



This article presents general guidelines for Georgia nonprofit organizations as of the date written and should not be construed as legal advice. Always consult an attorney to address your particular situation.

2023 UPDATE
GUN LAWS IN GEORGIA:
CAN A NONPROFIT RESTRICT GUNS ON ITS PROPERTY?

Many nonprofits in Georgia, particularly those that work with vulnerable populations including children, the elderly, and victims of violence, do not permit weapons on their premises. Georgia laws passed in 2014 and 2023 significantly limited organization's ability to restrict guns on their premises. These changes may affect nonprofits that currently have such restrictions, particularly those that are in government buildings or lease property from a municipality, county, or the State of Georgia.

The Safe Carry Protection Act (SCPA) became law in the State of Georgia on July 1, 2014. The SCPA permitted an expansion of rights of gun-holders to carry guns and other weapons in public places. On January 1, 2023, the Georgia Constitutional Carry Act (GCCA) went into effect. Gun owners are no longer required to have a permit to carry weapons. The GCCA defines a "lawful weapons carrier" as anyone who is not prohibited by law from possessing a handgun or long gun, regardless of having a license.

GCCA AND THE EXPANSION OF THE SCPA

The GCCA has expanded rights provided by the SCPA to all gun holders even if they do not have a license. Licenses issued by many other states receive reciprocal recognition in Georgia and the same is true for unlicensed owners. The GCCA provides that if a nonresident would otherwise be eligible to carry a weapon were they a Georgia resident, they are permitted to do so. All out-of-state lawful weapons carriers must comply with Georgia weapons laws while carrying a weapon in Georgia. Thus, under the Georgia law, any lawful weapons carrier may carry a weapon anywhere in the state of Georgia unless specific exceptions apply.

APPLICABLE EXCEPTIONS

The primary exception is that *private* property owners may exclude the carrying of weapons on their property. Additionally, the law includes special restrictions for certain types of public property.

Private Property. Private property owners or persons in legal control of privately owned property through a lease, rental agreement, licensing agreement, or any other agreement have the right "to exclude or eject a person who is in possession of a weapon or long gun on their private property." In this context, private property includes a private passenger motor vehicle. Owners (or persons in control) of private property may post "no weapons," "no firearms," or similar notices at the entrances to their premises. However, in Georgia, unlike some other states, such notices will have no legal effect just by virtue of being

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posted. The owners or those in legal control may exclude or eject an individual for carrying a weapon; the individual, however, will only be in violation of Georgia law if they refuse to exit the property immediately.

Workplaces on Private Property. An employer may establish workplace rules prohibiting employees from bringing weapons onto work premises (note that special provisions may apply if the workplace is in a government building, as discussed below). However, Georgia law limits the circumstances in which employers may prohibit employees from keeping a weapon in a locked compartment of a private vehicle in their work parking lot.

Places of Worship. Historically, all places of worship were off-limits to weapons, including those carried by lawful weapons carriers. Under the SCPA, lawful weapons carriers may carry weapons in places of worship when, and only when, the governing body or authority of the place of worship has expressly permitted it. However, the SCPA gives no guidance on how this permission is given or how to fine a lawful weapons carrier for failing to comply with the prohibition. Proposed in February 2023 and purportedly still being considered, [Georgia House Bill No. 560](#) seeks to amend O.C.G.A. § 16-11-127 “to remove places of worship from unauthorized locations a weapon or long gun may be carried” which would make weapons automatically allowed unless the private property owners explicitly restrict them.

Public Property. The SCPA’s provision that a lawful weapons carrier may carry a weapon anywhere in the state of Georgia extends to all publicly owned property and land, except as limited by certain provisions including exceptions for some government buildings, courthouses, jails and prisons, state mental health facilities, and polling places.

