

House Bill 554

By: Representatives Scott of the 76th, Davis of the 87th, Schofield of the 63rd, and Hutchinson of the 106th

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 furnishing of a
3 semiautomatic assault weapon to a person under the age of 21 years; to revise and provide
4 for definitions; to provide for a minimum age requirement for the possession of
5 semiautomatic assault weapons; to provide for a penalty and exceptions; to provide for
6 related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to
10 dangerous instrumentalities and practices, is amended by revising Code Section 16-11-101.1,
11 relating to furnishing pistol or revolver to person under the age of 18 years, as follows:

12 "16-11-101.1.

13 (a) For the purposes of this Code section, the term:

14 (1) 'Handgun' shall have the same meaning as set forth in Code Section 16-11-125.1.

15 ~~(1)~~(2) 'Minor' means any person under the age of 18 years.

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16 ~~(2) 'Pistol or revolver' means a handgun as defined in subsection (a) of Code~~
17 ~~Section 16-11-125.1.~~

18 (3) 'Semiautomatic assault weapon' shall have the same meaning as set forth in Code
19 Section 16-11-125.1.

20 (b)(1) It shall be unlawful for a person to intentionally, knowingly, or recklessly to sell
21 or furnish a ~~pistol or revolver~~ handgun to a minor, except that it shall be lawful for a
22 parent or legal guardian to permit possession of a ~~pistol or revolver~~ handgun by a minor
23 for the purposes specified in ~~subsection (c) of Code Section 16-11-132 unless otherwise~~
24 expressly limited by subsection (c) of this Code section.

25 (2) It shall be unlawful for a person to intentionally, knowingly, or recklessly sell or
26 furnish a semiautomatic assault weapon to a person under the age of 21 years.

27 (c)(1) It shall be unlawful for a parent or legal guardian to permit possession of a ~~pistol~~
28 ~~or revolver~~ handgun or semiautomatic assault weapon by a minor if the parent or legal
29 guardian knows of a such minor's conduct which violates the provisions of Code
30 Section 16-11-132 and fails to make reasonable efforts to prevent any such violation of
31 Code Section 16-11-132.

32 (2) Notwithstanding any provisions of ~~subsection (c) of Code Section 16-11-132 or any~~
33 other law to the contrary, it shall be unlawful for any parent or legal guardian to
34 intentionally, knowingly, or recklessly to furnish to or permit a minor to possess a ~~pistol~~
35 ~~or revolver~~ handgun or semiautomatic assault weapon if such parent or legal guardian is
36 aware of a substantial risk that such minor will use a ~~pistol or revolver~~ handgun or
37 semiautomatic assault weapon to commit a felony offense or if such parent or legal
38 guardian who is aware of such substantial risk fails to make reasonable efforts to prevent
39 commission of the offense by the minor.

40 (3) In addition to any other act which violates this subsection, a parent or legal guardian
41 shall be deemed to have violated this subsection if such parent or legal guardian furnishes
42 to or permits possession of a ~~pistol or revolver~~ handgun or semiautomatic assault weapon

43 by any minor who has been convicted of a forcible felony or forcible misdemeanor, as
 44 defined in Code Section 16-1-3, or who has been adjudicated for committing a delinquent
 45 act under the provisions of Article 6 of Chapter 11 of Title 15 for an offense which would
 46 constitute a forcible felony or forcible misdemeanor, as defined in Code Section 16-1-3,
 47 if such minor were an adult.

48 (d) Upon conviction of a violation of subsection (b) or (c) of this Code section, a person
 49 shall be guilty of a felony and punished by a fine not to exceed \$5,000.00 or by
 50 imprisonment for not less than three nor more than five years, or both."

51 SECTION 2.

52 Said article is further amended by revising Code Section 16-11-125.1, relating to definitions,
 53 as follows:

54 "16-11-125.1.

55 As used in this part, the term:

56 (1) 'Firearm' means any device that is designed to or may readily be converted to expel
 57 a projectile by the action of an explosive.

