

Senate Bill 33

By: Senator James of the 35th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 2 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia  
2 Annotated, relating to possession of dangerous weapons, so as to define certain terms; to  
3 prohibit the possession of an assault weapon; to prohibit the possession of an oversize  
4 magazine; to prohibit the possession with intent to sell, sale, or transportation of such  
5 weapons; to provide penalties; to provide an effective date; to repeal conflicting laws; and  
6 for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 2 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,  
10 relating to possession of dangerous weapons, is amended by revising Code Section  
11 16-11-121, relating to definitions, as follows:

12 "16-11-121.

13 As used in this part, the term:

14 (1) 'Assault weapon' means:

15 (A) A semiautomatic rifle able to accept detachable magazines and two or more of the  
16 following:

17 (i) A folding or telescoping stock;

18 (ii) A pistol grip;

19 (iii) A bayonet mount;

20 (iv) A flash suppressor or a threaded barrel designed to accommodate a flash  
21 suppressor; or

22 (v) A grenade launcher;

23 (B) A semiautomatic pistol with detachable magazines and one or more of the  
24 following:

25 (i) A magazine that attaches outside the pistol grip;

26 (ii) A threaded barrel designed to accommodate a barrel extender, handgrip, or flash  
27 suppressor;

- 28 (iii) A barrel shroud that can be used as a handhold; or  
 29 (iv) An unloaded weight of 1.4 kilograms or more;  
 30 (C) A semiautomatic version of a fully automatic firearm; and  
 31 (D) A semiautomatic shotgun with one or more of the following:  
 32 (i) A folding or telescoping stock;  
 33 (ii) A pistol grip;  
 34 (iii) A fixed capacity of more than five rounds; or  
 35 (iv) A detachable magazine.

36 (2) 'Dangerous weapon' means any weapon commonly known as a 'rocket launcher,'  
 37 'bazooka,' or 'recoilless rifle' which fires explosive or nonexplosive rockets designed to  
 38 injure or kill personnel or destroy heavy armor, or similar weapon used for such purpose.  
 39 The term shall also mean a weapon commonly known as a 'mortar' which fires high  
 40 explosive from a metallic cylinder and which is commonly used by the armed forces as  
 41 an antipersonnel weapon or similar weapon used for such purpose. The term shall also  
 42 mean a weapon commonly known as a 'hand grenade' or other similar weapon which is  
 43 designed to explode and injure personnel or similar weapon used for such purpose. The  
 44 term shall also mean an assault weapon and any weapon equipped with an oversized  
 45 magazine.

46 ~~(2)~~(3) 'Machine gun' means any weapon which shoots or is designed to shoot,  
 47 automatically, more than six shots, without manual reloading, by a single function of the  
 48 trigger.

49 (4) 'Oversize magazine' means a magazine capable of holding more than ten rounds of  
 50 ammunition. Such term also means two or more magazines affixed together with tape,  
 51 twine, or by any other means.

52 ~~(3)~~(5) 'Person' means any individual, partnership, company, association, or corporation.

53 ~~(4)~~(6) 'Sawed-off rifle' means a weapon designed or redesigned, made or remade, and  
 54 intended to be fired from the shoulder; and designed or redesigned, made or remade, to  
 55 use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile  
 56 through a rifle bore for each single pull of the trigger; and which has a barrel or barrels  
 57 of less than 16 inches in length or has an overall length of less than 26 inches.

58 ~~(5)~~(7) 'Sawed-off shotgun' means a shotgun or any weapon made from a shotgun whether  
 59 by alteration, modification, or otherwise having one or more barrels less than 18 inches  
 60 in length or if such weapon as modified has an overall length of less than 26 inches.

61 ~~(6)~~(8) 'Shotgun' means a weapon designed or redesigned, made or remade, and intended  
 62 to be fired from the shoulder; and designed or redesigned, and made or remade, to use the  
 63 energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a  
 64 number of ball shot or a single projectile for each single pull of the trigger.

65 ~~(7)~~(9) 'Silencer' means any device for silencing or diminishing the report of any portable  
66 weapon such as a rifle, carbine, pistol, revolver, machine gun, shotgun, fowling piece, or  
67 other device from which a shot, bullet, or projectile may be discharged by an explosive."

68 **SECTION 2.**

69 Said part is further amended by adding a new Code section to read as follows:

70 "16-11-122.1.

71 No person shall transport, have in his or her possession with the intent to sell, or sell any  
72 assault weapon or oversize magazine. The possession of two or more assault weapons or  
73 oversize magazines shall create a rebuttable presumption that possession is with intent to  
74 sell. Any person violating this Code section shall be guilty of a felony and, upon  
75 conviction, shall be sentenced to a term of not less than ten nor more than 20 years in  
76 prison."

77 **SECTION 3.**

78 This Act shall become effective upon its approval by the Governor or upon its becoming law  
79 without such approval.

80 **SECTION 4.**

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