Government Buildings. Under the SCPA, a lawful weapons carrier may carry a weapon in a government building “when the government building is open for business and where entry into the building is not restricted or screened by security personnel.” Perhaps the most prominent example of such buildings is a public library, which typically does not screen patrons. However, a lawful weapons carrier who attempts to enter a security-screened government building carrying a weapon commits a misdemeanor unless they immediately exit the building. Courthouses are generally subject to security screening and thus off-limits to weapons carried by lawful weapons carriers. Similarly, a person violates Georgia Code if they bring a weapon beyond the security checkpoint in a jail or prison, and similar restrictions exist in relation to state mental facilities, nuclear power facilities and polling places.

With respect to private entities, including nonprofits, that occupy parts or all of a non-screened government building, weapons are not allowed to be restricted on their premises unless the entity has an “estate for years” from their lease. The Supreme Court of Georgia in *GeorgiaCarry.org v. Atlanta Botanical Garden* (described below) ruled that private entities leasing government property may prohibit weapons if they hold an “estate for years” in the property.

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Department of Natural Resources Property. Under the SCPA, lawful weapons carriers may possess handguns, but no other weapons, in parks, historic sites, recreation areas, or similar areas operated by or for the Department of Natural Resources.

Schools, School Safety Zones, and School Functions. The SCPA restricts firearms from “school safety zones” (any property or building leased or owned by institutions of learning, including public or private schools, from kindergarten to postsecondary). This protection extends to 1) school functions (activities related to elementary or secondary schools) that occur outside of the school safety zone, 2) transportation furnished by the schools and 3) afterschool programming, if it takes place on school property or is an activity related to a school. However, the Campus Carry Act (CCA) of 2017 removed public colleges and universities from those protections for legal weapons carriers. Legal weapons carriers can bring their weapons onto public postsecondary institution property with a few exceptions, most notably in spaces dedicated to preschool or childcare, athletic sporting events, student housing, and any room or office where disciplinary proceedings are conducted. Private colleges and universities may continue to restrict guns on their property. Guns are still generally prohibited on all elementary and secondary school grounds, regardless of if school is in session. Lawful weapons carriers can keep a weapon in a locked compartment of a vehicle while picking up or dropping off a student at all places of learning, kindergarten through postsecondary. Under the SCPA, schools have the option to arrange their own armed security on school premises. Specifically, in certain circumstances, a person may possess a weapon in a school safety zone, at a school function, or on a school bus or other school transportation if the person has been authorized to do so by a school official.

Nonprofits Leasing Space from Public Entities. As mentioned above, guns are prohibited in some government buildings, such as courthouses, jails and prisons, state mental health facilities, and polling places. Whether a nonprofit can restrict weapons within leased space in other government buildings is based on whether the nonprofit has an “estate for years” from their lease. The *GeorgiaCarry.org v. Atlanta Botanical Garden* case involves whether the Atlanta Botanical Garden (the “Garden”), which has a fifty-year lease with the City of Atlanta for its property, may restrict weapons in the Garden. In 2014, the Garden had an Atlanta Police Officer escort a member of GeorgiaCarry.org out of the Garden for carrying a holstered gun. GeorgiaCarry.org argued that because the City of Atlanta owned the property, the Garden must allow weapons under SCPA. The Garden argued that the property is private due to its lease with the City.

On January 31, 2022, the Georgia Court of Appeals affirmed the Garden’s status as private property and thus, its right to restrict weapons. The court determined that the language of the Garden’s leasing agreement with the City of Atlanta gave them an “estate for years” because it explicitly stated that the Garden was given “exclusive control” over the property, including the authority to “eject objectionable” persons. *GeorgiaCarry.Org, Inc. v. Atlanta Botanical Garden, Inc.*, 362 Ga. App. 413, 418, 868 S.E.2d 802, 805 (2022).

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The case highlights the importance of being sure your nonprofit's leasing agreement explicitly grants the entity an "estate for years" on otherwise public property.

Whether or not a lease grants an estate for years depends on the language of the rental agreement and the intention of the parties. If your leasing agreement grants you an "estate for years" you most likely have the legal right to restrict weapons from your premise. In every case, it is advised to consult an attorney in determining whether a ban on guns is permissible on the leased property under the SCPA and GCCA.

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