

# **LOADED LUGGAGE: AN OVERVIEW OF CHANGING WEAPONS LAWS AT ATLANTA'S AIRPORT**



**KIMBERLY M.PATRICK – DEPUTY CITY ATTORNEY**  
**CHERYL R.TREADWELL – ASSISTANT CITY ATTORNEY**

**CITY OF ATLANTA DEPARTMENT OF LAW**  
**AVIATION PRACTICE GROUP**  
**BUENOS AIRES, ARGENTINA - SEPTEMBER 18, 2014**



# HARTSFIELD-JACKSON BY THE NUMBERS



- 94.4 million passengers
- 258,000+ passengers pass through daily
- 930,000 aircraft takeoffs and landings annually
- 6.8 million square feet of covered space in the terminal and concourse facilities
- 4,700 acres of Airport property
- 58,000+ people work at the Airport
- 208 domestic and international gates
- 24 domestic and international airlines
- 578 tons of garbage
- 30,000+ customer parking spaces
- 300,000+ military personnel served at Hartsfield-Jackson's USO center
- 156 U.S. destinations served
- 65 international destinations, non-stop
- 59 cars in Plane Train fleet
- 21,000 feet of track in Plane Train network
- 8.7 miles of runways
- \$32.5 billion total economic impact on metro Atlanta
- \$68.3 billion total economic impact on Georgia
- World's Busiest Passenger Airport – Airports Council International
- World's Most Efficient Airport, Global Efficiency Excellence Award – Air Transport Research Society

WELCOME TO  
WALA 2014

Buenos Aires,  
Sept 17-19, 2014

Host



Main Sponsor

SITA

Organized by



# DEPARTMENT OF AVIATION SECURITY DIVISION



## “SECURITY IS EVERYBODY’S BUSINESS”

The security division is the nerve system of the world’s busiest and most efficient airport. This division stands ready to protect and serve the people of the airport community with cutting edge security technology coupled with a bona fide airport security plan that is executed with precision each and every day.



# DEPARTMENT OF AVIATION SAFETY AND SECURITY

- The Airport Closed-Circuit Television (“CCTV”) was successfully integrated into the City’s Video Integration Center.
- The Centralized Command and Control Center (“C4”) became the first such airport communications system to earn industry accreditation from the Association of Public Communications Officials.
- Emergency response drills were conducted with Fire and Police units to assess potential threats.
- The Airport conducted its annual Aviation Security (“AVSEC”) exercise to ensure all airport stakeholders are aware of security emergency response plans.



# TRANSPORTATION SECURITY ADMINISTRATION

## “TSA”



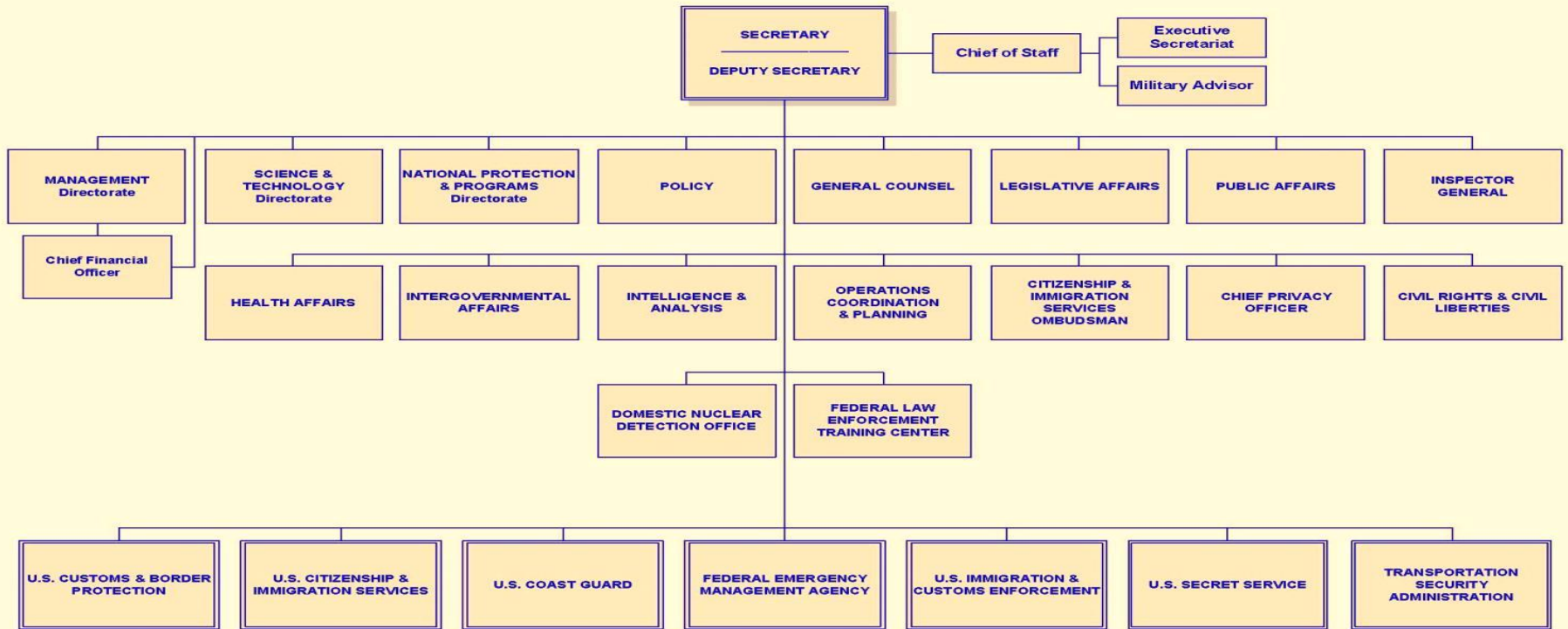
- The Aviation and Transportation Security Act (“ATSA”), P.L. 107-71 (November 19, 2001).
- The ATSA established TSA. 49 U.S.C. § 114.
- TSA has responsibility for overseeing security in any mode of transportation and handles day to day screening in airports. 49 U.S.C. §§ 114(e), 44901.
- TSA issues and administers security regulations, which are codified in Title 49 of the Code of Federal Regulations. 49 C.F.R. §§ 1500-1699.
- Airport operators are required to maintain an air transportation security program and must provide a law enforcement presence and capability that ensures the safety of passengers. 49 U.S.C. § 44903(c) .



