

House Bill 731

By: Representatives Oliver of the 82<sup>nd</sup>, Abrams of the 89<sup>th</sup>, Hugley of the 136<sup>th</sup>, Gardner of the 57<sup>th</sup>, Kendrick of the 93<sup>rd</sup>, 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 to prohibit the possession, sale,  
3 transport, distribution, or use of certain assault weapons, large capacity magazines,  
4 armor-piercing bullets, and incendiary .50 caliber bullets; to provide for crimes involving the  
5 possession, sale, transport, distribution, or use of certain assault weapons, large capacity  
6 magazines, armor-piercing bullets, and incendiary .50 caliber bullets; to provide for criminal  
7 penalties; to designate certain weaponry and ammunition as contraband and to require seizure  
8 of such by the Georgia Bureau of Investigation; to provide for enhanced penalties for the  
9 possession and use of machine guns; to provide for definitions; to provide for exemptions;  
10 to provide for related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to  
14 dangerous instrumentalities and practices, is amended by adding a new part to read as  
15 follows:

16 style="text-align:center">"Part 1A

17 16-11-114.

18 As used in this part, the term:

19 (1) 'Action of the weapon' means the part of the firearm that loads, fires, or ejects a  
20 cartridge and that includes, but is not limited to, the upper and lower receiver, charging  
21 handle, forward assist, magazine release, and shell deflector.

22 (2) 'Armor-piercing bullet' means:

23 (A) Any .50 caliber bullet that is designed for the purpose of, is held out by the  
24 manufacturer or distributor as, or is generally recognized as having a specialized  
25 capability to penetrate armor or bulletproof glass, including, but not limited to, bullets

26 designated as M2 Armor-Piercing or AP, M8 Armor-Piercing Incendiary or API, M20  
 27 Armor-Piercing Incendiary Tracer or APIT, M903 Caliber .50 Saboted Light Armor  
 28 Penetrator or SLAP, or M962 Saboted Light Armor Penetrator Tracer or SLAPT; or

29 (B) Any bullet that can be fired from a pistol or revolver that:

30 (i) Has projectiles or projectile cores constructed entirely from tungsten alloys, steel,  
 31 iron, brass, bronze, beryllium copper, or depleted uranium;

32 (ii) Is fully jacketed with a jacket weight of more than 25 percent of the total weight  
 33 of the projectile, is larger than .22 caliber, and is designed and intended for use in a  
 34 firearm; or

35 (iii) Does not have projectiles whose cores are composed of soft materials, including,  
 36 but not limited to, soft materials such as lead, lead alloys, zinc, or zinc alloys,  
 37 frangible projectiles designed primarily for sporting purposes, or any other projectiles  
 38 or projectile cores that the Attorney General of the United States finds to be primarily  
 39 intended to be used for sporting purposes or industrial purposes or that otherwise do  
 40 not constitute armor-piercing ammunition as defined by federal law;

41 provided, however, that such bullet shall not include a shotgun shell.

42 (3) 'Assault weapon' means:

43 (A) Any selective fire firearm capable of fully automatic, semiautomatic, or burst fire  
 44 at the option of the user and any part designed or intended for use with such firearm;

45 (B) Any of the following semiautomatic firearms: the Algimec Agmi; Armalite  
 46 AR-180; Australian Automatic Arms SAP Pistol; Auto-Ordnance Thompson type;  
 47 Avtomat Kalashnikov AK-47 type; Barrett Light-Fifty model 82A1; Beretta AR-70;  
 48 Bushmaster Auto Rifle and Auto Pistol; Calico models M-900, M-950, and 100-P;  
 49 Chartered Industries of Singapore SR-88; Colt AR-15 and Sporter; Daewoo K-1, K-2,  
 50 Max-1, and Max-2; Encom MK-IV, MP-9, and MP-45; Fabrique Nationale FN/FAL,  
 51 FN/LAR, or FN/FNC; FAMAS MAS 223; Feather AT-9 and Mini-AT; Federal XC 900  
 52 and XC-450; Franchi SPAS-12 and LAW-12; Galil AR and ARM; Goncz High-Tech  
 53 Carbine and High-Tech Long Pistol; Heckler & Koch HK-91, HK-93, HK-94, and  
 54 SP-89; Holmes MP-83; MAC-10, MAC-11, and MAC-11 Carbine type; Intratec TEC-9  
 55 and Scorpion; Iver Johnson Enforcer model 3000; Ruger Mini-14/5F folding stock  
 56 model; Scarab Skorpion; SIG 57 AMT and 500 series; Spectre Auto Carbine and Auto  
 57 Pistol; Springfield Armory BM59, SAR-48, and G-3; Sterling MK-6 and MK-7; Steyr  
 58 AUG; Street Sweeper and Striker 12 revolving cylinder shotguns; USAS-12; UZI  
 59 Carbine, Mini-Carbine, and Pistol; Weaver Arms Nighthawk; and Wilkinson Linda  
 60 Pistol, and any part designed or intended for use with such firearms;

