A BILL TO BE ENTITLED
AN ACT

To amend Article 4 of Chapter 11 of Title 16, Code Section 15-11-2, and Code Section 20-2-1184 of the Official Code of Georgia Annotated, relating to dangerous instrumentalities and practices, definitions regarding the Juvenile Code, and reporting of students committing prohibited acts, respectively, so as to prohibit the possession of automatic and semi-automatic guns; to revise and provide for definitions; to revise the nomenclature for weapons which shoot or are designed to shoot, automatically, more than six shots, without manual reloading, by a single function of the trigger; to prohibit the possession of large capacity magazines; to provide for exceptions; to subject all transfers or purchases of firearms at gun shows to the National Instant Criminal Background Check System; to provide for facilitation by licensed dealers; to provide for requirements for the securing or storage of inventory firearms when a dealer is not open for business; to conform cross-references; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

SECTION 1-1.

Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to dangerous instrumentalities and practices, is amended by revising Part 2, relating to possession of dangerous weapons, as follows:

"Part 2

16-11-120.

This part shall be known and may be cited as the 'Georgia Firearms and Weapons Act.'
As used in this part, the term:

(1) ‘Automatic or semi-automatic gun’ means any weapon which shoots or is designed to shoot:
(A) Automatically, more than six shots, without manual reloading, by a single function of the trigger; or
(B) Without any action needed to fire consecutive shots, other than having ammunition loaded in such weapon's feeding device.

(2) ‘Dangerous weapon’ means any weapon commonly known as a ‘rocket launcher,’ ‘bazooka,’ or ‘recoilless rifle’ which fires explosive or nonexplosive rockets designed to injure or kill personnel or destroy heavy armor, or similar weapon used for such purpose. The term shall also mean a weapon commonly known as a ‘mortar’ which fires high explosive from a metallic cylinder and which is commonly used by the armed forces as an antipersonnel weapon or similar weapon used for such purpose. The term shall also mean a weapon commonly known as a 'hand grenade' or other similar weapon which is designed to explode and injure personnel, or similar weapon used for such purpose.

(3) ‘Machine gun’ means any weapon which shoots or is designed to shoot, automatically, more than six shots, without manual reloading, by a single function of the trigger.

(4) ‘Large capacity magazine’ means any ammunition feeding device with the capacity to accept more than ten rounds of ammunition; provided, however, that such term shall not include:
(A) A feeding device that has been permanently altered so that it cannot accommodate more than ten rounds;
(B) A .22 caliber tube ammunition feeding device; or
(C) A tubular magazine that is contained in a lever-action firearm.

(5) ‘Person’ means any individual, partnership, company, association, or corporation.

(6) ‘Sawed-off rifle’ means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder; and designed or redesigned, made or remade, to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifle bore for each single pull of the trigger; and which has a barrel or barrels of less than 16 inches in length or has an overall length of less than 26 inches.

(7) ‘Sawed-off shotgun’ means a shotgun or any weapon made from a shotgun whether by alteration, modification, or otherwise having one or more barrels less than 18 inches in length or if such weapon as modified has an overall length of less than 26 inches.

(8) ‘Shotgun’ means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder; and designed or redesigned, and made or remade, to use the
energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a
number of ball shot or a single projectile for each single pull of the trigger.

(7)(8) 'Silencer' means any device for silencing or diminishing the report of any portable
weapon such as a rifle, carbine, pistol, revolver, machine automatic or semi-automatic
gun, shotgun, fowling piece, or other device from which a shot, bullet, or projectile may
be discharged by an explosive.

16-11-122.
No person shall have in his or her possession any sawed-off shotgun, sawed-off rifle,
machine automatic or semi-automatic gun, large capacity magazine, dangerous weapon,
or silencer except as provided in Code Section 16-11-124.

16-11-123.
A person commits the offense of unlawful possession of firearms or weapons when he or
she knowingly has in his or her possession any sawed-off shotgun, sawed-off rifle, machine
automatic or semi-automatic gun, large capacity magazine, dangerous weapon, or silencer,
and, upon conviction thereof, he or she shall be punished by imprisonment for a period of
five years.

16-11-124.
This part shall not apply to:

(1) A peace officer of any duly authorized police agency of this state or of any political
subdivision thereof, or a law enforcement officer of any department or agency of the
United States who is regularly employed and paid by the United States, this state, or any
such political subdivision, or an employee of the Department of Corrections of this state
who is authorized in writing by the commissioner of corrections to transfer or possess
such firearms while in the official performance of his or her duties;

(2) A member of the National Guard or of the armed forces of the United States to wit:
the army, navy, marine corps, air force, or coast guard who, while serving therein,
possesses such firearm in the line of duty;

(3) Any sawed-off shotgun, sawed-off rifle, machine automatic or semi-automatic gun,
large capacity magazine, dangerous weapon, or silencer which has been modified or
changed to the extent that it is inoperative. Examples of the requisite modification
include weapons with their barrel or barrels filled with lead, hand grenades filled with
sand, or other nonexplosive materials;

(4) Possession of a sawed-off shotgun, sawed-off rifle, machine automatic or
semi-automatic gun, dangerous weapon, or silencer by a person who is authorized to
possess the same because he or she has registered the sawed-off shotgun, sawed-off rifle, machine automatic or semi-automatic gun, large capacity magazine, dangerous weapon, or silencer in accordance with the dictates of the National Firearms Act, 68A Stat. 725 (26 U.S.C. Sections 5841-5862); and

(5) A security officer employed by a federally licensed nuclear power facility or a licensee of such facility, including a contract security officer, who is trained and qualified under a security plan approved by the United States Nuclear Regulatory Commission or other federal agency authorized to regulate nuclear facility security; provided, however, that this exemption shall apply only while such security officer is acting in connection with his or her official duties on the premises of such nuclear power facility or on properties outside the facility property pursuant to a written agreement entered into with the local law enforcement agency having jurisdiction over the facility. The exemption under this paragraph does not include the possession of silencers.

