

House Bill 1380

By: Representative Mobley of the 58<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,  
2 relating to dangerous instrumentalities and practices, so as to provide a short title; to provide  
3 for findings and a statement of purpose; to provide for definitions; to prohibit the  
4 manufacture, possession, purchase, sale, or transfer of assault weapons and assault weapon  
5 conversion kits; to prohibit the possession of certain weapons under certain circumstances;  
6 to provide for exceptions; to provide for background checks; to provide for registration of  
7 certain weapons; to regulate the storage and transportation of certain weapons; to provide for  
8 rules and regulations; to provide for fees; to provide for penalties; to provide an effective  
9 date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to  
13 dangerous instrumentalities and practices, is amended by adding at the end thereof a new Part  
14 6 to read as follows:

15 **"Part 6**

16 16-11-200.

17 This part shall be known and may be cited as the 'Assault Weapons Protection Act.'

18 16-11-201.

19 (a) The General Assembly finds:

20 (1) Semiautomatic assault weapons are military-style guns designed to quickly kill large  
21 numbers of people. The shooter can simply point, rather than carefully aim, the weapon  
22 to quickly spray a wide area with a hail of bullets;

1 (2) According to data of the Federal Bureau of Investigation, between 1998 and 2001,  
2 one in five law enforcement officers slain in the line of duty was killed with an assault  
3 weapon;

4 (3) Gun manufacturers have for many years made, marketed, and sold to civilians  
5 semiautomatic versions of military assault weapons designed with features specifically  
6 intended to increase the lethality for military applications; and

7 (4) Assault weapons have been used in some of America's most notorious murders,  
8 including the 1999 massacre at Columbine High School and the 2002 Washington, D.C.,  
9 area sniper shootings.

10 (b) This Code section is enacted to protect the health and safety of state residents by  
11 prohibiting the purchase, sale, and transfer of semiautomatic assault weapons.

12 16-11-202.

13 (a) As used in this Code section, the term:

14 (1) 'Assault weapon' means:

15 (A) Any semiautomatic or pump-action rifle or semiautomatic pistol that is capable of  
16 accepting a detachable magazine and that also possesses any of the following:

17 (i) If the firearm is a rifle, a pistol grip located behind the trigger;

18 (ii) If the firearm is a rifle, a stock in any configuration, including but not limited to  
19 a thumbhole stock, a folding stock, or a telescoping stock, that allows the bearer of  
20 the firearm to grasp the firearm with the trigger hand such that the web of the trigger  
21 hand, between the thumb and forefinger, can be placed below the top of the external  
22 portion of the trigger during firing;

23 (iii) If the firearm is a pistol, a shoulder stock of any type or configuration, including  
24 but not limited to a folding stock or telescoping stock;

25 (iv) A barrel shroud;

26 (v) A muzzle brake or muzzle compensator; or

27 (vi) Any feature designed to be capable of functioning as a protruding grip that can  
28 be held by the hand that is not the trigger hand, except this does not include an  
29 extension of the stock along the bottom of the barrel that does not substantially or  
30 completely encircle the barrel;

31 (B) Any pistol that is capable of accepting a detachable magazine at any location  
32 outside of the pistol grip;

33 (C) Any semiautomatic pistol, or any semiautomatic center-fire rifle, with a fixed  
34 magazine that has the capacity to accept more than ten rounds of ammunition;

35 (D) Any shotgun capable of accepting a detachable magazine;

36 (E) Any shotgun with a revolving cylinder magazine; and

1 (F) Any conversion kit or other combination of parts from which an assault weapon,  
2 as defined in this paragraph, can be assembled if the parts are in the possession or under  
3 the control of any person.

4 (2) 'Barrel shroud' means a covering, other than a slide, that is attached to or substantially  
5 or completely encircles the barrel of a firearm and that allows the bearer of the firearm  
6 to hold the barrel with the non-shooting hand while firing the firearm without burning  
7 that hand, except that the term shall not include an extension of the stock along the  
8 bottom of the barrel that does not substantially or completely encircle the barrel.

9 (3) 'Conversion kit' means any part or combination of parts designed and intended for use  
10 in converting a firearm into an assault weapon.

