

Senate Bill 146

By: Senators Parent of the 42nd, Jones II of the 22nd, Harrell of the 40th, Jackson of the 41st,
Orrock of the 36th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia
2 Annotated, relating to carrying and possession of firearms, so as to establish the offense of
3 making a firearm accessible to a child; to provide for definitions; to provide for exceptions
4 and affirmative defenses; to provide for criminal penalties; to require a notice by certain
5 firearm dealers; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
10 relating to carrying and possession of firearms, is amended by adding a new Code section to
11 read as follows:

12 "16-11-132.1.

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

14 (1) 'Child' means a person younger than 17 years of age.

15 (2) 'Dealer' shall have the same meaning as provided for under Code Section 16-11-171.

16 (3) 'Family' means a parent, grandparent, or sibling.

17 (4) 'Readily dischargeable firearm' means a firearm that is loaded with ammunition,
18 whether or not a round is in the chamber.

19 (5) 'Secure' means to take steps that a reasonable person would take to prevent the access
20 to a readily dischargeable firearm by a child, including, but not limited to, placing a
21 firearm in a locked container or temporarily rendering the firearm inoperable by a trigger
22 lock or other means.

23 (b) Except where possession of a firearm by a child is lawful under Code Section
24 16-11-132, a person commits the offense of making a firearm accessible to a child if such
25 child gains access to a readily dischargeable firearm, and the person with criminal
26 negligence:

27 (1) Failed to secure the firearm; or

28 (2) Left the firearm in a place to which the person knew or should have known the child
29 could gain access.

30 (c) It shall be an affirmative defense to prosecution under this Code section that the child's
31 access to the firearm:

32 (1) Was supervised by a person older than 18 years of age and was for hunting, sporting,
33 or other lawful purposes;

34 (2) Consisted of lawful defense by the child of people or property; or

35 (3) Was gained by entering property in violation of the law.

36 (d)(1) Except as provided under paragraph (2) of this subsection, an offense under this
37 Code section shall be a misdemeanor.

38 (2) An offense under this Code section shall be a misdemeanor of a high and aggravated
39 nature if the child discharges the firearm and causes death or serious bodily injury to
40 himself or herself or another person.

41 (3) No person who commits an offense under this Code section shall be arrested before
42 the seventh day after the date on which the offense was committed if:

43 (A) Such person is family of the child who discharged the firearm; and

44 (B) The child, in discharging the firearm, caused the death of or serious injury to such
45 child.

46 (e) A dealer shall post in a conspicuous position on the premises where the dealer conducts
47 business a sign that contains the following warning in block letters not less than one inch
48 in height:

49 'IT IS UNLAWFUL TO STORE, TRANSPORT, OR ABANDON AN UNSECURED
50 FIREARM IN A PLACE WHERE CHILDREN ARE LIKELY TO BE AND CAN
51 OBTAIN ACCESS TO THE FIREARM.'

52 **SECTION 2.**

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