

House Bill 303

By: Representatives Gardner of the 57th, Jones of the 62nd, Abrams of the 89th, Williams of the 168th, Fludd of the 64th, and others

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 provide a short title; to provide
3 that a person who has been denied a license to carry a weapon or has had such license
4 revoked because of mental incompetency may reapply after five years; to provide procedures
5 for such application; to provide for a background check for guns purchased at gun shows; to
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Gun Safety Act."

10 **SECTION 2.**

11 Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to
12 dangerous instrumentalities and practices, is amended in Code Section 16-11-129, relating
13 to license to carry weapon, temporary renewal permit, and mandamus, by adding a new
14 subsection to read as follows:

15 "(k) Any person who has been denied a license or whose license has been revoked may
16 reapply for a license after the expiration of five years from the date of such denial or
17 revocation as provided in this subsection. Any such person seeking a license shall petition
18 the superior court for a determination that the mental condition which caused the rejection
19 or revocation has been treated and stabilized and that such person is competent at the time
20 of such reapplication to be issued a license under this Code section. The applicant may
21 present such evidence as he or she desires, but at a minimum he or she shall, at his or her
22 own expense, undergo a mental health evaluation by a licensed psychiatrist or licensed
23 psychologist and shall present the court with a sworn statement from such mental health
24 specialist that, in his or her opinion, the applicant is mentally competent to be issued a
25 license. A probate judge shall issue such person a new license only if the superior court

26 judge issues an order declaring the applicant to be mentally competent to be issued a
 27 license."

28 **SECTION 3.**

29 Said article is further amended by revising Code Section 16-11-171, relating to definitions
 30 relative to Brady Law Regulations, as follows:

31 "16-11-171.

32 As used in this part, the term:

33 (1) 'Center' means the Georgia Crime Information Center within the Georgia Bureau of
 34 Investigation.

35 (2) 'Dealer' means any person licensed as a dealer pursuant to 18 U.S.C. Section 921, et
 36 seq., or Chapter 16 of Title 43.

37 (3) 'Firearm' means any weapon that is designed to or may readily be converted to expel
 38 a projectile by the action of an explosive or the frame or receiver of any such weapon,
 39 any firearm muffler or firearm silencer, or any destructive device as defined in 18 U.S.C.
 40 Section 921(a)(3).

41 (4) 'Gun show' means any event at which 25 or more firearms are offered or exhibited
 42 for sale, transfer, or exchange.

43 (5) 'Gun show vendor' means any person who exhibits, sells, offers for sale, transfers, or
 44 exchanges one or more firearms at a gun show, regardless of whether or not the person
 45 arranges with the gun show promoter for a fixed location from which to exhibit, sell,
 46 offer for sale, transfer, or exchange one or more firearms."

47 ~~(4)~~(6) 'Involuntarily hospitalized' means hospitalized as an inpatient in any mental health
 48 facility pursuant to Code Section 37-3-81 or hospitalized as an inpatient in any mental
 49 health facility as a result of being adjudicated mentally incompetent to stand trial or being
 50 adjudicated not guilty by reason of insanity at the time of the crime pursuant to Part 2 of
 51 Article 6 of Title 17.

52 ~~(5)~~(7) 'NICS' means the National Instant Criminal Background Check System created
 53 by the federal 'Brady Handgun Violence Prevention Act' (P. L. No. 103-159)."

54 **SECTION 4.**

55 Said article is further amended by revising subsection (a) of Code Section 16-11-172, relating
 56 to transfers or purchases of firearms subject to the NICS, information concerning persons
 57 who have been involuntarily hospitalized to be forwarded to the FBI, penalties for breach of
 58 confidentiality, and exceptions, as follows:

59 "(a) All transfers or purchases of firearms conducted by a licensed importer, licensed
 60 manufacturer, gun show vendor, or licensed dealer shall be subject to the NICS. To the

61 extent possible, the center shall provide to the NICS all necessary criminal history
62 information and wanted person records in order to complete an NICS check."

63 **SECTION 5.**

64 Said article is further amended by adding a new Code section to Part 5, relating to Brady Law
65 Regulations, to read as follows:

66 "16-11-174.

67 If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any
68 person who is not licensed as a dealer pursuant to 18 U.S.C. Section 921, et seq., or
69 Chapter 16 of Title 43 to offer for sale, sale, transfer, or exchange a firearm to another
70 person who is not so licensed."

71 **SECTION 6.**

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