

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 style="text-align:center">**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
17 or illegal drugs. Such term includes any person who has been convicted of an alcohol or
18 drug related offense, including, without limitation, driving under the influence of alcohol
19 or drugs, as well as any person who has ever voluntarily or involuntarily entered an
20 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
23 incompetent in any jurisdiction in the United States.

24 (b) It shall be unlawful for any mentally incompetent person or any addicted person to
25 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
27 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.