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Frequently Asked Questions Regarding the Weapons Law Amendments Taking Effect on July 1, 2014

The Attorney General's Office has received numerous inquiries from state agencies in regard to the newly enacted weapons laws taking effect on July 1, 2014. The most frequently asked questions have involved entry into government buildings with weapons. Questions have also arisen regarding conflicts between the two relevant bills passed by the Georgia General Assembly, House Bill 60 and House Bill 826. The following are the most commonly asked questions and answers about what is permitted under the new law.

1. Can a person with a weapons carry license enter a government building with a weapon if the government building is open to the public and has no security personnel manning a security checkpoint?

Generally yes, except as discussed below.

2. Can a person with a weapons carry license enter an open government building with a weapon if the government building has security personnel manning a security checkpoint?

No. However, the person cannot be charged with the offense of carrying a weapon in an unauthorized place if the person approaches security personnel, notifies them of the presence of a weapon and explicitly follows their directions for removing, securing, storing, or temporarily surrendering such weapon. The person also cannot be charged with carrying a weapon in an unauthorized place if the person leaves the restricted area after being notified that he or she cannot enter with the weapon. Note: A charge of carrying a weapon in a government

building cannot be sustained against a weapons carry license holder unless "at least one member of such security personnel" is a POST certified peace officer.

3. Can a person with a weapons carry license enter, with a weapon, a courthouse, jail or prison, mental health facility, nuclear power facility, place of worship or go within 150 feet of a polling place?

No. However, a place of worship, by action by its governing body, may allow weapons. Also, a person with a weapons carry license cannot be charged with the offense of carrying a weapon in an unauthorized place if the person approaches security personnel, notifies them of the presence of a weapon and explicitly follows their directions for removing, securing, storing, or temporarily surrendering such weapon.

4. Can a state agency have a policy that employees of the agency cannot have weapons on the premises of the agency?

Yes. However, the agency may not enact rules or regulations restricting weapons possession by the general public nor may an agency maintain a policy of searching employees' privately owned vehicles nor may an agency maintain a policy that restricts employees from possessing weapons locked in personal vehicles parked in parking lots accessible to the public.

5. Can an agency prohibit a member of the public who has a weapons carry license from entering an open government building by simply posting signs warning that weapons are not permitted in the government building?

No. Weapons carry license holders can enter open government buildings where ingress is "not restricted or screened by security personnel."

6. Must an agency have a POST certified person manning a security checkpoint at a government building?

No. However, a person with a weapons carry license can be charged with the offense of entering an unauthorized place with a weapon only if at least one member of the security personnel is a POST certified peace officer.

7. Can a person with a weapons carry license carry a weapon on a college campus?

Both House Bill 60 and House Bill 826 addressed this question in amendments to O.C.G.A. § 16-11-127.1 The provisions are in conflict. House Bill 60 was signed by the Governor after House Bill 826 and is the later enactment, so the provisions of House Bill 60 control. Therefore, there is a general prohibition against carrying weapons in a school safety zone (which includes the real property or buildings of public or private elementary schools, secondary schools, technical schools, vocational schools, colleges, or universities); however, a person who possesses a weapons carry license may have a weapon when carrying or picking up a student and may have a weapon in a vehicle that is in transit through or parked with a school safety zone.