61 (C) Any of the following semiautomatic center-fire rifles: the AK-47; AK-74; AKM;  
 62 AKS-74U; ARM; MAADI AK47; MAK90; MISR; NHM90; NHM91; Norinco 56,

63 56S, 84S, and 86S; Poly Technologies AKS and AK47; SA 85; SA 93; VEPR;  
 64 WASR-10; WUM; Rock River Arms LAR-47; Vector Arms AK-47; AR-10; AR-15;  
 65 Bushmaster Carbon 15; Bushmaster XM15; Bushmaster ACR Rifles; Bushmaster MOE  
 66 Rifles; Colt Match Target Rifles; Armalite M15; Olympic Arms AR-15, A1, CAR,  
 67 PCR, K3B, K30R, K16, K48, K8, and K9 Rifles; DPMS Tactical Rifles; Smith &  
 68 Wesson M&P15 Rifles; Rock River Arms LAR-15; Doublestar AR Rifles; Barrett  
 69 REC7; Beretta Storm; Calico Liberty 50, 50 Tactical, 100, 100 Tactical, I, I Tactical,  
 70 II, and II Tactical Rifles; Hi-Point Carbine Rifles; HK-PSG-1; Kel-Tec Sub-2000, SU  
 71 Rifles, and RFB; Remington Tactical Rifle Model 7615; SAR-8; SAR-4800; SR9; SLG  
 72 95; SLR 95 and 96; TNW M230 and M2HB; Vector Arms UZI; Galil and Galil Sporter;  
 73 Daewoo AR 100 and AR 110C; Fabrique Nationale/FN 308 Match and L1A1 Sporter;  
 74 HK USC; IZHMASH Saiga AK; SIG Sauer 551-A1, 556, 516, 716, and M400 Rifles;  
 75 Valmet M62S, M71S, and M78S; Wilkinson Arms Linda Carbine; and Barrett  
 76 M107A1;

77 (D) Any of the following semiautomatic pistols: the Centurion 39 AK; Draco AK-47;  
 78 HCR AK-47; I.O. Inc. Hellpup AK-47; Mini-Draco AK-47; Yugo Krebs Krink;  
 79 American Spirit AR-15; Bushmaster Carbon 15; Doublestar Corporation AR; DPMS  
 80 AR-15; Olympic Arms AR-15; Rock River Arms LAR 15; Calico Liberty III and III  
 81 Tactical Pistols; Masterpiece Arms MPA Pistols; Velocity Arms VMA Pistols; Intratec  
 82 TEC-DC9 and AB-10; Colefire Magnum; German Sport 522 PK and Chiappa Firearms  
 83 Mfour-22; DSA SA58 PKPFAL; I.O. Inc. PPS-43C; Kel-Tec PLR-16 Pistol; Sig Sauer  
 84 P516 and P556 Pistols; and Thompson TA5 Pistols;

85 (E) IZHMASH Saiga 12 Shotguns;

86 (F) Any semiautomatic firearm which is:

87 (i) A semiautomatic center-fire rifle that has an ability to accept a detachable  
 88 magazine and has at least one of the following:

89 (I) A folding or telescoping stock;

90 (II) Any grip of the weapon, including, but not limited to, a pistol grip, a forward  
 91 pistol grip, a thumbhole stock, or any other stock, the use of which would allow a  
 92 person to grip the weapon, resulting in any finger on the trigger hand in addition to  
 93 the trigger finger being directly below any portion of the action of the weapon when  
 94 firing;

95 (III) A flash suppressor; or

96 (IV) A grenade launcher or flare launcher;

