

House Bill 657 (AS PASSED HOUSE AND SENATE)

By: Representatives Petrea of the 166th, Gilliard of the 162nd, Stephens of the 164th, Clark of the 147th, Hitchens of the 161st, and others

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 regarding dangerous instrumentalities and practices,
3 so as to make unlawful the knowing and intentional provision of any firearm for the purpose
4 of providing such firearm to any person known to be on probation as a felony first offender
5 or to have been convicted of a felony; to provide for exceptions; to provide for criminal
6 penalties; to provide for an affirmative defense; to provide for related matters; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Part 1 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
11 relating to general provisions regarding dangerous instrumentalities and practices, is
12 amended by revising Code Section 16-11-113, relating to offense of transferring firearm to
13 individual other than actual buyer, as follows:

14 "16-11-113.

15 (a) Any person who attempts to solicit, persuade, encourage, or entice any dealer to
16 transfer or otherwise convey a firearm other than to the actual buyer, as well as any other
17 person who willfully and intentionally aids or abets such person, shall be guilty of a felony
18 and, upon conviction thereof, shall be punished by imprisonment for not less than one year
19 nor more than five years.

20 (b)(1) Any person who knowingly and intentionally provides a firearm to any other
21 person who is on probation as a felony first offender pursuant to Article 3 of Chapter 8
22 of Title 42 or to any person who has been convicted of a felony by a court of this state or
23 any other state shall be guilty of a felony and, upon conviction thereof, shall be punished
24 by imprisonment for not less than one year nor more than five years; provided, however,
25 that upon a second or subsequent conviction, such person shall be punished by
26 imprisonment for not less than five nor more than ten years.

27 (2) Nothing in this subsection shall be construed as requiring a provider of a firearm to
28 affirmatively confirm that a person to whom a firearm is provided is not a felony first
29 offender or a person who has been convicted of a felony.

30 (3) This subsection shall not apply to any person providing a firearm to any other person
31 who has been:

32 (A) Pardoned for the felony by the President of the United States, the State Board of
33 Pardons and Paroles, or the person or agency empowered to grant pardons under the
34 constitutions or laws of any other state of the United States or of a foreign nation and,
35 by the terms of the pardon, has expressly been authorized to receive, possess, or
36 transport a firearm; or

37 (B) Otherwise granted relief from the disabilities of Code Section 16-11-131 pursuant
38 to subsections (c) and (d) of such Code section.

39 (c) This Code section shall not apply to a federal law enforcement officer or a peace
40 officer, as defined in Code Section 16-1-3, in the performance of his or her official duties
41 or other person under such officer's direct supervision."

42 **SECTION 2.**

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