

Senate Bill 91

By: Senators Henson of the 41st, Jackson of the 2nd, Rhett of the 33rd, Jones of the 10th, Seay of the 34th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 16-11-172 of the Official Code of Georgia Annotated, relating to  
2 transfers or purchases of firearms subject to the NICS, information concerning persons who  
3 have been involuntarily hospitalized to be forwarded to the FBI, penalties for breach of  
4 confidentiality, and exceptions, so as to require judicial review for a transfer or sale of a  
5 firearm to certain individuals designated by the Georgia Information Sharing and Analysis  
6 Center; to require notice to the Attorney General; to amend Article 9 of Chapter 3 of Title 35  
7 of the Official Code of Georgia Annotated, relating to the Georgia Information Sharing and  
8 Analysis Center, so as to require each agency to submit to the center certain identifying  
9 information about known or suspected terrorists; to provide for definitions; to provide for  
10 rules and regulations; to provide for related matters; to repeal conflicting laws; and for other  
11 purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 style="text-align:center">**SECTION 1.**

14 Code Section 16-11-172 of the Official Code of Georgia Annotated, relating to transfers or  
15 purchases of firearms subject to the NICS, information concerning persons who have been  
16 involuntarily hospitalized to be forwarded to the FBI, penalties for breach of confidentiality,  
17 and exceptions, is amended by adding a new subsection to read as follows:

18 "(a.1)(1) No licensed importer, licensed manufacturer, or licensed dealer shall conduct  
19 a transfer or sale of a firearm to any individual who has been designated by the Georgia  
20 Information Sharing and Analysis Center as requiring judicial review pursuant to Code  
21 Section 35-3-205 for such transfer or purchase of a firearm. Such judicial review shall  
22 be as provided for under paragraph (2) of this subsection. The center shall provide a  
23 method for licensed importers, licensed manufacturers, and licensed dealers to check for  
24 such designations in compliance with this subsection.

25 (2) Any individual who has been designated as an individual requiring judicial review  
26 pursuant to subsection (d) of Code Section 35-3-205 shall petition the judge of the  
27 probate court in the county of his or her residence, or, if not a resident, in the county in

28 which the transfer or sale of a firearm will occur, for authorization to receive a firearm  
 29 for transfer or sale. A copy of such petition shall be served as notice upon the Attorney  
 30 General by such individual. Within 30 days of the receipt of such petition, the probate  
 31 court shall hold a hearing on such petition and the Attorney General may represent any  
 32 interests of the state at such hearing. The probate court shall grant the petition for relief  
 33 if such court finds by a preponderance of the evidence that the individual will not likely  
 34 act in a manner dangerous to public safety in the purchase of the firearm and that granting  
 35 the relief will not be contrary to public interest. A record shall be kept of the hearing;  
 36 provided, however, that such record shall remain confidential and be disclosed only to  
 37 a court or to the individual or Attorney General in the event of an appeal. Any appeal of  
 38 the court's ruling on the petition shall be as provided for in Chapter 3 of Title 5."

### 39 SECTION 2.

40 Article 9 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the  
 41 Georgia Information Sharing and Analysis Center, is amended by adding a new Code section  
 42 to read as follows:

43 "35-3-205.

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

45 (1) 'Agency' means any board, department, authority, commission, or entity of this state.

46 (2) 'Domestic terrorism' shall have the same meaning as set forth in 18 U.S.C. Section  
 47 2331.

48 (3) 'Identifying information' means any personally identifying data of an individual.

49 (4) 'International terrorism' shall have the same meaning as set forth in 18 U.S.C. Section  
 50 2331.

51 (5) 'Known terrorist' means an individual who the government of the United States  
 52 publicly acknowledges to be engaged or has been engaged or believes intends to be  
 53 engaged in terrorism; who has been charged, arrested, indicted, or convicted for a crime  
 54 related to terrorism; or who has been identified as a terrorist or member of a designated  
 55 foreign terrorist organization pursuant to federal law.

56 (6) 'Suspected terrorist' means an individual who is reasonably suspected to be or who  
 57 has been engaged in conduct constituting, in preparation for, in aid of, or related to  
 58 terrorism.

59 (7) 'Terrorism' means international terrorism and domestic terrorism.

60 (b) To the extent permitted by law, each agency shall submit to the center identifying  
 61 information of known terrorists or suspected terrorists. The identifying information shall  
 62 be transmitted in such form and at such intervals as promulgated by rules and regulations  
 63 of the director.

64 (c) To the fullest extent permissible under the law, the center shall use the identifying  
65 information as provided for under this Code section in furtherance of the center's purposes.

66 (d) To the extent permitted by law, the center shall use the identifying information as  
67 provided for under this Code section to designate any such individuals as requiring judicial  
68 review for the transfer or purchase of a firearm pursuant to Code Section 16-11-172."

69 **SECTION 3.**

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