58 ~~(1)~~(2) 'Handgun' means a firearm of any description, loaded or unloaded, from which any
 59 shot, bullet, or other missile can be discharged by an action of an explosive where the
 60 length of the barrel, not including any revolving, detachable, or magazine breech, does
 61 not exceed 12 inches; provided, however, that ~~the term 'handgun'~~ such term shall not
 62 include a ~~gun which~~ firearm that discharges a single shot of 0.46 centimeter or less in
 63 diameter or a semiautomatic assault weapon.

64 ~~(2)~~(3) 'Knife' means a cutting instrument designed for the purpose of offense and defense
 65 consisting of a blade that is greater than 12 inches in length which is fastened to a handle.

66 ~~(2.1)~~(4) 'Lawful weapons carrier' means any person who is licensed or eligible for a
 67 license pursuant to Code Section 16-11-129 and who is not otherwise prohibited by law
 68 from possessing a weapon or long gun, any resident of any other state who would

69 otherwise be eligible to obtain a license pursuant to such Code section but for the
70 residency requirement, and any person licensed to carry a weapon in any other state.

71 ~~(3)~~(5) 'License holder' means a person who holds a valid weapons carry license.

72 (6) 'Loaded' means that a firearm contains a cartridge in its chamber or cylinder.

73 ~~(4)~~(7) 'Long gun' means a firearm with a barrel length of at least 18 inches and overall
74 length of at least 26 inches designed or made and intended to be fired from the shoulder
75 and designed or made to use the energy of the explosive in a fixed:

76 (A) Shotgun shell to fire through a smooth bore either a number of ball shot or a single
77 projectile for each single pull of the trigger or from which any shot, bullet, or other
78 missile can be discharged; or

79 (B) Metallic cartridge to fire only a single projectile through a rifle bore for each single
80 pull of the trigger;

81 provided, however, that the term 'long gun' shall not include a ~~gun which~~ firearm that
82 discharges a single shot of 0.46 centimeter or less in diameter or a semiautomatic assault
83 weapon.

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

86 (9) 'Semiautomatic assault weapon' means:

87 (A) Any selective firearm capable of semiautomatic or burst fire at the option of the
88 user;

89 (B) Any revolving cylinder shotgun;

90 (C) Any semiautomatic rifle that can accommodate a detachable magazine and that has
91 at least two of the following:

92 (i) A folding or telescoping stock;

93 (ii) A pistol grip that protrudes conspicuously beneath the action of the weapon;

94 (iii) A bayonet mount;

95 (iv) A flash suppressor or threaded barrel designed to accommodate a flash
 96 suppressor; or

97 (v) A grenade launcher;

98 (D) A semiautomatic pistol that can accommodate a detachable magazine and that has
 99 at least two of the following:

100 (i) An ammunition magazine that attaches to the pistol outside of the pistol grip;

101 (ii) A threaded barrel that can accommodate a barrel extender, flash suppressor,
 102 forward handgrip, or silencer;

103 (iii) A shroud that is attached to, or partially or completely encircles, the barrel and
 104 that allows the shooter to hold the firearm with the nontrigger hand without being
 105 burned;

106 (iv) A manufactured weight of 50 ounces or more when the pistol is unloaded; or

107 (v) A semiautomatic version of an automatic firearm; or

108 (E) A semiautomatic shotgun that has at least two of the following:

109 (i) A folding or telescoping stock;

110 (ii) A pistol grip that protrudes conspicuously beneath the action of the weapon;

111 (iii) A fixed magazine capacity in excess of five rounds; or

112 (iv) The capability to accommodate a detachable magazine.

113 ~~(5)~~(10) 'Weapon' means a knife, or handgun, or semiautomatic assault weapon.

114 ~~(6)~~(11) 'Weapons carry license' or 'license' means a license issued pursuant to Code
 115 Section 16-11-129."

116 **SECTION 3.**

117 Said article is further amended by revising Code Section 16-11-126, relating to having or
 118 carrying handguns, long guns, or other weapons, exceptions for homes, motor vehicles,
 119 private property, and other locations and conditions, and unlawful carrying of a weapon, as
 120 follows:

121 "16-11-126.

