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HB 280 - Campus Carry

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CRIMES AND OFFENSES

Offenses Against Public Order and Safety: Amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, Relating to Carrying and Possession of Firearms, so as to Authorize the Carrying and Possession of Handguns in Certain Manners by Weapons Carry License Holders in Certain Buildings or on Real Property Owned by or Leased to Public Institutions of Postsecondary Education; Provide for Exceptions; Revise Criminal Penalties for Violations; Provide for Definitions; Provide for Related Matters; Repeal Conflicting Laws; and for Other Purposes

CODE SECTIONS:	O.C.G.A. § 16-11-127.1 (amended)
BILL NUMBER:	HB 280
ACT NUMBER:	167
GEORGIA LAWS:	2017 Ga. Laws 341
SUMMARY:	The Act broadens lawful gun owners' rights by allowing weapons carry license holders to carry concealed guns on property owned or leased by public institutions of postsecondary education. The Act creates exceptions for sporting events, student housing, childcare spaces, classes for a college and career academy and other specialized schools, classrooms for dual enrollment programs, and spaces for administrative disciplinary proceedings. The law creates a misdemeanor penalty for noncompliance, and provides definitions for clarification.
EFFECTIVE DATE:	July 1, 2017

History

Fueled by an increase in gun violence at colleges, most notably the 2007 mass shooting at Virginia Tech that left thirty-three dead,¹ some state legislatures recently pushed for measures to allow concealed carry weapons permit holders to carry guns on college campuses.² The “campus carry” debate pits national gun rights organizations like the National Rifle Association (NRA) squarely against universities and state boards of regents, who overwhelmingly oppose any such campus carry legislation.³ As a result, nationwide campus carry-specific organizations formed, including Students for Concealed Carry in 2007⁴ and the Campaign to Keep Guns Off Campus in 2008.⁵

In 2004, Utah became the first state to allow campus carry.⁶ Currently, thirty-four states have enacted campus carry statutes of some form.⁷ Ten states, including the 2017 additions of Arkansas and Georgia, have enacted laws allowing campus carry at public

1. Christine Hauser & Anahad O'Connor, *Virginia Tech Shooting Leaves 33 Dead*, N.Y. TIMES (Apr. 16, 2007), <http://www.nytimes.com/2007/04/16/us/16cnd-shooting.html>; *see also, e.g.*, Francis X. Clines, *3 Slain at Law School; Student Is Held*, N.Y. TIMES (Jan. 17, 2002), <http://www.nytimes.com/2002/01/17/us/3-slain-at-law-school-student-is-held.html>; Susan Saulny & Monica Davey, *Gunman Slays 6 at N. Illinois University*, N.Y. TIMES (Feb. 15, 2008), <http://www.nytimes.com/2008/02/15/us/15shoot.html>; Dirk Vanderhart, Kirk Johnson & Julie Turkewiz, *Oregon Shooting at Umpqua College Kills 10, Sheriff Says*, N.Y. TIMES (Oct. 1, 2015), <https://www.nytimes.com/2015/10/02/us/oregon-shooting-umpqua-community-college.html>; Malia Wollan & Norimitsu Onishi, *Gunman Kills 7 in a Rampage at a Northern California University*, N.Y. TIMES (Apr. 2, 2012), <http://www.nytimes.com/2012/04/03/us/fatal-shootings-at-oikos-university-in-oakland-calif.html>.

2. *Guns on Campus: Overview*, NAT'L CONFERENCE OF STATE LEGS. (May 5, 2017), <http://www.ncsl.org/research/education/guns-on-campus-overview.aspx>.

3. *Guns on Campus*, EVERYTOWN FOR GUN SAFETY (July 9, 2015), http://everytownresearch.org/fact-sheet-guns-on-campus/#foot_note_anchor_15 (according to 2012 and 2013 surveys, 95% of college presidents and 94% of college faculty oppose concealed carry on campus).

4. *FAQ*, STUDENTS FOR CONCEALED CARRY, <http://concealedcampus.org/faq/> (last visited Sept. 12, 2017).

5. *About*, THE CAMPAIGN TO KEEP GUNS OFF CAMPUS, <http://keepgunsoffcampus.org/about/> (last visited Sept. 12, 2017).

6. ANDREW MORSE ET AL., NAT'L ASS'N OF STUDENT PERSONNEL ADMIN'RS & EDUC. COMM'N OF THE STATES, *GUNS ON CAMPUS: THE ARCHITECTURE AND MOMENTUM OF STATE POLICY ACTION 6* (2016), https://www.naspa.org/images/uploads/main/ECS_NASPA_report_revised_1-29.pdf. Utah's campus carry law was upheld by the Utah Supreme Court. *Univ. of Utah v. Shurtleff*, 144 P.3d 1109, 1121–22 (Utah Sup.Ct. 2006).

7. *Guns on Campus: Overview*, *supra* note 2.

universities.⁸ Of these, Mississippi and Idaho require those carrying weapons on campuses to have an “enhanced” license, which requires more training.⁹ Although most of these ten states passed campus carry measures through the state legislatures, courts in Colorado and Oregon created “judicial campus carry” by holding university bans on guns unconstitutional.¹⁰ Twenty-three states included provisions allowing individual public colleges to decide whether to permit campus carry.¹¹ The vast majority of colleges in these states have opted to ban firearms on campuses.¹² In Tennessee, only faculty members may carry weapons on college campuses.¹³

Prior to 1976, it was legal in Georgia to carry handguns on campus.¹⁴ In that year, Georgia’s General Assembly added “schools or school functions” to the list of public gatherings where weapons were prohibited.¹⁵ Since 1976, a Georgia Weapons Carry License (GWCL) holder’s violation of this weapons prohibition has been a

8. *Id.* These states are Arkansas, Colorado, Georgia, Idaho, Kansas, Mississippi, Oregon, Texas, Utah, and Wisconsin. *Id.* Of these ten states, only Utah’s statute specifically prohibits public colleges and universities from banning campus carry. *Id.*

9. IDAHO CODE § 18-3309(1), (2) (2017) (granting the Idaho Board of Regents “the authority to prescribe rules and regulations relating to firearms,” but carving out exceptions for those with licenses pursuant to Code sections 18-3302H and 18-3302K); IDAHO CODE § 18-3302H (2017) (“Carrying of concealed firearms by qualified retired law enforcement officers); IDAHO CODE § 18-3302K (2017) (“Issuance of enhanced licenses to carry concealed weapons); MISS. CODE ANN. § 97-37-17(2), (7)(e) (2017) (generally prohibiting possession of firearms on campuses, but carving out an exception for specified license holders “while in performance of their official duties” pursuant to Code section 97-37-7(2)); MISS. CODE ANN. § 97-37-7 (2017) (exempting certain populations that meet specified requirements from laws generally prohibiting carrying a firearm).

10. *Regents of the Univ. of Colo. v. Students for Concealed Carry on Campus, LLC*, 271 P.3d 496, 502 (Colo. 2012) (holding that the General Assembly divested the University of Colorado of its authority to ban weapons on campus through the Colorado Concealed Carry Act); *Or. Firearms Educ. Found. v. Bd. of Higher Educ.*, 264 P.3d 160, 165 (Or. Ct. App. 2011) (invalidating State Board of Higher Education’s administrative rule imposing sanctions for carrying guns on college campuses because authority to regulate firearms is not expressly authorized by the Legislative Assembly).