In any complaint, accusation, or indictment and in any action or proceeding brought for the enforcement of this part it shall not be necessary to negative any exception, excuse, proviso, or exemption contained in this part, and the burden of proof of any such exception, excuse, proviso, or exemption shall be upon the defendant.

SECTION 1-2.

Said article is further amended by revising paragraph (3) of subsection (b) of Code Section 16-11-127.1, relating to carrying weapons within school safety zones, at school functions, or on a bus or other transportation furnished by a school, as follows:

"(3) Any person convicted of a violation of this subsection involving a dangerous weapon or machine automatic or semi-automatic gun, as such terms are defined in Code Section 16-11-121, shall be punished by a fine of not more than $10,000.00 or by imprisonment for a period of not less than five nor more than ten years, or both."

SECTION 1-3.

Said article is further amended by revising paragraph (1) of subsection (a) of Code Section 16-11-160, relating to use of machine guns, sawed-off rifles, sawed-off shotguns, or firearms with silencers during commission of certain offenses and enhanced criminal penalties, as follows:

"(a)(1) It shall be unlawful for any person to possess or to use a machine automatic or semi-automatic gun, sawed-off rifle, sawed-off shotgun, or firearm equipped with a
silencer, as those terms are defined in Code Section 16-11-121, during the commission
or the attempted commission of any of the following offenses:

(A) Aggravated assault as defined in Code Section 16-5-21;

(B) Aggravated battery as defined in Code Section 16-5-24;

(C) Robbery as defined in Code Section 16-8-40;

(D) Armed robbery as defined in Code Section 16-8-41;

(D.1) Home invasion in any degree as defined in Code Section 16-7-5;

(E) Murder or felony murder as defined in Code Section 16-5-1;

(F) Voluntary manslaughter as defined in Code Section 16-5-2;

(G) Involuntary manslaughter as defined in Code Section 16-5-3;

(H) Sale, possession for sale, transportation, manufacture, offer for sale, or offer to
manufacture controlled substances in violation of any provision of Article 2 of Chapter
13 of this title, the 'Georgia Controlled Substances Act';

(I) Terroristic threats or acts as defined in Code Section 16-11-37;

(J) Arson as defined in Code Section 16-7-60, 16-7-61, or 16-7-62 or arson of lands as
defined in Code Section 16-7-63;

(K) Influencing witnesses as defined in Code Section 16-10-93; and

(L) Participation in criminal gang activity as defined in Code Section 16-15-4."

SECTION 1-4.

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

"16-11-171.

As used in this part, the term:

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

(2) 'Dealer' means any person licensed as a dealer pursuant to 18 U.S.C. Section 921, et
seq.

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

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

(5) 'Gun show vendor' means any person that offers for sale, exhibits, sells, transfers, or
exchanges one or more firearms at a gun show.
"Involuntarily hospitalized" means hospitalized as an inpatient in any mental health facility pursuant to Code Section 37-3-81 or hospitalized as an inpatient in any mental health facility as a result of being adjudicated mentally incompetent to stand trial or being adjudicated not guilty by reason of insanity at the time of the crime pursuant to Part 2 of Article 6 of Title 17.

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

SECTION 1-5.
Said article is further amended by revising subsection (a) of Code Section 16-11-172, relating to transfers or purchases of firearms subject to the NICS, information concerning persons who have been involuntarily hospitalized to be forwarded to the FBI, penalties for breach of confidentiality, and exceptions, as follows:

(a) All transfers or purchases of firearms conducted by a licensed importer, licensed manufacturer, gun show vendor, or licensed dealer shall be subject to the NICS. To the extent possible, the center shall provide to the NICS all necessary criminal history information and wanted person records in order to complete an NICS check. A gun show vendor may contract with a licensed dealer for purposes of facilitating transfers, purchases, or NICS checks.

SECTION 1-6.
Said article is further amended by adding a new Code section to read as follows:

16-11-174.
When a dealer is not open for business, all inventory firearms in such dealer's place of business shall be secured or stored by using one of the following methods appropriate to each firearm:

(1) Secure the firearm with a hardened steel rod or cable at least one-eighth of an inch in diameter through the trigger guard of such firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a bolt cutter, and the rod or cable shall be anchored in a manner that prevents the removal of such firearm from the premises; or

(2) Store the firearm in a locked fireproof safe or vault at the dealer's place of business."
PART II

SECTION 2-1.

Code Section 15-11-2 of the Official Code of Georgia Annotated, relating to definitions regarding the Juvenile Code, is amended by revising subdivision (13)(N)(i)(II) as follows:

"(II) Dangerous weapon or machine automatic or semi-automatic gun, as defined in Code Section 16-11-121; or"

SECTION 2-2.

Code Section 20-2-1184 of the Official Code of Georgia Annotated, relating to reporting of students committing prohibited acts, is amended by revising paragraph (2) of subsection (a) as follows:

"(2) Dangerous weapon or machine automatic or semi-automatic gun, as defined in Code Section 16-11-121; or"

PART III

SECTION 3-1.

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