programs pursuant to the federal Individuals with Disabilities
 251 Education Act, Section 504 of the federal Rehabilitation Act of 1973, or the federal
 252 Americans with Disabilities Act."

253 **SECTION 1-5.**

254 Said subpart is further amended by revising paragraph (12) of subsection (a) of Code Section
 255 20-2-751.5, relating to student codes of conduct and safety rules on school buses, as follows:

256 "(12) Possession of a ~~weapon~~ firearm, as provided for in Code Section 16-11-127.1, and
 257 possession of a dangerous weapon or hazardous object;"

258 **PART II**

259 **SECTION 2-1.**

260 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the Juvenile
 261 Code, is amended by revising subparagraph (N) of paragraph (13) of Code Section 15-11-2,
 262 relating to definitions for juvenile proceedings, as follows:

263 "(N) An act which constitutes a ~~second or subsequent adjudication of delinquency~~
 264 ~~based on a violation of Code Section 16-11-127.1 or which is a first violation of Code~~
 265 ~~Section 16-11-127.1 involving:~~

266 (i) ~~A firearm, as defined in paragraph (2) of subsection (a) of Code Section~~
 267 ~~16-11-131;~~

268 (ii) ~~A dangerous weapon or machine gun, as defined in Code Section 16-11-121; or~~

269 (iii) ~~Any weapon, as defined in Code Section 16-11-127.1, together with an assault;~~
 270 ~~or"~~

271 **SECTION 2-2.**

272 Said chapter is further amended by revising paragraph (6) of Code Section 15-11-64, relating
 273 to collection of information by juvenile court clerks, as follows:

274 "(6) Location of the offense, including the name of the school if the offense occurred in
 275 ~~a school safety zone, as defined in Code Section 16-11-127.1~~ or on any real property or
 276 building owned by or leased to any public or private elementary school, secondary
 277 school, or school board and used for elementary or secondary education and in or on any
 278 real property or building owned by or leased to any public or private technical school,
 279 vocational school, college, university, or institution of postsecondary education;"

280 **SECTION 2-3.**

281 Said chapter is further amended by revising paragraph (7) of subsection (f) of Code Section
 282 15-11-504, relating to place of detention and data on child detained, as follows:

283 "(7) Location of the offense and the name of the school if the offense occurred in a
 284 ~~school safety zone, as defined in Code Section 16-11-127.1~~ or on any real property or
 285 building owned by or leased to any public or private elementary school, secondary
 286 school, or school board and used for elementary or secondary education and in or on any
 287 real property or building owned by or leased to any public or private technical school,
 288 vocational school, college, university, or institution of postsecondary education;"

289 **SECTION 2-4.**

290 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
 291 amended by revising subsection (i) of Code Section 16-5-21, relating to aggravated assault,
 292 as follows:

293 "(i) Any person who commits the offense of aggravated assault involving the use of a
 294 firearm upon a student or teacher or other school personnel ~~within a school safety zone as~~
 295 ~~defined in paragraph (1) of subsection (a) of Code Section 16-11-127.1~~ in or on any real
 296 property or building owned by or leased to any public or private elementary school,
 297 secondary school, or school board and used for elementary or secondary education and in
 298 or on any real property or building owned by or leased to any public or private technical
 299 school, vocational school, college, university, or institution of postsecondary education
 300 shall, upon conviction thereof, be punished by imprisonment for not less than five nor more
 301 than 20 years."

302 **SECTION 2-5.**

303 Said title is further amended by revising subsection (g) of Code Section 16-5-24, relating to
 304 aggravated battery, as follows:

305 "(g) Any person who commits the offense of aggravated battery upon a student or teacher
 306 or other school personnel ~~within a school safety zone as defined in paragraph (1) of~~
 307 ~~subsection (a) of Code Section 16-11-127.1~~ in or on any real property or building owned

308 by or leased to any public or private elementary school, secondary school, or school board
 309 and used for elementary or secondary education and in or on any real property or building
 310 owned by or leased to any public or private technical school, vocational school, college,
 311 university, or institution of postsecondary education shall, upon conviction thereof, be
 312 punished by imprisonment for not less than five nor more than 20 years."

313 **SECTION 2-6.**

314 Said title is further amended by revising paragraph (3) of subsection (a) of Code Section
 315 16-5-44.1, relating to highjacking a motor vehicle, as follows:

316 "(3) 'Weapon' means an object, device, or instrument which when used against a person
 317 is likely to or actually does result in serious bodily injury or death or any replica, article,
 318 or device having the appearance of such a weapon including, but not limited to, any
 319 object defined as a ~~weapon by Code Section 16-11-127.1~~ hazardous object by Code
 320 Section 20-2-751 or as a dangerous weapon by Code Section 16-11-121."