11. *Guns on Campus: Overview*, *supra* note 2. These states are Alabama, Alaska, Arizona, Connecticut, Delaware, Hawaii, Indiana, Iowa, Kentucky, Maine, Maryland, Minnesota, Montana, New Hampshire, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, Washington, and West Virginia. *Id.*

12. See ARMEDCAMPUSES.ORG, <http://www.armedcampuses.org> (last visited May 22, 2017). Out of these twenty-three states, only six public universities, all in Pennsylvania, allow guns on campus. See *Laws Concerning Carrying Concealed Firearms on Campus in Pennsylvania*, ARMEDCAMPUSES.ORG, <http://www.armedcampuses.org/pennsylvania/> (last visited May 22, 2017).

13. TENN. CODE ANN. § 39-17-1309(e)(11)–(13) (2017).

14. 1976 Ga. Laws 1340, §§ 1–2, at 1431–32.

15. *Id.*

misdeemeanor.¹⁶ A violation by a non-GWCL holder, on the other hand, has been a felony, punishable by a penalty of up to a \$10,000 fine, two to ten years imprisonment, or both.¹⁷ In 2016, the Georgia General Assembly legalized the carry of “electroshock weapons,” such as stun guns and Tasers, by students on college campuses.¹⁸ This legislation, dubbed “campus carry lite,” was introduced by Rep. Buzz Brockway (R-102nd) as a “middle ground” in the campus carry debate, providing an alternative way for students to protect themselves.¹⁹

Georgia legislators first attempted to pass a law allowing weapons on college campuses in 2008.²⁰ Since 2011, campus carry legislation has been introduced every year, but failed to make it out of committee until 2016.²¹ The Georgia Board of Regents, which has vehemently opposed these attempts, lobbied against campus carry measures, stating that allowing guns on campus will reduce students’ personal safety rather than increase it.²² GeorgiaCarry.org, a gun rights organization, has lobbied in favor of campus carry provisions in Georgia since 2007, following the Virginia Tech shooting.²³

16. O.C.G.A. § 16-11-127.1(b)(2) (2017).

17. *Id.*

18. 2016 Ga. Laws 848, § 1, at 849 (codified at O.C.G.A. § 16-11-127.1(c)(19)).

19. Janel Davis, *5 Things to Know About Georgia’s New Stun Gun Law*, ATLANTA J.-CONST. (Aug. 12, 2016, 3:41 PM), <http://www.ajc.com/news/local-education/things-know-about-georgia-new-stun-gun-law/u76eBhgVlvvEIL86DPNzNK/>; Janel Davis, *Ga. Lawmaker Pushing for Stun Guns on College Campuses*, ATLANTA J.-CONST. (Jan. 11, 2016, 3:47 PM), <http://www.ajc.com/news/local-education/lawmaker-pushing-for-stun-guns-college-campuses/HTClBdPNGCSfVfFifQo2snI/>.

20. HB 915, as introduced, § 5, p.4, ll. 33–35, 2008 Ga. Gen. Assemb. (removing college campuses from the definition of “school safety zones” in O.C.G.A. § 16-11-127.1).

21. HB 859, as introduced, 2016 Ga. Gen. Assemb.; HB 544, as introduced, 2015 Ga. Gen. Assemb.; HB 512, as introduced, 2014 Ga. Gen. Assemb.; HB 29, as introduced, 2013 Ga. Gen. Assemb.; HB 981, as introduced, § 2, pp. 2–3, 2012 Ga. Gen. Assemb.; HB 55, as introduced, 2011 Ga. Gen. Assemb.; *see also* 2015 Ga. Laws 5, § 16(3), at 9 (codified at O.C.G.A. § 16-11-127.1 (2017)) (resolving conflict between HB 826 (2014 Ga. Laws 432) and HB 60 (2014 Ga. Laws 599)); GeorgiaCarry.org, Inc. v. Code Revision Comm’n, 299 Ga. 896, 897–99, 793 S.E.2d 35, 36–38 (2016) (overruling HB 826 (2014 Ga. Laws 432) which allowed GWCL holders to keep firearms in cars while in school safety zones because HB 60 (2014 Ga. Laws 599), which was passed and signed after HB 826, contained contradictory provisions).

22. *See* Kristen Bailey, *USG Chancellor Weighs in on Campus Carry Legislation*, GA. TECH NEWS CENTER (Mar. 3, 2016), <http://www.news.gatech.edu/2016/03/03/usg-chancellor-weighs-campus-carry-legislation>; Lee Shearer, *Keep Guns Off Campus, Chancellor Pleads with Georgia Legislators*, ATHENS BANNER-HERALD (Mar. 5, 2013, 6:18 PM), <http://onlineathens.com/blog/lee-shearer/2013-03-05/keep-guns-campus-chancellor-pleads-georgia-legislators>.

23. *See Leadership of GCO* GEORGIA CARRY.ORG, <http://www.georgiacarry.org/cms/about/the-leadership-of-gco/> (last visited Sept. 13, 2017).

In 2016, for the first time, a campus carry bill passed both the Georgia House and Senate.²⁴ In that year, House Bill (HB) 859 was spurred on by multiple incidents in December of 2015 and January of 2016, where students were robbed at gunpoint inside the Georgia State University library.²⁵ It passed by a vote of 113 to 59 in the House and 37 to 17 in the Senate.²⁶ After HB 859's passage, Governor Nathan Deal (R) called on the General Assembly to amend the bill to include places where weapons would remain prohibited.²⁷ However, the General Assembly refused to amend the bill and sent it to the Governor's desk as-is.²⁸

Governor Deal vetoed the bill on May 3, 2016.²⁹ In his veto statement, Governor Deal stated “the right to keep and bear arms in sensitive places such as those enumerated in HB 859 is not guaranteed by the Second Amendment nor the Georgia Constitution.”³⁰ He invoked the opinion of Justice Scalia in the 2008 case of *District of Columbia v. Heller*, in which the Supreme Court held Second Amendment protection did not extend to sensitive places.³¹ He also cited an 1824 meeting of the Board of Visitors of the University of Virginia, attended by Thomas Jefferson and James

24. State of Georgia Final Composite Status Sheet, HB 859, May 5, 2016.

25. Janel Davis, *State, National Events Fuel Push for Campus Carry Legislation*, ATLANTA J.-CONST. (Mar. 5, 2016, 12:00 AM), <http://www.ajc.com/news/local-education/state-national-events-fuel-push-for-campus-carry-legislation/vu6lNnirVrmEobjG0sZcyO/>; Lauren Foreman, *Georgia State Closing Library to Public; 2 More Robberies Reported*, ATLANTA J.-CONST. (Jan. 28, 2016, 4:12 PM), <http://www.ajc.com/news/crime—law/georgia-state-closing-library-public-more-robberies-reported/vOYtasJTof7ZhbF9zGikKL/>.

26. Georgia House of Representatives Voting Record, HB 859, #579 (Feb. 22, 2016); Georgia Senate Voting Record, HB 859, #584 (Mar. 11, 2016).

27. Press Release, Office of the Governor, Deal Calls on General Assembly to Address “Campus Carry” Concerns (Mar. 14, 2016), <https://gov.georgia.gov/press-releases/2016-03-14/deal-calls-general-assembly-address-%E2%80%9Ccampus-carry%E2%80%9D-concerns> [hereinafter Deal Calls on General Assembly].

