

Senate Bill 34

By: Senator James of the 35th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 1 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia  
2 Annotated, relating to general provisions relative to dangerous instrumentalities, so as to  
3 define certain terms; to provide that it shall be unlawful for a mentally incompetent person  
4 or an addicted person to possess a handgun; to provide that it shall be unlawful to provide  
5 a handgun to a mentally incompetent person or an addicted person; to provide that it shall be  
6 unlawful to provide a handgun to any person known by the provider of the weapon to be a  
7 substantial risk of using the weapon illegally; to provide for penalties; to repeal conflicting  
8 laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 Part 1 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,  
12 relating to general provisions relative to dangerous instrumentalities, is amended by adding  
13 a new Code section to read as follows:

14 "16-11-101.2.

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

16 (1) 'Addicted person' means any person who is or has been addicted to alcohol or legal  
or illegal drugs. Such term includes any person who has been convicted of an alcohol or  
drug related offense, including, without limitation, driving under the influence of alcohol  
or drugs, as well as any person who has ever voluntarily or involuntarily entered an  
addiction recovery program.

21 (2) 'Handgun' shall have the same meaning as in Code Section 16-11-125.1.

22 (3) 'Mentally incompetent person' means any person who has been adjudicated mentally  
incompetent in any jurisdiction in the United States.

24 (b) It shall be unlawful for any mentally incompetent person or any addicted person to  
possess or have under such person's control a handgun.

26 (c) It shall be unlawful for a person intentionally, knowingly, or recklessly to sell or  
furnish a handgun to a mentally incompetent person or an addicted person.

28     (d) It shall be unlawful for a person intentionally, knowingly, or recklessly to sell or  
29     furnish a handgun to a person whom he or she knows or, because of a close relationship,  
30     should know possesses a mental or emotional propensity for violence or otherwise is aware  
31     of a substantial risk that such person will use a handgun to commit a felony offense.  
32     (e) Upon conviction of a violation of subsection (c) or (d) of this Code section, a person  
33     shall be guilty of a misdemeanor; provided, however, that if the person to whom the  
34     handgun is provided commits a felony using such handgun, the person who violated  
35     subsection (c) or (d) shall be an accomplice to such felony and shall be punished by a fine  
36     not to exceed \$100,000.00 or by imprisonment for not less than five nor more than ten  
37     years, or both."

38

**SECTION 2.**

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