122 (a) Any person who is not prohibited by law from possessing a ~~handgun or long gun~~
123 firearm may have or carry on his or her person a weapon or long gun on his or her property
124 or inside his or her home, motor vehicle, or place of business.

125 (b) Any person who is not prohibited by law from possessing a ~~handgun or long gun~~
126 firearm may have or carry on his or her person a long gun.

127 (c) Any person who is a lawful weapons carrier may transport a ~~handgun or long gun~~
128 firearm in any private passenger motor vehicle; provided, however, that private property
129 owners or persons in legal control of private property through a lease, rental agreement,
130 licensing agreement, contract, or any other agreement to control access to such private
131 property shall have the right to exclude or eject a person who is in possession of a ~~weapon~~
132 ~~or long gun~~ firearm on their private property in accordance with paragraph (3) of
133 subsection (b) of Code Section 16-7-21, except as provided in Code Section 16-11-135.

134 (d)(1) Any person licensed to carry a weapon in any other state shall be authorized to
135 carry a weapon in this state; provided, however, that:

136 (A) Such licensee licensed to carry a weapon in any other state shall carry the weapon
137 in compliance with the laws of this state; and

138 (B) No other state shall be required to recognize and give effect to a license issued
139 pursuant to this part that is held by a person who is younger than 21 years of age.

140 (2)(A) The Attorney General shall create and maintain on the Department of Law's
141 website a list of states whose laws recognize and give effect to a license issued pursuant
142 to this part.

143 (B) The Attorney General shall enter into an agreement with any state that requires an
144 agreement to recognize and give effect to a license issued pursuant to this part.

145 (e)(~~†~~) Any person with a valid hunting or fishing license on his or her person, or any
146 person not required by law to have a hunting or fishing license, who is engaged in legal
147 hunting, fishing, or sport shooting when the person has the permission of the owner of the

148 land on which the activities are being conducted may have or carry on his or her person a
149 weapon or long gun while hunting, fishing, or engaging in sport shooting.

150 ~~(2) Any person with a valid hunting or fishing license on his or her person, or any person~~
151 ~~not required by law to have a hunting or fishing license, who is otherwise engaged in~~
152 ~~legal hunting, fishing, or sport shooting on recreational or wildlife management areas~~
153 ~~owned by this state may have or carry on his or her person a knife while engaging in such~~
154 ~~hunting, fishing, or sport shooting.~~

155 (f) Notwithstanding Code Sections 12-3-10, 27-3-1.1, 27-3-6, and 16-12-122 through
156 16-12-127, any lawful weapons carrier may carry a weapon in all parks, historic sites, or
157 recreational areas, as such term is defined in Code Section 12-3-10, including all publicly
158 owned buildings located in such parks, historic sites, and recreational areas, in wildlife
159 management areas, and on public transportation; provided, however, that a person shall not
160 carry a handgun weapon into a place where it is prohibited by federal law.

161 (g)(1) Except as otherwise provided in subsections (a) through (f) of this Code section,
162 no person shall carry a weapon unless he or she is a lawful weapons carrier.

163 (2) A person commits the offense of unlawful carrying of a weapon when he or she
164 violates the provisions of paragraph (1) of this subsection.

165 (h) Upon conviction of the offense of unlawful carrying of a weapon, a person shall be
166 punished as follows:

167 (1) For the first offense, he or she shall be guilty of a misdemeanor; and

168 (2) For the second offense within five years, as measured from the dates of previous
169 arrests for which convictions were obtained to the date of the current arrest for which a
170 conviction is obtained, and for any subsequent offense, he or she shall be guilty of a
171 felony and, upon conviction thereof, shall be imprisoned for not less than two years and
172 not more than five years.

- 173 (i) For the purpose of imposing a sentence under this subsection, a plea of nolo contendere
 174 or first offender treatment by a court of competent jurisdiction based on a violation of this
 175 Code section shall constitute a conviction.
- 176 (j) Nothing in this Code section shall in any way operate or be construed to affect, repeal,
 177 or limit the exemptions provided for under Code Section 16-11-130."