28. Janel Davis, *Georgia Senate Passes Gun Cleanup Bill Without Campus Carry Changes*, ATLANTA J.-CONST. (Mar. 22, 2016, 2:29 PM), <http://www.ajc.com/news/state—regional-govt—politics/georgia-senate-passes-gun-cleanup-bill-without-campus-carry-changes/3WnruREngXaoKwN97ulQgK/>.

29. Press Release, Office of the Governor, Governor Deal Issues 2016 Veto Statements (May 3, 2016), <https://gov.georgia.gov/press-releases/2016-05-03/deal-issues-2016-veto-statements> [hereinafter 2016 Veto Statements].

30. *Id.*

31. *Id.*; see *District of Columbia v. Heller*, 554 U.S. 570, 626 (2008) (“[N]othing in our opinion should be taken to cast doubt on . . . laws forbidding the carrying of firearms in sensitive places such as schools and government buildings . . .”).

Madison, which prohibited weapons on its campus.³² However, Deal left the door open for future legislative attempts. After noting that college campuses have long been treated as “sanctuaries of learning where firearms have not been allowed,” he did not say campus carry would be incompatible with such a tradition, only that “depart[ing] from such time-honored protections should require overwhelming justification. I do not find that such justification exists.”³³

Bill Tracking of HB 280

Consideration and Passage by the House

Representatives Mandi Ballinger (R-23rd), Alan Powell (R-32nd), John Meadows (R-5th), Rick Jasperse (R-11th), Vernon Jones (D-91st), and Christian Coomer (R-14th) sponsored HB 280 in the House.³⁴ The House read the bill for the first time on February 8, 2017, and committed it to the Public Safety and Homeland Security Committee.³⁵ The House read the bill for the second time on February 9, 2017.³⁶ On February 27, 2017, the House Committee on Public Safety and Homeland Security amended the bill in part and favorably reported the bill by substitute.³⁷

The Committee substitute included almost all of the introduced bill’s text, and merely changed the text of one subsection.³⁸ The Committee substitute changed some of the language found in Section 1 of the bill beginning on line 24.³⁹ The Committee altered the language that excludes carrying “if such public institution of

32. See 2016 Veto Statements, *supra* note 29; see also University of Virginia Board of Visitors Minutes 6 (Oct. 4–5, 1824), in THOMAS JEFFERSON PAPERS, https://www.encyclopediavirginia.org/University_of_Virginia_Board_of_Visitors_Minutes_October_4-5_1824 (last modified Feb. 2, 2016) (“No Student shall, within the precincts of the University, introduce, keep or use any spirituous or vinous liquors, keep or use weapons or arms of any kind”).

33. 2016 Veto Statements, *supra* note 29.

34. Georgia General Assembly, HB 280, Bill Tracking, <http://www.legis.ga.gov/legislation/en-US/Display/20172018/HB/280>.

35. State of Georgia Final Composite Status Sheet, HB 280, May 11, 2017.

36. *Id.*

37. *Id.*

38. Compare HB 280, as introduced, § 1, p. 1, l. 24, 2017 Gen. Assemb., with HB 280 (HCS), § 1, p. 1, l. 24, 2017 Gen. Assemb.

39. Compare HB 280, as introduced, § 1, p. 1, l. 24, 2017 Gen. Assemb., with HB 280 (HCS), § 1, p. 1, l. 24, 2017 Gen. Assemb.

postsecondary education has more than one building on the campus housing preschool space” to require “more than three buildings on the campus housing preschool space.”⁴⁰

The House read the bill for a third time on March 3, 2017.⁴¹ The House passed the Committee substitute of HB 280 on March 3, 2017, by a vote of 108 to 63.⁴²

Consideration and Passage by the Senate

Senator Bill Heath (R-31st) sponsored HB 280 in the Senate.⁴³ The Senate first read HB 280 on March 3, 2017.⁴⁴ The Senate assigned HB 280 to the Judiciary Committee, which made only one addition to the bill and favorably reported the bill by substitute on March 20, 2017.⁴⁵

The Committee substitute contained additional language in Section 1 of the bill beginning on line 26.⁴⁶ The new language created another exclusion to concealed carry.⁴⁷ The Committee substitute added language stating the law did “[n]ot apply to any specialized school for high school students as described in paragraph (5) of subsection (b) of Code section 20-4-37[.]”⁴⁸ This created a new exception to the bill, whereby one cannot carry a handgun into specialized schools established as charter schools; schools that advance workforce development, like trade schools; or class courses for which the school cooperates with postsecondary institutions, for example, by allowing high school students to attend classes for college credit.⁴⁹

40. Compare HB 280, as introduced, § 1, p. 1, l. 24, 2017 Gen. Assemb., with HB 280 (HCS), § 1, p. 1, l. 24, 2017 Gen. Assemb.

41. State of Georgia Final Composite Status Sheet, HB 280, May 11, 2017.

42. Georgia House of Representatives Voting Record, HB 280, #183 (Mar. 3, 2017).

43. Georgia General Assembly, HB 280, Bill Tracking, <http://www.legis.ga.gov/legislation/en-US/Display/20172018/HB/280>.

44. State of Georgia Final Composite Status Sheet, HB 280, May 11, 2017.

45. *Id.*

46. Compare HB 280 (HCS), § 1, p. 2 ll. 26–27, 2017 Ga. Gen. Assemb., with HB 280 (SCS), § 1, p. 2, ll. 26–27, 2017 Ga. Gen. Assemb.

47. HB 280 (SCS), § 1, p. 2, ll. 26–27, 2017 Ga. Gen. Assemb.

48. *Id.*

49. HB 280 (SCS), § 1, p. 2, ll. 26–27, 2017 Ga. Gen. Assemb.; see also O.C.G.A. § 20-4-37(b)(5)–(6) (2017).

The Senate read the bill for the second time on March 20, 2017.⁵⁰ Eight days later, on March 28, 2017, the Senate voted 35 to 17 to engross the bill.⁵¹ By engrossing the bill, the Senate created a version of the bill that reflected all of the Senate's amendments.⁵² However, it also took away the Senate's ability to amend or change the bill moving forward, and from then on the Senate could only agree or disagree with House amendments.⁵³ Later in the day on March 28, 2017, the Senate read the bill a third time and adopted the Senate substitute by a vote of 32 to 22.⁵⁴ As a result, the bill left the Senate as an engrossed version encompassing all of the Senate's changes.

Conference Committee

On March 30, 2017, the House disagreed with the Senate's amendment.⁵⁵ The Senate insisted on their own amendments, and the House insisted in response that their amendments were most appropriate.⁵⁶ As a result, Representatives Mandi Ballinger, Rick Jasperse, and Alan Powell; and Senators Bill Heath, Gregg Kirk (R-13th), and Frank Ginn (R-47th) were appointed to a Conference Committee on that same day.⁵⁷

The Conference Committee made several substantive amendments to the bill in a Committees of Conference Substitute.⁵⁸ The Committee inserted in Section 1 at line 17 language creating a

50. State of Georgia Final Composite Status Sheet, HB 280, May 11, 2017.

51. Georgia Senate Voting Record, HB 280, #252 (Mar. 28, 2017); GA. STATE SEN., RULES § 6-9.1 (2017). A member may orally serve notice to engross on the first read of a bill or measure. *Id.* §6-9.1(b). The member may then make a motion to engross a measure immediately before the third read of the measure. *Id.* When the member makes the motion to engross, members then debate the motion for up to ten minutes in support of the motion and ten minutes in opposition to the motion. *Id.* The motion is then put to a vote, and is engrossed by the affirmative vote of a majority of the members of the Senate. *Id.* When the measure is engrossed, the Secretary of the Senate enters the engrossment, and the measure cannot be amended or changed by the Senate in any way from then on. *Id.* When the Senate engrosses a bill, they cannot introduce or attach amendments to House amendments, but may only agree or disagree with the House amendment. *Id.* § 6-9.1(c).