# U.S. DEPARTMENT OF HOMELAND SECURITY



## U.S. DEPARTMENT OF HOMELAND SECURITY



# RIGHT TO KEEP AND BEAR ARMS



## UNITED STATES CONSTITUTION

“A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”



## GEORGIA STATE CONSTITUTION

“The right of the people to keep and bear arms shall not be infringed, but the General Assembly shall have power to prescribe the manner in which arms may be borne.”

# STATE LAW



## O.C.G.A. SECTION 16-11-173 Preemption of Local Regulation

- Firearms and other weapons are properly an issue of general, state-wide concern.
- No county or municipal corporation, by zoning or by ordinance or resolution shall regulate in any manner:
  - Gun shows.
  - The possession, ownership, transport, **carrying**, transfer, sale, purchase, licensing, or registration of firearms or other weapons.
  - Firearms dealers or dealers of other weapons.
  - Dealers in components of firearms or other weapons.
- A county or municipal corporation **may** regulate the transport, carrying, or possession of firearms by employees of the local unit of government in the course of their employment with such local unit of government.







## SECTION 22-110, DANGEROUS WEAPONS PROHIBITED

- (a) **No person shall possess a dangerous weapon in any area of the airport.** This includes, but is not limited to, all airport buildings, airport terminals, airfields, restricted parking lots, aircraft and vehicles using the airport, and any building that opens onto the airfield.
- (b) For purposes of this section, dangerous weapon includes, but is not limited to, any explosives, razor, slingshot, spring stick, metal knucks, blackjack, sand club, sandbag, bow and arrow....
- (d) **The provisions of this ordinance do not apply to firearms or knives, as those terms are defined under state law.**



# “GUNS ALMOST EVERYWHERE”



## HOUSE BILL 89 2008

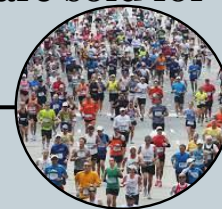
“A person licensed or permitted to carry a firearm...shall be permitted to carry such firearm...in all parks, historic sites, and recreational areas...and in **public transportation....**”



# PUBLIC GATHERING STATUTE



- Jim Crow Law, enacted in 1870.
- A person is guilty of a misdemeanor when he or she carries to or while at a public gathering any explosive compound, firearm, or knife designed for the purpose of offense and defense.
- Public gathering shall include, but shall not be limited to, athletic or sporting events, churches or church functions, political rallies or functions, publicly owned or operated buildings, or establishments at which alcoholic beverages are sold for consumption on the premises.
- Repealed in 2010 by S.B. 308.




# H-JAIA DECLARES GUN-FREE ZONE 2008

- City of Atlanta held a press conference July 1, 2008.
- Argued that Airport fell under public gathering exception.
- Violators would be arrested.
- Prohibition included MARTA station and restaurants located in the public area.