321 **SECTION 2-7.**

322 Said title is further amended by revising the introductory language of subsection (b) and
 323 subsection (c) of Code Section 16-11-127, relating to carrying weapons in unauthorized
 324 locations and penalty, as follows:

325 "(b) Except as provided in Code Section 16-11-127.1 and subsection (d) of this Code
 326 section, a A person shall be guilty of carrying a weapon or long gun in an unauthorized
 327 location and punished as for a misdemeanor when he or she carries a weapon or long gun
 328 while:"

329 "~~(c) A Except as provided in Code Section 16-11-127.1,~~ a license holder or person
 330 recognized under subsection (e) of Code Section 16-11-126 shall be authorized to carry a
 331 weapon as provided in Code Section 16-11-135 and in every location in this state not listed
 332 in subsection (b) of this Code section; provided, however, that private property owners or
 333 persons in legal control of property through a lease, rental agreement, licensing agreement,
 334 contract, or any other agreement to control access to such property shall have the right to
 335 forbid possession of a weapon or long gun on their property, except as provided in Code
 336 Section 16-11-135. A violation of subsection (b) of this Code section shall not create or
 337 give rise to a civil action for damages."

338 **SECTION 2-8.**

339 Said title is further amended by revising paragraph (5) of subsection (b) of Code Section
 340 16-12-1, relating to contributing to the delinquency, unruliness, or deprivation of a minor,
 341 as follows:

342 "(5) Knowingly and willfully provides to a minor any ~~weapon~~ firearm as defined in
 343 ~~paragraph (2) of subsection (a) of Code Section 16-11-127.1, or any~~ dangerous weapon
 344 as defined in Code Section 16-11-121, or any hazardous object as defined in Code
 345 Section 20-2-751 to commit any felony which encompasses force or violence as an
 346 element of the offense or delinquent act which would constitute a felony which
 347 encompasses force or violence as an element of the offense if committed by an adult; or"

348 **SECTION 2-9.**

349 Said title is further amended by revising division (g)(2)(A)(ii) and subparagraph (g)(2)(D)
 350 of Code Section 16-13-31, relating to trafficking in cocaine, illegal drugs, marijuana, or
 351 methamphetamine, as follows:

352 "(ii) The defendant did not possess or use a firearm, dangerous weapon, or hazardous
 353 object during the crime;"

354 "(D) As used in this paragraph, the term:

355 (i) 'Dangerous weapon' shall have the same meaning as set forth in Code Section
 356 16-11-121.

357 (ii) 'Firearm' shall have the same meaning as set forth in Code Section 16-11-127.1.

358 (iii) 'Hazardous object' shall have the same meaning as set forth in Code Section
 359 20-2-751.

360 ~~(i)(iv)~~ (iv) 'Leader' means a person who planned and organized others and acted as a
 361 guiding force in order to achieve a common goal.

362 ~~(ii) 'Weapon' shall have the same meaning as set forth in Code Section 16-11-127.1."~~

363 **SECTION 2-10.**

364 Said title is further amended by revising subparagraph (b)(1)(B) and paragraph (4) of
 365 subsection (b) of Code Section 16-13-31.1, relating to trafficking in ecstasy, as follows:

366 "(B) The defendant did not possess or use a firearm, dangerous weapon, or hazardous
 367 object during the crime;"

368 "(4) As used in this paragraph, the term:

369 (A) 'Dangerous weapon' shall have the same meaning as set forth in Code Section
 370 16-11-121.

371 (B) 'Firearm' shall have the same meaning as set forth in Code Section 16-11-127.1.

372 (C) 'Hazardous object' shall have the same meaning as set forth in Code Section
 373 20-2-751.

374 ~~(A)~~(D) 'Leader' means a person who planned and organized others and acted as a
 375 guiding force in order to achieve a common goal.

376 ~~(B) 'Weapon' shall have the same meaning as set forth in Code Section 16-11-127.1."~~

377

SECTION 2-11.