52. GA. STATE SEN., RULES § 6-9.1 (2017).

53. *Id.*

54. State of Georgia Final Composite Status Sheet, HB 280, May 11, 2017; Georgia Senate Voting Record, HB 280, #262 (Mar. 28, 2017).

55. State of Georgia Final Composite Status Sheet, HB 280, May 11, 2017.

56. *Id.*

57. *Id.*

58. Compare HB 280 (SCS), 2017 Ga. Gen. Assemb., with HB 280 (CCS), 2017 Ga. Gen. Assemb.

misdeemeanor violation for licensed holders who violate the subsection and felony violations for non-license holders who violate the subsection.⁵⁹ Non-licensed holders found guilty under the statute would either be punished by a fine of no more than \$10,000.00, imprisoned for two to ten years, or both.⁶⁰ This change implemented criminal penalties to ensure carriers are careful to abide by the constraints of the law and to prevent unlicensed carriers from bringing guns onto campuses.

The Conference Committee also added language at line 43 addressing first offenses, which states: “[a]ny weapons carry license holder who carries a handgun in a manner or in a building, property, room, or space in violation of this paragraph shall be guilty of a misdemeanor[.]”⁶¹ However, a first offense is only punished by a twenty-five dollar fine without any jail time, softening the impact for first-time violators.⁶²

The Conference Committee revisited the exceptions to concealed carry in Section 1 under subsection (20)(A) of Code section 16-11-127.1.⁶³ Although (20)(A)(ii) originally applied to “public institutions of postsecondary education” with “more than three buildings on the campus housing preschool space[,]” the Committee changed the legislation so that the law did “not apply to any preschool or childcare space located within such buildings or real property,” ensuring that guns will not be allowed around preschool-age children.⁶⁴ The Committee then changed (20)(A)(iii) at line 30 from “[n]ot apply to any specialized school for high school students as described in paragraph (5) of subsection (b) of Code section 20-4-37” to “[n]ot apply to any room or space being used for classes related to a college and career academy or other specialized school as

59. HB 280 (CCS), § 1, p.1, ll. 17–21 (“Except as provided for in paragraph (20) of subsection (c) of this Code section, any license holder who violates this subsection shall be guilty of a misdemeanor. Any person who is not a license holder who violates this subsection shall be guilty of a felony and, upon conviction thereof, be punished by a fine of not more than \$10,000.00, by imprisonment for not less than two nor more than ten years, or both.”).

60. *Id.*

61. *Id.* at § 1, p. 2, l. 43.

62. *Id.* at § 1, p. 2, ll. 43–47 (“[C]onviction of a first offense, such weapons carry license holder shall be punished by a fine of \$25.00 and not be sentenced to serve any term of confinement.”).

63. *Id.* at § 1, pp. 1–2, ll. 22–42, 2017 Ga. Gen. Assemb.

64. *Compare* HB 280 (SCS), § 1, p. 1, ll. 21–25, 2017 Ga. Gen. Assemb., *with* HB 280 (CCS), § 1, p. 2, ll. 28–29, 2017 Ga. Gen. Assemb.

provided for under Code section 32 20-4-37, “which expanded the breadth of this exception.⁶⁵ This ensured that campus carry would not be allowed in any location where high school students would be present on college campuses pursuing their own education.

The Conference Committee included two more exceptions to concealed carry, expanding the exceptions to further protect high school students and to ensure that guns will not be allowed in school employees’ offices or rooms during disciplinary proceedings.⁶⁶ The first exception, (20)(A)(iv) at line 33, states the law does “[n]ot apply to any room or space being 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 as provided for under Code section 20-2-161.3.”⁶⁷ The second addition, (20)(A)(v) at line 37, states the law would “[n]ot apply to faculty, staff, or administrative offices or rooms where disciplinary proceedings are conducted.”⁶⁸

Final Passage

The House adopted the Conference Committee Report on March 30, 2017, by a vote of 96 to 70.⁶⁹ The Senate adopted the Conference Committee Report the same day by a vote of 33 to 21.⁷⁰ The House sent the bill to Governor Deal on April 5, 2017; the Governor signed the bill into law on May 4, 2017, and the bill became effective July 1, 2017.⁷¹

65. Compare HB 280 (SCS), § 1, p. 2, ll. 26–27, 2017 Ga. Gen. Assemb., with HB 280 (CCS), § 1, p. 2, ll. 30–32, 2017 Ga. Gen. Assemb.

66. HB 280 (CCS), § 1, p. 2, ll. 33–38, 2017 Ga. Gen. Assemb.

67. *Id.* § 1, p. 2, ll. 33–36. The “Move on When Ready” program allows eligible high school students to apply to certain postsecondary institutions to take dual credit courses at or through the postsecondary institution and receive secondary credit for college while in high school. O.C.G.A. § 20-2-161.3(c).

68. HB 280 (CCS), § 1, p. 2, ll. 37–38, 2017 Ga. Gen. Assemb.

69. Georgia House of Representatives Voting Record, HB 280, #427 (Mar. 30, 2017).

70. Georgia Senate Voting Record, HB 280, #385 (Mar. 30, 2017).

71. State of Georgia Final Composite Status Sheet, HB 280, May 11, 2017; O.C.G.A. § 1-3-4(a)(1).

The Act

The Act amends Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms.⁷² The overall purpose of the Act is to authorize the carrying and possession of handguns by GWCL holders on college campuses, as well as to provide for exceptions and to revise criminal penalties for violations.⁷³

Section A of the Act amends Code section 16-11-127.1, which relates to carrying weapons within school safety zones, at school functions, or on school buses or other school transportation.⁷⁴ The Act adds subsection (c)(20)(A).⁷⁵ Subsection (c)(20)(A) is an exception to the ban on firearms at schools for “[a]ny weapons carry license holder” that applies “when he or she is in any building or on real property owned by or leased to any public technical school, vocational school, college, or university, or other public institution of postsecondary education.”⁷⁶

Subsections (c)(20)(A)(i)-(v) list several location-based limitations on subsection (c)(20)(A)’s exception to the firearm ban.⁷⁷ Subsection (c)(20)(A)(i) states the (c)(20)(A) exception shall not apply to athletic sporting events or to student housing, including fraternity and sorority houses.⁷⁸ This subsection was the only location-based restriction in the 2016 campus carry bill.⁷⁹

Legislators included four more location-based restrictions in the Act as a direct result of Governor Nathan Deal’s (R) 2016 veto.⁸⁰ Although not reflected in his veto statement,⁸¹ following HB 859’s passage, Governor Deal specifically called on the General Assembly to address “areas of concern,” including “dually enrolled K-12 students,” “daycare centers,” “disciplinary hearings,” and “faculty

72. 2017 Ga. Laws 341, § 1, at 341.

73. *Id.*

74. O.C.G.A. § 16-11-127.1 (Supp. 2017).

75. 2017 Ga. Laws 341, § 1, at 341–42.