# SUPPORT FROM AVIATION INDUSTRY ASSOCIATIONS



“In this post-9/11 environment, where plots against aviation and passengers are still strong possibilities, any and all attempts to prohibit weapons from our nation’s airports are necessary and must be supported. AAAE agrees with and endorses your position that weapons do not belong at Atlanta Hartsfield-Jackson International Airport. The presence of weapons at the airport will not make Hartsfield-Jackson any safer.”



“The members of ACI-NA agree with you that the continued security threat to airports and passengers justifies the need to ban weapons from public airports. I endorse your efforts and your position in making Hartsfield-Jackson Atlanta International Airport a firearm-free zone.”

# FEDERAL LAWSUIT



## GeorgiaCarry.Org, Inc., et al. v. City of Atlanta, et al.

- *GeorgiaCarry.Org and Timothy Bearden filed the lawsuit.*
- *Bearden was a member of the Georgia House of Representatives from Villa Rica and was the sponsor of House Bill 89.*
- *GeorgiaCarry.Org describes itself as a non-profit entity whose mission is to foster the rights of its members to keep and bear arms.*
- *Plaintiffs asked the court to prohibit the City from arresting individuals for carrying firearms at Hartsfield- Jackson Atlanta International Airport.*
- *Federal judge dismissed the lawsuit on September 26, 2008.*
- *The 11<sup>th</sup> Circuit Court of Appeals upheld the lower court's ruling on March 12, 2009.*

# TIMELINE

## 2010 - 2014



**2010**

**S.B. 308**

**2014**

**H.B. 60/  
Safe Carry  
Protection Act**

**WELCOME TO  
WALA 2014**

Buenos Aires,  
Sept 17-19, 2014

Host



Main Sponsor

**SITA**

Organized by

**abiaxair**

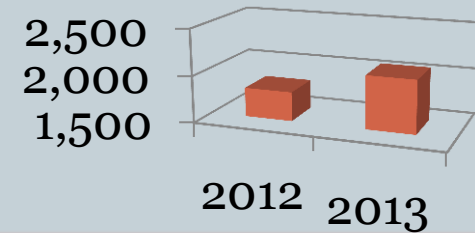
# TSA 2013 STATISTICS



## Top Five Airports for Gun Catches in 2013

1. (Atlanta, GA) – 111 Guns
2. (Dallas/Ft. Worth, TX) – 96 Guns
3. (Houston, TX) – 68 Guns
4. (Phoenix, AZ) – 66 Guns
5. (Denver, CO) – 51 Guns

### Firearms Discovered



- 1,813 firearms were discovered in carry-on bags at checkpoints in the U.S., averaging nearly five firearms per day.
  - 1,477 (81%) were loaded.
  - 205 airports had firearms intercepted.
  - Atlanta on top of the list for the most firearms intercepted (111) in 2013.
- 16.5% increase (257) in firearm discoveries from 2012.