378 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
 379 secondary education, is amended by revising subsections (a) and (b) of and adding a new
 380 subsection to Code Section 20-2-1180, relating to loitering upon school premises or within
 381 a school safety zone, as follows:

382 "~~(a) It shall be unlawful for any person to remain upon the premises or within the~~ in or on
 383 any school safety zone as defined in paragraph (1) of subsection (a) of Code Section
 384 ~~16-11-127.1 of any public or private school in this state or to remain upon such premises~~
 385 ~~or within~~ in or on any such school safety zone when ~~that~~ such person does not have a
 386 legitimate cause or need to be present thereon. Each principal or designee of each public
 387 or private school in this state shall have the authority to exercise such control over the
 388 buildings and grounds upon which a school is located so as to prohibit any person who
 389 does not have a legitimate need or cause to be present thereon from loitering upon such
 390 premises. Each principal or designee of each public or private school in this state shall
 391 notify the appropriate law enforcement agency to prohibit any person who does not have
 392 a legitimate need or cause to be present therein from loitering within the school safety
 393 zone.

394 (b) Any person who:

395 (1) Is present ~~upon the premises or within the~~ in or on any school safety zone ~~of any~~
 396 ~~public or private school~~ in this state and willfully fails to remove himself or herself from
 397 such ~~premises~~ school safety zone after the principal or designee of such school requests
 398 him or her to do so; or

399 (2) Fails to check in at the designated location as required by subsection (c) of this Code
 400 section

401 shall be guilty of a misdemeanor of a high and aggravated nature."

402 "(g) As used in this Code section, the term 'school safety zone' means any real property or
 403 building owned by or leased to any public or private elementary school, secondary school,
 404 or school board and used for elementary or secondary education and any real property or
 405 building owned by or leased to any public or private technical school, vocational school,
 406 college, university, or institution of postsecondary education."

407

SECTION 2-12.

408 Said chapter is further amended by revising subsection (a) of Code Section 20-2-1184,
 409 relating to reporting of students committing prohibited acts, as follows:

410 "(a) Any teacher or other person employed at any public or private elementary or
 411 secondary school or any dean or public safety officer employed by a college or university
 412 who has reasonable cause to believe that a student at that school has committed any act

413 upon school property or at any school function, which act is prohibited by ~~any of the~~
 414 ~~following: Code Section 16-5-21 or 16-5-24, Chapter 6 of Title 16, and Code Section~~
 415 ~~16-11-127, 16-11-127.1, 16-11-132, or 16-13-30.~~

416 ~~(1) Code Section 16-5-21, relating to aggravated assault if a firearm is involved;~~

417 ~~(2) Code Section 16-5-24, relating to aggravated battery;~~

418 ~~(3) Chapter 6 of Title 16, relating to sexual offenses;~~

419 ~~(4) Code Section 16-11-127, relating to carrying a weapon or long gun in an~~
 420 ~~unauthorized location;~~

421 ~~(5) Code Section 16-11-127.1, relating to carrying weapons at school functions or on~~
 422 ~~school property or within school safety zones;~~

423 ~~(6) Code Section 16-11-132, relating to the illegal possession of a handgun by a person~~
 424 ~~under 18 years of age; or~~

425 ~~(7) Code Section 16-13-30, relating to possession and other activities regarding~~
 426 ~~marijuana and controlled substances;~~

427 shall immediately report the act and the name of the student to the principal or president
 428 of that school or the principal's or president's designee."

429 **SECTION 2-13.**

430 Said chapter is further amended by revising subsection (c) of Code Section 20-2-1185,
 431 relating to school safety plans, as follows:

432 "(c) School safety plans prepared by public schools shall address security issues in school
 433 ~~safety zones as defined in paragraph (1) of subsection (a) of Code Section 16-11-127.1 or~~
 434 on any real property or building owned by or leased to any public or private elementary
 435 school, secondary school, or school board and used for elementary or secondary education
 436 and in or on any real property or building owned by or leased to any public or private
 437 technical school, vocational school, college, university, or institution of postsecondary
 438 education. School safety plans should also address security issues involving the
 439 transportation of pupils to and from school and school functions when such transportation
 440 is furnished by the school or school system and school functions held during
 441 noninstructional hours."

442 **SECTION 2-14.**

443 Code Section 40-5-22 of the Official Code of Georgia Annotated, relating to persons not to
 444 be licensed, minimum ages for licensees, and school attendance requirements, is amended
 445 by revising division (a.1)(2)(C)(iii), as follows:

446 "(iii) Possession or use of a ~~weapon on school property or at a school sponsored~~
 447 ~~event.~~ For purposes of this division, the term 'weapon' shall have the same meaning

448 ~~as in~~ firearm in violation of Code Section 16-11-127.1 or possession or use of a
449 dangerous weapon as defined in Code Section 16-11-121 but shall not include any
450 part of an ~~archeological or cultural~~ exhibit brought to school in connection with a
451 school project;"

452 **PART III**

453 **SECTION 3-1.**

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