76. O.C.G.A. § 16-11-127.1(c)(20)(A) (Supp. 2017).

77. 2017 Ga. Laws 342, § 1, at 342.

78. O.C.G.A. § 16-11-127.1(c)(20)(A)(i) (Supp. 2017).

79. See HB 859, as introduced, § 1, p. 1, ll. 14–20, 2016 Ga. Gen. Assemb. (adding the exception as paragraph 19).

80. See Deal Calls on General Assembly, *supra* note 27.

81. See 2016 Veto Statements, *supra* note 29.

and administrative offices.”⁸² Although the 2016 General Assembly ignored these requests, leading to Governor Deal’s veto,⁸³ the 2017 General Assembly carved out exceptions based on his requests.⁸⁴

Subsection (c)(20)(A)(ii) excludes “any preschool or childcare space” on college campuses.⁸⁵ The Act defines “preschool or childcare space” in subsection (c)(20)(C)(ii) as any space “separated from other spaces by an electronic mechanism or human-staffed point of controlled access and designated for the provision of preschool or childcare services.”⁸⁶ It also notes that this definition includes, but is not limited to, “preschools or childcare services licensed or regulated under Article 1 of Chapter 1A of Title 20.”⁸⁷ This restriction is a response to Governor Deal’s concern that guns would be allowed around young children.⁸⁸

Subsection (c)(20)(A)(iii) excludes “any room or space being used for classes related to a college and career academy or other specialized school as provided for under Code section 20-4-37.”⁸⁹ This predominantly applies to partnerships between colleges and public and charter schools to advance career development in high school students.⁹⁰ The Act, in subsection (c)(20)(A)(iv), excludes any room or space where high school students in a dual enrollment program, such as classes related to the “Move on When Ready Act,” are enrolled.⁹¹ Subsection (c)(20)(A)(v) excludes “faculty, staff, or administrative offices or rooms where disciplinary proceedings are conducted.”⁹²

82. See Deal Calls on General Assembly, *supra* note 27.

83. See Davis, *supra* note 28.

84. O.C.G.A. § 16-11-127.1(c)(20)(A)(ii)–(v) (Supp. 2017).

85. O.C.G.A. § 16-11-127.1(c)(20)(A)(ii) (Supp. 2017).

86. O.C.G.A. § 16-11-127.1(c)(20)(C)(ii) (Supp. 2017).

87. O.C.G.A. § 16-11-127.1(c)(20)(A)(iii) (Supp. 2017).

88. See Deal Calls on General Assembly, *supra* note 27.

89. O.C.G.A. § 16-11-127.1(c)(20)(A)(iii) (Supp. 2017).

90. See O.C.G.A. § 20-4-37(b)(5) (2017) (defining a “college and career academy” as “a specialized school established as a charter school or pursuant to a contract for a strategic waivers school system or charter system, which formalizes a partnership that demonstrates a collaboration between business, industry, and community stakeholders to advance work force development between one or more local boards of education, a private individual, a private organization, or a state or local public entity in cooperation with one or more postsecondary institutions.”).

91. O.C.G.A. § 16-11-127.1(c)(20)(A)(iv) (Supp. 2017).

92. O.C.G.A. § 16-11-127.1(c)(20)(A)(v) (Supp. 2017).

The Act also places restrictions on who may carry guns and how they may be carried. Subsection (c)(20)(A)(vi) makes the exception apply only to the carrying of handguns by GWCL holders, or by people licensed in any other state that gives full faith and credit to GWCLs.⁹³ GWCL holders must be either twenty-one years old, or eighteen years old if they are active duty military or have been honorably discharged from the military.⁹⁴ Georgia law also prohibits other classes of people, such as convicted felons and those who have been a patient in a mental hospital or drug and alcohol treatment center within the past five years, from obtaining a GWCL.⁹⁵ Non-residents, or those who have lived in Georgia for less than ninety days, can carry a gun on college campuses if they hold a weapons carry license from any state with reciprocity.⁹⁶

Critics point to the fact that “violence, alcohol abuse and reckless behavior are elevated among college-age youths,” and that “the college environment is particularly ill-suited to gun possession.”⁹⁷ Proponents counter that there have been no incidences of gun violence by any concealed carry permit holder in any school that has campus carry and no upticks in gun violence in any state after allowing concealed carry.⁹⁸ In the House Committee meeting, Representative Jesse Petrea (R-166th) stated, “[C]oncealed carry permit holders in this country are the safest, most law-abiding demographic anywhere in the country.”⁹⁹

93. *Id.*; see also O.C.G.A. § 16-11-126(e) (Supp. 2017); O.C.G.A. § 16-11-129 (2017).

94. O.C.G.A. § 16-11-129(b)(2)(A) (2017).

95. See O.C.G.A. § 16-11-129(b)(2)(B)–(L) (2017).

96. See O.C.G.A. § 16-11-126(e) (Supp. 2017). For a full list of states with reciprocity, see Aaron Gould Sheinin, *South Carolina Joins List of States Honoring Georgia Gun Permits*, ATLANTA J.-CONST. (June 8, 2016, 9:46 AM), <http://www.ajc.com/news/state—regional-govt—politics/south-carolina-joins-list-states-honoring-georgia-gun-permits/Zhhqtwq8P1TB0GNCvoF7gI/> (“Georgia now recognizes firearms licenses 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, and Wyoming.”).

97. See Daniel Webster & Ronald Daniels, *Allowing Guns on Campus Will Invite Tragedies, Not End Them*, WASH. POST, (Oct. 26, 2016), https://www.washingtonpost.com/opinions/allowing-guns-on-campus-will-invite-tragedies-not-end-them/2016/10/21/a1679f9e-8992-11e6-875e-2c1bfe943b66_story.html?utm_term=.e63db007695e.

98. *Common Arguments Against Campus Carry*, STUDENTS FOR CONCEALED CARRY, <http://concealedcampus.org/common-arguments/#73> (last visited July 8, 2017).

99. Audio Recording of House Public Safety and Homeland Security Committee Meeting at 6 min., 52 sec. (Feb. 27, 2017) (remarks by Rep. Jesse Petrea (R-166th)) (on file with the Georgia State University Law Review) [hereinafter House Committee Recording]; see also TEX. DEP’T OF PUB.

Subsection (c)(20)(A)(vii) limits the exception to concealed handguns only.¹⁰⁰ The Act adds subsection (c)(20)(C)(i) to define “[c]oncealed” 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.”¹⁰¹ This definition includes multiple forms of concealment.¹⁰² The Act explicitly notes the definition includes carrying a handgun that is “substantially, but not necessarily completely, covered by an article of clothing,” and carrying a handgun “within a bag of a nondescript nature.”¹⁰³ It also includes “carrying [a handgun] in any other fashion as to not be clearly discernible by the passive observation of others.”¹⁰⁴

A common criticism of campus carry is that students on college campuses will not be able to focus on their studies “without having to worry that the student next to them will open fire.”¹⁰⁵ Representative Mandi Ballinger views the Act as a significant protective measure for law-abiding adults that will allow Georgians to protect themselves, and from her perspective that right outweighs any fear students may have of their peers carrying handguns onto campus.¹⁰⁶ Representative Jasperse, attempting to address the opposition’s fear, said, “there are people who are scared because they think that Billy sitting next to you or Betsy has a weapon. . . . [T]hen again, your being scared and your being threatened by another person are two totally different things.”¹⁰⁷ The Act attempts to account for student and faculty fears through the concealed carry limitation. Although Georgia law allows

SAFETY, CONVICTION RATES FOR HANDGUN LICENSE HOLDERS (2016), <https://www.dps.texas.gov/RSD/LTC/Reports/ConvictionRatesReport2015.pdf>. In 2015, handgun license holders in Texas accounted for 1.1% of all murder convictions, and 0.24% of all total criminal convictions in the state. *Id.*

100. O.C.G.A. § 16-11-127.1(c)(20)(A)(vii) (Supp. 2017).

101. O.C.G.A. § 16-11-127.1(c)(20)(C)(i) (Supp. 2017).

102. *Id.*

103. *Id.*

104. *Id.*

105. See Aaron Gould Sheinin, *Campus Gun Bill Returns to Georgia House*, ATLANTA J.-CONST. (Feb. 07, 2017, 4:50 PM), <http://www.myajc.com/news/state—regional-govt—politics/campus-gun-bill-returns-georgia-house/mdbvX4weg27gkCSy0ARAJM/>.