# GUN LAWS IN U.S. AIRPORTS



## Airport Terminal Carry Laws



WELCOME TO  
WALA 2014

Buenos Aires,  
Sept 17-19, 2014

Host



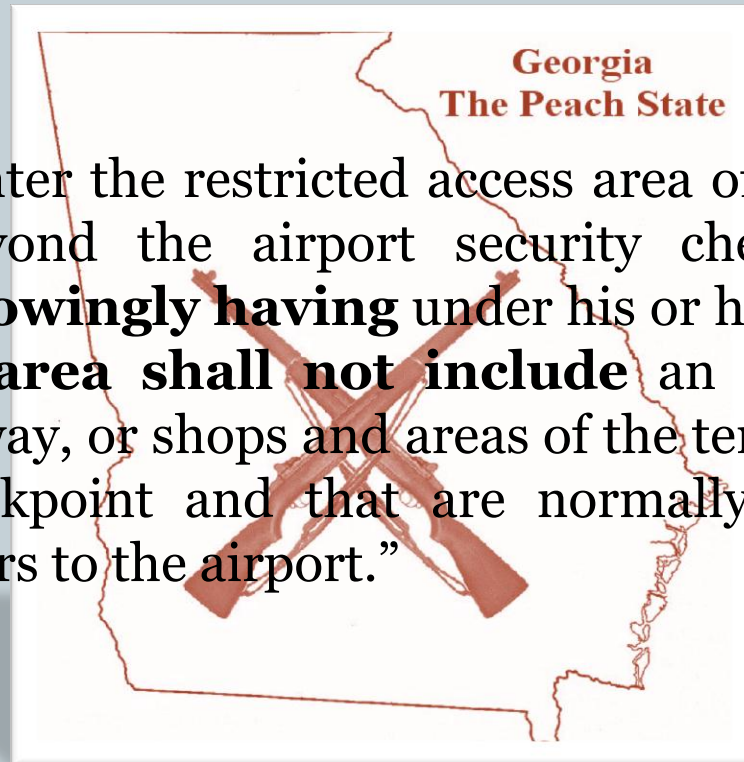
Main Sponsor

**SITA**

Organized by



## H.B. 60 “GUNS EVERYWHERE”



“No person shall enter the restricted access area of a commercial service airport, in or beyond the airport security checkpoint, **knowingly possessing or knowingly having** under his or her control a weapon or long gun. **Such area shall not include** an airport drive, general parking area, walkway, or shops and areas of the terminal that are outside the screening checkpoint and that are normally open to unscreened passengers or visitors to the airport.”