97 (ii) A semiautomatic center-fire rifle that has a fixed magazine with the ability to  
 98 accept more than ten rounds;

99 (iii) A semiautomatic center-fire rifle that has an overall length of less than 30 inches;

- 100 (iv) A semiautomatic pistol that has an ability to accept a detachable magazine and  
 101 has at least one of the following:
- 102 (I) An ability to accept a detachable ammunition magazine that attaches at some  
 103 location outside of the pistol grip;
- 104 (II) A threaded barrel capable of accepting a flash suppressor, forward pistol grip,  
 105 or silencer;
- 106 (III) A shroud that is attached to, or partially or completely encircles, the barrel and  
 107 that permits the shooter to fire the firearm without being burned, not including a  
 108 slide that encloses the barrel; or
- 109 (IV) A second hand grip;
- 110 (v) A semiautomatic pistol with a fixed magazine that has the ability to accept more  
 111 than ten rounds;
- 112 (vi) A semiautomatic shotgun that has both of the following:
- 113 (I) A folding or telescoping stock; and
- 114 (II) Any grip of the weapon, including, but not limited to, a pistol grip, a forward  
 115 pistol grip, a thumbhole stock, or any other stock, the use of which would allow a  
 116 person to grip the weapon, resulting in any finger on the trigger hand in addition to  
 117 the trigger finger being directly below any portion of the action of the weapon when  
 118 firing;
- 119 (vii) A semiautomatic shotgun that has the ability to accept a detachable magazine;  
 120 or
- 121 (viii) A shotgun with a revolving cylinder; or
- 122 (G) A part or combination of parts designed or intended to convert such weapons into  
 123 such firearms.
- 124 'Assault weapon' shall not include any firearm modified to render it permanently  
 125 inoperable or any firearm, or part or combination of parts of such firearm, that is in the  
 126 possession of a person for the purpose of serving or repairing such firearm lawfully  
 127 possessed by its owner under this part.
- 128 (4) 'Detachable magazine' means an ammunition feeding device that can be removed  
 129 without disassembling the firearm action.
- 130 (5) 'Forward pistol grip' means any feature capable of functioning as a grip that can be  
 131 held by the nontrigger hand.
- 132 (6) 'Incendiary .50 caliber bullet' means any .50 caliber bullet that is designed for the  
 133 purpose of, is held out by its manufacturer or distributor as, or is generally recognized as  
 134 having a specialized capability to ignite upon impact, including, but not limited to, bullets  
 135 commonly designated as M1 Incendiary, M23 Incendiary, M8 Armor-Piercing Incendiary  
 136 or API, or M20 Armor-Piercing Incendiary Tracer or APIT.

137 (7) 'Large capacity magazine' means any firearm magazine, belt, drum, feed strip, or  
138 similar device that has the capacity of, or can be readily restored or converted to accept,  
139 more than ten rounds of ammunition; provided, however, that such term shall not include  
140 a:

141 (A) .22 caliber tube ammunition feeding device;

142 (B) Tubular magazine that is contained in a lever action firearm; or

143 (C) Magazine that is permanently inoperable.

144 'Large capacity magazine' shall not include a magazine modified to render it permanently  
145 inoperable or a magazine, or part or combination of parts of such magazine, that is in the  
146 possession of a person for the purpose of servicing or repairing such magazine lawfully  
147 possessed by its owner under this part.

148 (8) 'Pistol grip' means a grip or similar feature that can function as a grip for the trigger  
149 hand.

150 (9) 'Second hand grip' means a grip or similar feature that can function as a grip that is  
151 additional to the trigger hand grip.

152 16-11-115.

153 (a) No person shall possess, distribute, transport, transfer, or sell any assault weapon.

154 (b) Any person who distributes, transports, or imports an assault weapon into this state  
155 shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment  
156 for not less than two nor more than ten years.

157 (c) Any person who transfers, sells, or gives any assault weapon to a person under the age  
158 of 18 shall be guilty of a felony and, upon conviction thereof, shall be punished by  
159 imprisonment for not less than six nor more than ten years, and such imprisonment shall  
160 be in addition and consecutive to any other term of imprisonment imposed under this part.

161 (d) Any person who acquires or possesses any assault weapon in this state shall be guilty  
162 of a felony and, upon conviction thereof, shall be punished by imprisonment for not less  
163 than one nor more than three years.