178 **SECTION 4.**

179 Said article is further amended by revising Code Section 16-11-132, relating to possession
 180 of handgun by person under the age of 18 years of age, as follows:

181 "16-11-132.

182 ~~(a) For the purposes of this Code section, a handgun is considered loaded if there is a~~
 183 ~~cartridge in the chamber or cylinder of the handgun.~~

184 ~~(b)(a)(1)~~ Notwithstanding any other provisions of this part and except as otherwise
 185 provided in this Code section, ~~it shall be unlawful for any~~ no person under the age of 18
 186 years ~~to shall~~ possess or have under such person's control a handgun.

187 (2) Notwithstanding any other provisions of this part and except as otherwise provided
 188 in this Code section, no person under the age of 21 years shall possess or have under such
 189 person's control a semiautomatic assault weapon.

190 (3) A person convicted of a first violation of this subsection shall be guilty of a
 191 misdemeanor and shall be punished by a fine not to exceed \$1,000.00 or by imprisonment
 192 for not more than 12 months, or both. A person convicted of a second or subsequent
 193 violation of this subsection shall be guilty of a felony and shall be punished by a fine of
 194 \$5,000.00 or by imprisonment for a period of three years, or both. For the purpose of
 195 imposing a sentence under this subsection, a plea of nolo contendere or first offender
 196 treatment by a court of competent jurisdiction based on a violation of this Code section
 197 shall constitute a conviction.

198 ~~(e)~~(b) Except as otherwise provided in subsection ~~(d)~~ (c) of this Code section, the
199 provisions of subsection ~~(b)~~ (a) of this Code section shall not apply to:

200 (1) Any person ~~under the age of 18 years~~ who is:

201 (A) Attending a hunter education course or a firearms safety course;

202 (B) Engaging in practice in the use of a firearm or target shooting at an established
203 range authorized by the governing body of the jurisdiction where such range is located;

204 (C) Engaging in an organized competition involving the use of a firearm or
205 participating in or practicing for a performance by an organized group under 26 U.S.C.
206 Section 501(c)(3) which uses firearms as a part of such performance;

207 (D) Hunting or fishing pursuant to a valid license if such person has in his or her
208 possession such a valid hunting or fishing license if required; is engaged in legal
209 hunting or fishing; has permission of the owner of the land on which the activities are
210 being conducted; and the handgun or semiautomatic assault weapon, whenever loaded,
211 is carried only in an open and fully exposed manner; or

212 (E) Traveling to or from any activity described in subparagraphs (A) through (D) of
213 this paragraph if the handgun or semiautomatic assault weapon in such person's
214 possession is not loaded;

215 (2)(A) Any person under the age of 18 years who is on real property under the control
216 of such person's parent, legal guardian, or grandparent and who has the permission of
217 such person's parent or legal guardian to possess a handgun; or

218 (B) Any person over 18 years of age and under the age of 21 years who is on real
219 property under the control of such person or such person's parent, legal guardian, or
220 grandparent and who has the permission of such person's parent or legal guardian to
221 possess a semiautomatic assault weapon; or

222 (3)(A) Any person under the age of 18 years who is at such person's residence and
223 who, with the permission of such person's parent or legal guardian, possesses a handgun

224 for the purpose of exercising the rights authorized in Code Section 16-3-21 or 16-3-23;
225 or
226 (B) Any person over 18 years of age and under the age of 21 years who is at such
227 person's residence and who possesses a semiautomatic assault weapon for the purpose
228 of exercising the rights authorized in Code Section 16-3-21 or 16-3-23.
229 ~~(d)~~(c) Subsection ~~(c)~~ (b) of this Code section shall not apply to any person ~~under the age~~
230 ~~of 18 years~~ who has been convicted of a forcible felony or forcible misdemeanor, as
231 defined in Code Section 16-1-3, or who has been adjudicated for committing a delinquent
232 act under the provisions of Article 6 of Chapter 11 of Title 15 for an offense which would
233 constitute a forcible felony or forcible misdemeanor, as defined in Code Section 16-1-3;
234 ~~if such person were an adult."~~

235

SECTION 5.

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