O.C.G.A. § 16-11-130.2

# WEAPONS CARRY LICENSE



**Georgia Weapons Carry License**

**GARY JAY SLIDER**  
455 MAPLE AVE.  
MARIETTA, GA 30061

SEX: M WGT: 190 No: E0850304711  
HGT: 5.10 Eyes: BLUE DOB: 11/16/1988

ISSUED: 1/1/2012 EXPIRES: 12/31/2016

*Gary Jay Slider*

Photo

COBB

R1

**Cobb County Probate Court**  
32 Waddell Street  
Marietta, GA 30090

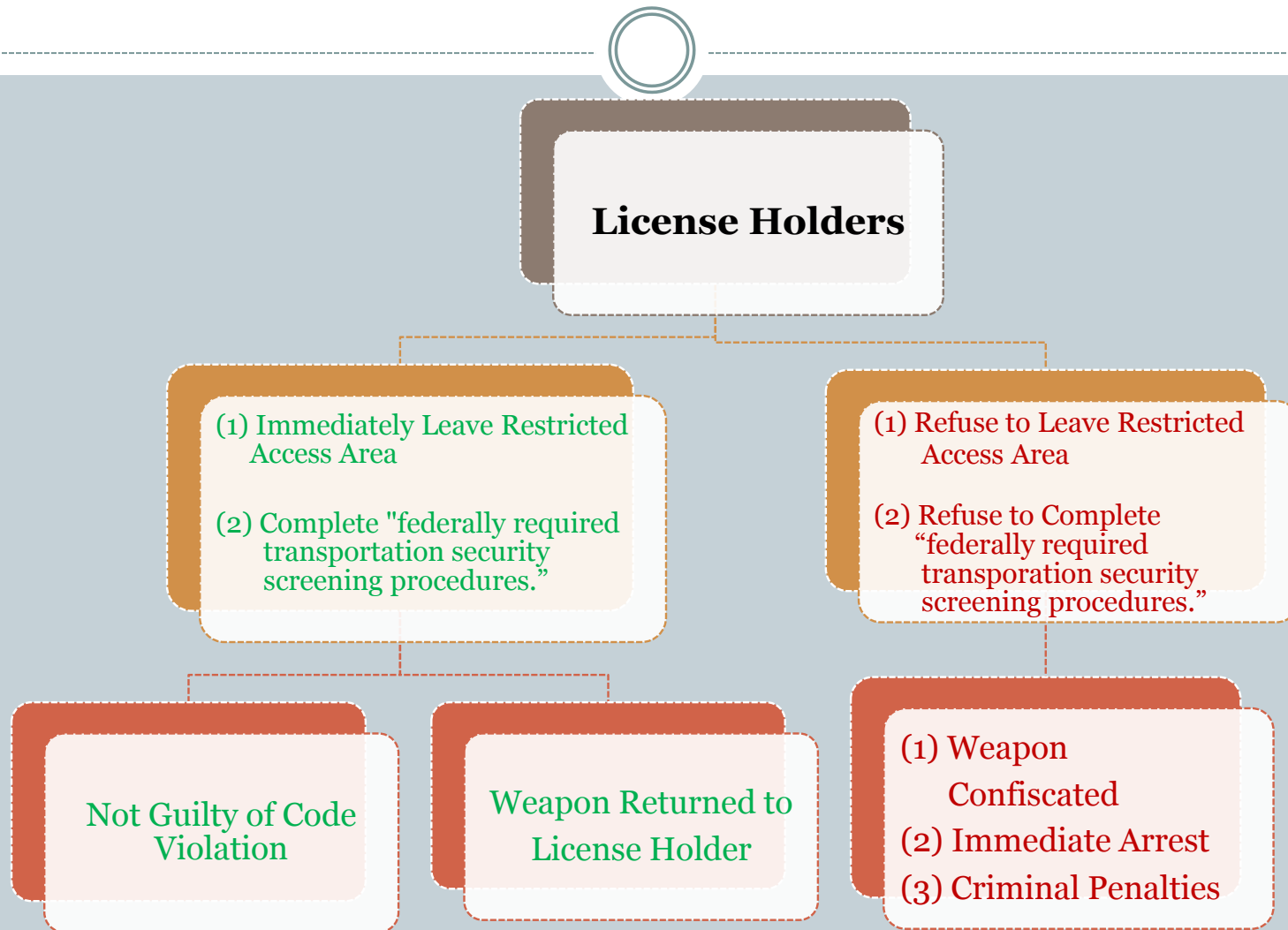
County # 12

  
E 0 8 5 0 3 0 4 7 7 1

*Staci A. Standiford*  
Staci A. Standiford  
Probate Judge

GOVT  
ISSUE

# THE PERMIT EXCEPTION



# H.B. 60/SAFE CARRY PROTECTION ACT: CRIMINAL PENALTIES



	Charge	Penalty
<b>Non-License Holders</b>	Misdemeanor	<ul style="list-style-type: none"> <li>• Immediate Arrest</li> <li>• Fine &lt; \$1,000</li> <li>• Jail Time &lt; 1 year</li> <li>• Pre-Trial Disposition</li> </ul>
<b>Non-License Holders and License Holders</b>	Felony – Intent to Commit a Separate Felony is Required	<ul style="list-style-type: none"> <li>• Fine \$1,000 - \$15,000</li> <li>• Jail Time 1 to 10 Years</li> </ul>

## ADMINISTRATIVE PENALTIES



- Transportation Security Administration Fines of up to \$11,000 per violation.
- Loss of Priority Screening/Pre-Check Privileges.

Source: <http://www.tsa.gov/civil-enforcement-policies>

# ATLANTA PASSENGERS WEAPONS PERMITS V. NON-WEAPONS PERMITS



Period	# With a permit	# Without a permit	Total # of weapons	# Arrested
<i>Jan 2013 – Dec 2013</i>	n/a	n/a	94	94
<i>Jan 2013 – Jun 2014</i>	n/a	n/a	40	40
<i>Jul 2014 - Present</i>	12	9	21	9

## COMMON EXCUSES



"I forgot."



"I didn't know the rules."

"I grabbed the wrong bag."

"I didn't think it was in there."

"I was hiding it from my children."



# SOURCES



## **Federal Law**

- U.S. Const. amend. II
- 49 U.S.C. § 114
- 49 U.S.C. §§ 44901-44903
- 49 C.F.R. §§ 1500-1699
- 

## **Georgia Law**

- Ga. Const. art. 1, § 1 para. VIII
- 1870 Ga. Acts, Vol. I., p. 421 (Public Gathering Law)
- 2008 Georgia Laws Act 802 (H.B. 89, eff. July 1, 2008)  
O.C.G.A. § 16-11-127 (2008)
- 2010 Georgia Laws Act 643 (S.B. 80, eff. June 4, 2010)  
O.C.G.A. § 16-11-127 (2010) (repealed Georgia's Public Gathering Law)
- 2014 Georgia Laws Act 604 (H.B. 60, eff. July 1, 2014)  
O.C.G.A. §§ 16-11-126, 127, 130.2 (2014) (established procedures for weapons license holders in the public areas of Georgia airports)
- O.C.G.A. § 16-11-173 (preemption of location regulation)

## **Atlanta City Ordinances**

- Atlanta City Code § 22-110

## **Websites and News Articles**

- Tierney, Mike, "An Odd Crown For Atlanta: Most Guns at the Airport", *The New York Times*, available at: [http://www.nytimes.com/2013/08/13/business/forgotten-firearms-found-by-airport-security.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2013/08/13/business/forgotten-firearms-found-by-airport-security.html?pagewanted=all&_r=0) (August 12, 2013)
- Wilco, Daniel, "Two Guns Discovered In Carry-On Luggage at Atlanta's Airport", *The Atlanta Journal Constitution*, available at: <http://www.ajc.com/news/news/two-guns-discovered-in-carry-on-luggage-at-atlanta/ngcMC/> (July 9, 2014)
- [www.tsa.gov](http://www.tsa.gov)
- [www.georgiacarry.org](http://www.georgiacarry.org)
- [www.floridacarry.org](http://www.floridacarry.org)



# THANK YOU!

## Q & A

**WELCOME TO  
WALA 2014**

Buenos Aires,  
Sept 17-19, 2014

Host



Main Sponsor

**SITA**

Organized by

abiaxair