164 (e) Any person who uses an assault weapon in the commission of a felony or who, by  
165 words or conduct, represents that he or she is armed with such assault weapon during such  
166 commission of a felony shall be guilty of a felony and, upon conviction thereof, shall be  
167 punished by imprisonment for not less than eight nor more ten years.

168 (f) This Code section shall not apply to any person servicing or repairing an assault  
169 weapon that is lawfully possessed by its owner under this part.

170 16-11-116.

171 (a) Any person who possesses a large capacity magazine on or after January 1, 2017, that  
172 was obtained by such person prior to July 1, 2016, shall be fined not more than \$100.00 for  
173 a first offense and shall be guilty of a felony for any subsequent offense.

174 (b) Any person who possesses a large capacity magazine on or after January 1, 2017, that  
175 was obtained by such person on or after July 1, 2016, shall be guilty of a felony.

176 (c) This Code section shall not apply to any person servicing or repairing a large capacity  
177 magazine that is lawfully possessed by its owner under this part.

178 16-11-117.

179 (a) Notwithstanding Code Sections 16-11-115 and Code Section 16-11-116, any person  
180 who possesses any assault weapon or large capacity magazine on July 1, 2016, shall have  
181 until October 31, 2016, to accomplish any of the following actions without any prosecution  
182 under the law:

183 (1) Modify such assault weapon or large capacity magazine to render it permanently  
184 inoperable or such that it is no longer an assault weapon or large capacity magazine; or

185 (2) Surrender such assault weapon or large capacity magazine to the Georgia Bureau of  
186 Investigation for destruction pursuant to this part.

187 (b) Notwithstanding Code Section 16-11-115 and Code Section 16-11-116, any person  
188 who relocates his or her residence to this state and who possesses an assault weapon or  
189 large capacity magazine or who comes to possess such assault weapon or large capacity  
190 magazine through probate shall, within 90 days of establishing such residency or the  
191 closing of such probate, modify such assault weapon or large capacity magazine to render  
192 it permanently inoperable or such that it is no longer an assault weapon or large capacity  
193 magazine or surrender such assault weapon or large capacity magazine to the Georgia  
194 Bureau of Investigation for destruction pursuant to this part.

195 16-11-118.

196 (a) Any person who knowingly distributes, transports, or imports into this state, keeps for  
197 sale, offers or exposes for sale, or gives to any person any armor-piercing bullet or  
198 incendiary .50 caliber bullet shall be guilty of a felony, provided that a first time violation  
199 of this subsection shall be a misdemeanor.

200 (b) Any person who knowingly transports or carries a firearm loaded with an  
201 armor-piercing bullet or incendiary .50 caliber bullet shall be guilty of a felony.

202 16-11-119.

203 Any person who lawfully possesses an assault weapon under this part that is lost or stolen  
204 from such person shall report such loss or theft to the Georgia Bureau of Investigation  
205 within 72 hours of the time when such person discovered such loss or theft. Any person  
206 who fails to make such report within the time prescribed by this Code section shall be fined  
207 not more than \$90.00 for a first offense and shall be guilty of a felony for any subsequent  
208 offense under this Code section; provided, however, that if such person intentionally fails  
209 to make such report within the time prescribed, he or she shall be guilty of a felony.

210 16-11-119.1.

211 (a) Any assault weapon, large capacity magazine, armor-piercing bullet, or incendiary .50  
212 caliber bullet possessed, sold, or transferred in violation of this part is contraband and shall  
213 be seized and destroyed pursuant to subsection (b) of this Code section.

214 (b) Notwithstanding any other provision of the law, the Georgia Bureau of Investigation  
215 shall seize and take possession of any assault weapon, large capacity magazine,  
216 armor-piercing bullet, or incendiary .50 caliber bullet as provided for under Code Section  
217 35-3-8. Any such assault weapon, large capacity magazine, armor-piercing bullet, or  
218 incendiary .50 caliber bullet seized or taken by the Georgia Bureau of Investigation shall  
219 be destroyed, and a record of such destruction shall be maintained by such bureau.

220 16-11-119.2.

