

CLARIFICATION ON Georgia's Safe Carry Protection Act

Provided by Clint Barbour, Christ Our Shepherd Council Representative and Area Attorney, to COS Church Council at 28 July 2104 Meeting.

O.C.G.A. § 16-11-127

→ **(b)**: Except as provided in subsection (d) or (e) of this Code section, a person shall be guilty of carrying a weapon or long gun in an unauthorized location and punished as for a misdemeanor when he or she carries a weapon or long gun while...(4) In a place of worship, unless the governing body or authority of the place of worship permits the carrying of weapons or long guns by license holders.

What this means: The governing body of COS (Council), must affirmatively permit weapons or long guns by license holders for license holders to be permitted to carry guns on church property.

→ **(d)** Subsection (b) of this Code section shall not apply...

(3) To a weapon or long gun possessed by a license holder which is under the possessor's control in a motor vehicle or is in a locked compartment of a motor vehicle or one which is in a locked container in or a locked firearms rack which is on a motor vehicle and such vehicle is parked in a parking facility.

What this means: COS cannot prevent license holders from carrying firearms in their vehicles so long as the gun is locked away in the parking lot at COS.

→ **(e)**(2) Any license holder who violates subsection (b) of this Code section in a place of worship shall not be arrested but shall be fined not more than \$100.00. Any person who is not a license holder who violates subsection (b) of this Code section in a place of worship shall be punished as for a misdemeanor.

What this means: the maximum punishment that a license holder can receive is a \$100.00 fine (meaning that individual would not be subject to arrest). A non license holder, however, would be subject to arrest and punishment for a misdemeanor (up to 1 year in jail and/or a \$1,000.00 fine).

O.C.G.A. § 16-11-127

→ **Exemptions from the law:** Law enforcement officers, judges, prosecutors, probation officers, certain corrections officers, clerks of court, constables.

What this means: The PTC police officers who act as crossing guards for us on Sunday mornings can carry their guns without running afoul of the law.

One other item to note: The new law does not define "place of worship." I believe that "place of worship" would include the Palmetto Road property, but the

law is silent as to the definition of "place of worship." Even with the law's silence, however, I believe that COS would have to affirmatively permit guns on the Palmetto Road property (as with the Peachtree Parkway property) in order for license holders to be able to carry guns there. I also believe that the prohibition against carrying guns would extend to the entire Palmetto Road property, as there is no defined parking facility at Palmetto Road, and the parking facility is required to be defined as such under the statute. Therefore, even license holders would not be permitted to keep their weapons in their vehicles unless a designated area is defined a "parking facility."