

House Bill 657

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 criminal penalties; to clarify that
6 affirmative confirmation by firearm provider is not required; to provide for related matters;
7 to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**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 shall be punished by imprisonment for not less than one nor more than five years.

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

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

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

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SECTION 2.

31 All laws and parts of laws in conflict with this Act are repealed.