221 This part shall not apply to:

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

229 (2) A member of the National Guard or of the armed forces of the United States to wit:  
230 the army, navy, marine corps, air force, or coast guard who, while serving therein,  
231 possesses assault weapons, large capacity magazines, armor-piercing bullets, or  
232 incendiary .50 caliber bullets in the line of duty;

233 (3) The possession of an assault weapon, large capacity magazine, armor-piercing bullet,  
234 or incendiary .50 caliber bullet by a person who is authorized to possess the same because  
235 he or she is in compliance with the dictates of the National Firearms Act, 68A Stat. 725  
236 (26 U.S.C. Sections 5841-5862);

- 237 (4) A security officer employed by a federally licensed nuclear power facility or a  
 238 licensee of such facility, including a contract security officer, who is trained and qualified  
 239 under a security plan approved by the United States Nuclear Regulatory Commission or  
 240 other federal agency authorized to regulate nuclear facility security; provided, however,  
 241 that this exemption shall apply only while such security officer or licensee is acting in  
 242 connection with his or her official duties on the premises of such nuclear power facility  
 243 or on properties outside such facility pursuant to a written agreement entered into with  
 244 the local law enforcement agency having jurisdiction over such facility;  
 245 (5) Notwithstanding Code Section 16-11-119, persons and their agents who are engaged  
 246 in the manufacture of assault weapons, large capacity magazines, armor-piercing bullets,  
 247 or incendiary .50 caliber bullets in this state pursuant to federal law;  
 248 (6) Notwithstanding Code Section 16-11-119, persons and their agents who stock assault  
 249 weapons, large capacity magazines, armor-piercing bullets, or incendiary .50 caliber  
 250 bullets for the purpose of selling to police agencies, the National Guard, or the armed  
 251 forces of the United States; and  
 252 (7) Notwithstanding Code Section 16-11-119, persons engaged in sport competition  
 253 pursuant to rules and regulations of the Georgia Bureau of Investigation."

254 **SECTION 2.**

255 Said article is further amended by adding a new paragraph to Code Section 16-11-121,  
 256 relating to definitions, to read as follows:

- 257 "(.1) 'Crime of violence' means committing or attempting to commit any crime involving  
 258 any classification of:  
 259 (A) Murder or manslaughter as provided for in Article 1 of Chapter 5 of this title;  
 260 (B) Assault or aggravated assault as provided for in Article 2 of Chapter 5 of this title;  
 261 (C) Kidnapping, false imprisonment, or hijacking as provided for in Article 3 of  
 262 Chapter 5 of this title;  
 263 (D) Rape, sexual assault, sexual battery, or aggravated sexual battery as provided for  
 264 in Chapter 6 of this title;  
 265 (E) Burglary or home invasion as provided for in Article 1 of Chapter 7 of this title;  
 266 (F) Theft as provided for in Article 1 of Chapter 8 of this title;  
 267 (G) Robbery or armed robbery as provided for in Article 2 of Chapter 8 of this title; or  
 268 (H) Riot as provided for in Article 2 of Chapter 11 of this title."

269 **SECTION 3.**

270 Said article is further amended by adding a new Code section to read as follows:

271 "16-11-123.1.

272 (a) Any person who possesses a machine gun in a crime of violence shall be guilty of a  
273 felony and, upon conviction thereof, shall be punished by imprisonment for a period of not  
274 less than ten nor more than 20 years.

275 (b)(1) Any person who possesses or uses a machine gun for an offensive or aggressive  
276 purpose or transfers, sells, or provides a machine gun to a person under 16 years of age,  
277 including, but not limited to, such transfer for use in target shooting or on a firing or  
278 shooting range, shall be guilty of felony and, upon conviction thereof, shall be punished  
279 by a fine of not less than \$1,000.00 or imprisonment for a period of not less than five nor  
280 more than ten years, or both.

281 (2) The possession or use of a machine gun by a person shall be presumed to be for an  
282 offensive or aggressive purpose when:

283 (A) Such machine gun is possessed or used on premises not owned or rented by such  
284 person for a bona fide permanent residence or business occupancy; or

285 (B) Such person possessing such machine gun is unnaturalized or has been convicted  
286 of a crime of violence or of a crime with substantially the same elements therein by the  
287 federal government or any state, including, but not limited to, territories, districts, or  
288 insular possessions of the United States.

289 (c) The presence of a machine gun in any room, boat, or vehicle shall be presumptive  
290 evidence of the possession or use of such machine gun by each person occupying such  
291 room, boat, or vehicle."

292 **SECTION 4.**

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