106. Aaron Gould Sheinin, *Georgia House Passes Campus Gun Bill*, ATLANTA J.-CONST. (Mar. 3, 2017, 1:07 PM), <http://www.ajc.com/news/state—regional-govt—politics/georgia-house-passes-campus-gun-bill/HmUe4IKSxQEClgrN0rVUP/>.

107. Telephone Interview with Rep. Rick Jasperse (R-11th) at 14 min., 57 sec. (Apr. 18, 2017) (on file with Georgia State University Law Review) [hereinafter Jasperse Interview].

for open carry of firearms for GWCL holders,¹⁰⁸ the Act recognizes that college campuses are sensitive environments, and that open carry in classrooms may intimidate and scare some students and faculty.¹⁰⁹ By keeping guns from view, the Act seeks to respect and alleviate the concerns of these students and faculty.¹¹⁰

Subsection (c)(20)(B) of the Act creates a new misdemeanor offense which criminalizes any weapons carry license holder who carries a handgun in locations exempt under subsection (c)(20).¹¹¹ This means carrying a weapon in any place explicitly mentioned as a location-based restriction, or carrying a weapon that is not concealed, is a misdemeanor.¹¹² First-time violators are “punished by a fine of \$25.00.”¹¹³ The Act explicitly provides first-time violators should “not be sentenced to serve any term of confinement.”¹¹⁴ Keep Guns Off Campus has expressed concerns that this Act decriminalizes campus carry in the exclusionary zones.¹¹⁵ It states that the “nominal \$25.00 fine [for weapons carry violations in exclusionary zones] will effectively encourage campus carry in all locations.”¹¹⁶ However, this penalty only applies for a first offense;¹¹⁷ subsequent offenses are misdemeanors.¹¹⁸

Analysis

Supporters remain concerned that the Act does not allow students to keep guns in their dorms¹¹⁹ and does not allow the three-quarters of college students under twenty-one to carry guns on campus.¹²⁰ Representative Mandi Ballinger (R-23rd), addressing these concerns,

108. See O.C.G.A. § 16-11-126(b) (2017).

109. See Jasperse Interview, *supra* note 107, at 25 min., 42 sec.

110. *Id.*

111. O.C.G.A. § 16-11-127.1(c)(20)(B) (Supp. 2017).

112. *Id.*

113. *Id.*

114. *Id.*

115. See Electronic Mail Interview with Kathryn Grant, State Affairs Director, Campaign to Keep Guns Off Campus (May 3, 2017) (on file with Georgia State University Law Review).

116. *Id.*

117. O.C.G.A. § 16-11-127.1(c)(20)(B) (Supp. 2017).

118. O.C.G.A. § 16-11-127.1(b)(2) (Supp. 2017).

119. See House Committee Recording, *supra* note 99 at 8 min., 7 sec. (remarks by Rep. Mack Jackson (D-14th)).

120. *Id.* at 4 min., 41 sec. (remarks by Rep. Frazier (D-126th)).

emphasizes that the Act is “a permissive bill” that would “allow people the basic essential right of self-preservation.”¹²¹ The existing law in Georgia requires GWCL holders to be twenty-one or older,¹²² and “most people over twenty-one . . . don’t actually reside in university housing.”¹²³ Representative Gloria Frazier (D-126th) expressed concern that female students would be more susceptible to rapes on campus and that those under twenty-one would be unable to defend themselves with a firearm,¹²⁴ to which Representative Ballinger replied, “We have created a victim zone” where “[b]ad guys . . . know that a female . . . at Georgia State University with a backpack over her shoulder is unarmed.”¹²⁵ She emphasized that this bill “seeks to provide additional protection for female students” who are not allowed to carry firearms under existing law.¹²⁶

Constitutional Considerations

In *McDonald v. City of Chicago*, the Supreme Court held the Second Amendment right to keep and bear arms applied to the states through the Due Process Clause of the Fourteenth Amendment.¹²⁷ Thus, states may regulate the right to bear arms so long as they avoid constricting an individual’s constitutional right.¹²⁸

Many supported Georgia’s Campus Carry bill because they believed the measure would restore the Second Amendment’s guarantee of the right to bear arms.¹²⁹ House Speaker David Ralston (R-7th) stated he believes the bill “improves and strengthens the Second Amendment.”¹³⁰ It is unlikely that HB 280 will face

121. *Id.* at 8 min., 42 sec. (remarks by Rep. Ballinger (R-23rd)).

122. O.C.G.A. § 16-11-129(b)(2)(A) (2017).

123. House Committee Recording, *supra* note 99 at 9 min., 5 sec. (remarks by Rep. Ballinger (R-23rd)).

124. *Id.* at 4 min., 41 sec. (remarks by Rep. Frazier (D-126th)).

125. *Id.* at 5 min., 32 sec. (remarks by Rep. Ballinger (R-23rd)).

126. *Id.* at 5 min., 20 sec. (remarks by Rep. Ballinger (R-23rd)).

127. *See generally* *McDonald v. Chicago*, 561 U.S. 742, 791 (2010).

128. *See id.*

129. Kristina Torres & Michelle Baruchman, *Is This the Year Georgia Legalizes Guns on College Campuses?*, ATLANTA J.-CONST. (Mar. 27, 2017, 8:00 AM), <http://www.myajc.com/news/state-regional-govt-politics/this-the-year-georgia-legalizes-guns-college-campuses/djMbnT0Fc8uFiv1QyiJryK/>.

130. Greg Bluestein, *Why Georgia’s Governor Seems Likely to Sign ‘Campus Carry’ Bill*, ATLANTA J.-CONST. (Apr. 3, 2017), <http://politics.blog.ajc.com/2017/04/02/why-georgias-governor-seems-likely->

constitutional scrutiny under the Second Amendment because the Act expands the ability to lawfully carry in Georgia, rather than constraining citizens' Second Amendment rights.

Professors at the University of Texas in Austin challenged the constitutionality of their state's campus carry law on other grounds, asserting that the measure violates their First Amendment right to academic freedom because it impedes their ability to teach controversial topics.¹³¹ However, because the professors could not prove any concrete harm to their teaching abilities, the court dismissed their challenge.¹³² Thus, it is unlikely that such a challenge will resurface in other states enacting campus carry.