11 (4) 'Large-capacity detachable magazine' means a magazine, the function of which is to  
12 deliver one or more ammunition cartridges into the firing chamber, which can be  
13 removed from the firearm without the use of any tool and has the capacity to hold more  
14 than ten rounds of ammunition.

15 (5) 'Muzzle brake' means a device attached to the muzzle of a weapon that utilizes  
16 escaping gas to reduce recoil.

17 (6) 'Muzzle compensator' means a device attached to the muzzle of a weapon that utilizes  
18 escaping gas to control muzzle movement.

19 (b)(1) No person shall manufacture, possess, purchase, sell, or otherwise transfer any  
20 assault weapon or assault weapon conversion kit.

21 (2) No person shall possess or have under his or her control at one time both:

22 (A) A semiautomatic or pump-action rifle or semiautomatic pistol capable of accepting  
23 a detachable magazine; and

24 (B) A large-capacity detachable magazine capable of use with that firearm.

25 (3) This subsection shall not apply to:

26 (A) Any law enforcement agency or officer acting within the scope of his or her  
27 profession;

28 (B) Any person licensed under 18 U.S.C. Section 923 for the purpose of selling an  
29 assault weapon or large-capacity detachable magazine to a law enforcement agency;

30 (C) The possession of an unloaded assault weapon or large-capacity detachable  
31 magazine for the purpose of permanently relinquishing it to a law enforcement agency,  
32 pursuant to regulations adopted for such purpose by the Georgia Bureau of  
33 Investigation. Any assault weapon relinquished pursuant to this subparagraph shall be  
34 destroyed;

35 (D) An assault weapon that has been permanently disabled so that it is incapable of  
36 discharging a projectile;

1 (E) The possession of an assault weapon while lawfully engaged in shooting at a duly  
2 licensed, lawfully operated shooting range;

3 (F) The possession of an assault weapon while lawfully participating in a sporting  
4 event officially sanctioned by a club or organization established in whole or in part for  
5 the purpose of sponsoring sport shooting events;

6 (G) The possession of an assault weapon or large-capacity detachable magazine by a  
7 person who received the weapon by inheritance, bequest, or succession, so long as the  
8 person complies with this Code section within 30 days of receipt; or

9 (H) The possession of an assault weapon that was legally possessed on July 1, 2004,  
10 only if the person legally possessing the assault weapon has complied with the  
11 requirements of paragraph (4) of this subsection.

12 (4) In order to continue to possess an assault weapon that was legally possessed on July  
13 1, 2004, the person possessing the assault weapon must:

14 (A) Within 90 days following July 1, 2004, submit to a background check identical to  
15 the background check conducted in connection with the purchase of a firearm from a  
16 licensed gun dealer;

17 (B) Unless the person is prohibited by law from possessing a firearm, immediately  
18 register the assault weapon with the Georgia Bureau of Investigation pursuant to  
19 regulations adopted for such purpose;

20 (C) Safely and securely store the assault weapon pursuant to regulations adopted for  
21 such purpose by the Georgia Bureau of Investigation. The Georgia Bureau of  
22 Investigation may, no more than once per year, conduct an inspection to ensure  
23 compliance with this subparagraph;

24 (D) Annually renew both the registration and the background check;

25 (E) Possess the assault weapon only upon property owned or immediately controlled  
26 by the person, while engaged in the legal use of the assault weapon at a duly licensed  
27 firing range, or while traveling to or from either of these locations for the purpose of  
28 engaging in the legal use of the assault weapon, provided that the assault weapon is  
29 stored unloaded and in a separate locked container during transport; and

30 (F) Pay a fee to the Georgia Bureau of Investigation for each registration and  
31 registration renewal, provided that such fee may not exceed the costs incurred by the  
32 Georgia Bureau of Investigation in administering the registration program.

33 (c) Any person who willfully violates the provisions of this Code section shall be guilty  
34 of a felony and, upon conviction, shall be fined not more than \$10,000.00 or imprisoned  
35 for not more than two years, or both."

1 **SECTION 2.**

2 This Act shall become effective on July 1, 2004.

3 **SECTION 3.**

4 All laws and parts of laws in conflict with this Act are repealed.