Guidelines for Implementation

On May 24, 2017, the University System of Georgia disseminated guidelines for implementing House Bill 280.¹³³ They began with a statement by Chancellor Steve Wrigley, who stated plainly that regardless of one's support or distaste towards the bill, the University System would be working to implement the new legislation, and schools need to work together to carry out the law on campuses.¹³⁴

The guidelines provided that from July 1, 2017, onward, Georgia license-holders will not only be able to keep their handguns in their vehicles, but that now they may carry them onto property owned or leased by public colleges and universities.¹³⁵ The bulk of the guidelines focused on where license-holders may not carry a handgun, informing Georgians of the exceptions because schools will not be posting signs showing when a student is entering an exempt zone.¹³⁶ It appears that the onus is on the carrier to know where they can and cannot carry, which may present issues moving forward

to-sign-campus-carry-bill/.

131. Alex Swoyer, *Court Rules Professors Can't Challenge Texas Campus Carry Law*, SELF-EDUCATED AMERICAN (July 7, 2017), <http://selfeducatedamerican.com/2017/07/07/court-rules-professors-cant-challenge-texas-campus-carry-law/>.

132. *Id.*

133. Memorandum from Chancellor Steve Wrigley to the University System of Georgia Community on Guidelines for the Implementation of House Bill 280 (May 24, 2017) [hereinafter Wrigley Memo], http://www.usg.edu/news/release/guidelines_for_the_implementation_of_house_bill_280.

134. *Id.*

135. *Id.*

136. *Id.*

because some of the exempt locations, such as classes with high school students enrolled, will change from semester to semester.

The guidelines also separated out the exemption for faculty, staff, and administrative offices from the exemption for rooms at times when they are used for disciplinary proceedings, whereas in the language of the Act itself, these locations are listed in the same exemption.¹³⁷ Before Governor Nathan Deal (R) signed the Act, there was discussion that a comma might be missing in the exemption before the language stating “or rooms where disciplinary proceedings are conducted.”¹³⁸ This missing comma potentially meant rooms where disciplinary hearings are conducted would not be exempted unless the rooms were also faculty offices.¹³⁹ However, Representative Rick Jasperse (R-11th) was clear that there was no missing comma, and that legislative counsel gave clear affirmations that the bill was written as intended.¹⁴⁰ While the debate over the serial comma may culminate in litigation in the future, the guidelines indicate both faculty offices and rooms being used for disciplinary proceedings are separately exempted.¹⁴¹

If this debate does come to a head in court, Georgia precedent demonstrates that the University System’s interpretation of the Act will likely be afforded great deference. As early as 1939, in *State v. Camp*, the Georgia Supreme Court showed great deference to the State Revenue Commissioner in interpreting and applying Georgia’s inheritance tax.¹⁴² The Court stated “that the contemporaneous practical construction of ambiguous or doubtful provisions of an act by the department of the State empowered with its administration or supervision will be given great weight, and will not be disturbed except for weighty reasons.”¹⁴³ This language predates, but is incredibly similar to, the United States Supreme Court decision in *Chevron, USA, Inc. v. Natural Resources Defense Council, Inc.*,

137. *Id.*

138. E.g., Stefan, *Two Things Gov Deal Should Consider Before Signing Campus Carry*, GEORGIAPOL.COM (Apr. 3, 2017, 1:16 PM), <https://www.georgiapol.com/2017/04/03/two-things-gov-deal-consider-signing-campus-carry/>.

139. *Id.*

140. Jasperse Interview, *supra* note 107, at 7 min., 35 sec.

141. See Wrigley Memo, *supra* note 133.

142. *State v. Camp*, Ga. 189 Ga. 209, 210, 6 S.E.2d 299, 300 (1939).

143. *Id.*

which gives great deference to administrative interpretations when Congress's legislative intent is unclear.¹⁴⁴ Although Georgia courts have not adopted *Chevron*, their decisions continue to defer to agency interpretations of unclear legislation rather than resolve issues anew.¹⁴⁵ Therefore, because the ongoing debate demonstrates that the exceptions in the Act are potentially unclear, Georgia courts will likely defer to these guidelines and the University System's interpretation of the Act to settle any litigation surrounding the comma.

Significantly, the guidelines also specify that the onus is on license-holders who want to carry their handguns to class to visit a school official to determine if high school students are enrolled in their classes.¹⁴⁶ It is unclear whether students will actually seek out an official to ensure that no high school students are in their classes before they carry a weapon into classrooms. Since students must conceal their weapons, some may feel tempted to carry their handgun into dual enrollment classes or other exempt locations because nobody would be privy to their carrying. Or, because the penalty for a first offense is a twenty-five dollar fine, students may gamble and carry their handgun to class without first ensuring compliance with the law.¹⁴⁷ With such a lenient penalty, students may not be incentivized to exercise care initially; but with stricter penalties for second offenses, the escalating nature of the punishments may incentivize students to comply moving forward.¹⁴⁸

Compounding the issue, the guidelines state that institutions will not provide gun storage facilities, nor will they erect signs outside

144. *Chevron, USA, Inc. v. Nat. Res. Defense Council, Inc.*, 467 U.S. 837, 842–44 (1984).

145. *See, e.g., Kelly v. Lloyd's of London*, 255 Ga. 291, 293, 336 S.E.2d 772, 774 (1985) (deferring to the Insurance Commission in deciding whether an insurance policy issued to a crop dusting business was exempt to a statutory filing requirement); *Piedmont Healthcare, Inc. v. Ga. Dep't of Human Res.*, 282 Ga. App. 302, 305, 638 S.E.2d 447, 450–51 (2006) (deferring to the Office of Regulatory Services' decision to deny Piedmont Healthcare a single permit for two hospitals because they determined Piedmont Healthcare did not meet the requirements for the permit); *Colquitt Elec. Membership Corp. v. City of Moultrie*, 197 Ga. App. 794, 795–96, 399 S.E.2d 497, 499 (1990) (deferring to the Public Service Commission's decision authorizing the City to provide electric service to a new county jail where there was a question of whether the jail was a new facility under the Georgia Territorial Electric Service Act).

146. Wrigley Memo, *supra* note 133.

147. *See* O.C.G.A. § 16-11-127.1(c)(20)(B) (Supp. 2017).

148. *See* O.C.G.A. § 16-11-127.1(b)(2) (Supp. 2017).

restricted areas.¹⁴⁹ Thus, it is up to students to know more than just which of their classes have high school students enrolled, but also to locate and maintain awareness of preschool spaces and other exempted areas.¹⁵⁰ It is also their responsibility to find a safe place to store their guns, which may be difficult or impossible for students who live on campus-owned property and who may not have a vehicle.¹⁵¹ This places the responsibility on license-holders to know the law, to be aware of where they can go while carrying, and to safely store their handguns.¹⁵² Although the resistance to providing storage or signage may signify disapproval of the law, it may ultimately frustrate some students' ability to comply with the legislation.

The guidelines also clarified that individual institutions may not attempt to bar or limit handguns on their campuses and that neither faculty, staff, nor students should try to interfere with license-holders' new right to carry handguns on campus, nor should they monitor or enforce compliance with the statute.¹⁵³ This likely means that university employees may not check their students' bags for handguns, ensure that carrying students are properly licensed, or follow those students to ensure that they do not carry into an exempt area.¹⁵⁴ One issue that may arise from this restriction is that universities may not know if a student is breaking the law on their campus until an accident occurs; however, it also ensures that schools against the bill will not harass students who choose to carry. It is unclear whether universities may indirectly attempt to limit handguns on their campuses by barring students or non-students from campus after conviction of a violation of campus carry, but to date no university has attempted to do so.

Public Policy Concerns

Another issue that may cause controversy as the bill is effectuated throughout state campuses is that school-age children visit college

149. Wrigley Memo, *supra* note 133.

150. *See id.*

151. *See id.*

152. *See id.*

153. *Id.*

154. *See id.*

campuses every year for summer camps or academic programs, but the bill will nevertheless allow students to carry around these young children in both circumstances.¹⁵⁵ Although the Act tried to exempt classrooms and spaces with high school students and children, Senator Elena Parent (D-42nd) pointed out that the Act does not address the camps and activities at the University of Georgia (UGA), during which more than 150,000 children come to the UGA campus each year.¹⁵⁶ She argued that, “[w]hen [parents] send their little ones off to UGA bug camp, parents probably think the most dangerous thing their kid will encounter is the proboscis of the Eastern mosquito, not the barrel of a gun.”¹⁵⁷ However, supporters of the bill understand that not every concern regarding campus carry can be met, and they see the bill as a “thoughtful compromise that protects the fundamental right to lawfully carry, which belongs to all Georgians.”¹⁵⁸ Thus, protecting students’ constitutional rights appears to outweigh these dangers for Campus Carry supporters.

Because the Act allows licensed students to carry their handguns onto campus, the risk increases that a gun-related accident will occur on school grounds. Representative Jasperse stated outright he knows that one day, an accident is likely to happen.¹⁵⁹ However, he was also clear that he believes college students go to universities to educate themselves, not to attack fellow students with handguns.¹⁶⁰ Furthermore, he stated that if someone decides to bring and use a gun against innocent students at school, there is nothing that can be done to stop it, but those situations are exceptional and not the norm.¹⁶¹

Law enforcement officials in Georgia, such as the police chiefs of both Atlanta and Valdosta, have publicly opposed the bill.¹⁶² One of

155. See Kristina Torres, *Georgia Senate Passes ‘Campus Carry’ Gun Bill*, ATLANTA J-CONST. (Mar. 28, 2017, 3:49 PM), <http://www.ajc.com/news/state—regional-govt—politics/georgia-senate-passes-campus-carry-gun-bill/of3OSvT3Mf50Py4VbLBe9J/>.

156. *Id.*

157. *Id.*

158. *Id.*

159. Jasperse Interview, *supra* note 107, at 26 min., 13 sec.

160. *Id.* at 23 min., 13 sec.

161. *Id.*

162. Chris Eger, *Atlanta Police Chief Stumps Against Georgia Campus Carry*, GUNS.COM (Apr. 24, 2017), <http://www.guns.com/2017/04/24/atlanta-police-chief-stumps-against-georgia-campus-carry/>; Eric Sturgis & Kristina Torres, *Georgia College Officials Grapple with New Campus Gun Law*, ATLANTA J-CONST. (May 4, 2017, 7:24 PM) <http://www.ajc.com/news/local-education/georgia-college-officials-grapple-with-new-campus-gun-law/xe3Vlj6a4ZnNWGekVyiHxM/>.

their concerns is that campus carry places a burden on campus law enforcement to “discern between a good guy and bad guy with a gun on campus.”¹⁶³ When Representative Gloria Frazier raised this concern in the House Committee meeting, Representative Ballinger responded that “the guy committing the crime is usually the criminal.”¹⁶⁴ However, in situations where authorities have to quickly identify the bad actor, determining the criminal’s identity between two gun-wielding students may not be so simple.

Evaluating the Impact of Campus Carry Legislation Throughout the Country

Preliminary research regarding the effect of campus carry laws on classrooms suggests that, although professors largely oppose campus carry because they believe it harms academic freedom, few professors would actually alter their teaching habits under the law.¹⁶⁵ Overall, half of professors stated the law would negatively impact their ability to teach controversial or emotionally-charged topics.¹⁶⁶ The University System of Georgia likely foresaw this negative reaction to the legislation, which may have influenced the guidelines discussed above, that effectively bar faculty or staff from monitoring or enforcing the new law. However, half of professors also stated that they would not alter their teaching habits because of campus carry legislation.¹⁶⁷ Therefore, this study suggests that while college

163. House Committee Recording, *supra* note 99, at 3 min., 50 sec. (remarks by Rep. Gloria Frazier (D-126th)).

164. *Id.* at 4 min., 29 sec. (remarks by Rep. Mandi Ballinger (R-23rd)).

165. Colleen Flaherty, *Not in My Classroom*, INSIDE HIGHER ED (Apr. 28, 2017), <https://www.insidehighered.com/news/2017/04/28/study-professors-widely-oppose-campus-carry-inimical-academic-freedom-fewer-would>. Joslyn Krismer ran the study, and polled professors in an unnamed southern university regarding their thoughts on campus carry legislation. *Id.*

166. *Id.* Nearly three quarters of respondents disagreed or strongly disagreed with the right of licensed holders to carry concealed handguns onto campus, and an equal amount agreed that campus carry laws would negatively impact the exchange of ideas in their classrooms. *Id.*

167. *Id.* Responses regarding how individual professors would alter their teaching practices under these laws varied, with half stating they would not change their teaching style or omit controversial topics, thirty percent said they would very likely change their approach, and fifteen percent were left unsure. *Id.* Significantly, business professors were more likely to support campus carry, and science, engineering, architecture and public affairs professors were significantly less likely to agree that they would maintain their current approach to teaching controversial issues. *Id.*

faculty largely oppose campus carry laws, the laws may not pose as large a threat to the free discourse in classrooms as critics believe.

The need to prevent and protect students from mass shootings on college campuses was a driving force behind campus carry legislation, but research suggests that armed students may do little to prevent these shootings.¹⁶⁸ In a recent study by Johns Hopkins University, researchers concluded that gun-free zones do not invite rampage shooters as opponents have claimed.¹⁶⁹ The study further concludes that armed students and faculty lack the skills necessary to stop a rampage shooter, and legally-armed civilians have very rarely intervened and halted a rampage shooting.¹⁷⁰ However, since students and faculty are the first, and sometimes only, line of defense, proponents argue that arming these students and faculty makes sense, regardless of how low their chances may be of successfully ending a shooting.¹⁷¹ As campus carry legislation continues to pass across the country, it is unclear whether allowing students to arm themselves on campus will actually curb the incidences of mass shootings on campuses.

Ultimately, what is clear is the difficulty of striking a balance between society's safety concerns and the guarantees of the Second Amendment. Time will tell whether this law evenly addresses the concerns of both its advocates and its opponents. Presently, we know that although some students may feel a restored sense of safety on their university campuses, others will remain wary of the new law.

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168. See DANIEL W. WEBSTER ET AL., JOHNS HOPKINS BLOOMBERG SCH. OF PUB. HEALTH, FIREARMS ON COLLEGE CAMPUSES: RESEARCH EVIDENCE AND POLICY IMPLICATIONS 2-3 (2016) http://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-gun-policy-and-research/_pdfs/GunsOnCampus.pdf.

169. See *id.* at 9.

170. See *id.* at 10.

171. See *id.* at 11 (“[Proponents] also maintain that, should deterrence fail, armed people will help reduce the bloodshed by neutralizing perpetrators before they can complete their rampages.”).

