

House Bill 1160

By: Representatives Jackson of the 68th, Holly of the 116th, Evans of the 89th, Moore of the 91st, and Draper of the 90th

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 prohibit the sale, transfer,
3 use, possession, importation, or manufacture of certain firearms and magazines; to provide
4 for the continued possession of certain firearms and magazines; to provide for exceptions and
5 exemptions; to provide for definitions; to provide for findings; to provide for related matters;
6 to provide an effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 The General Assembly finds that:

- 10 (1) Semiautomatic rifles that accept high-capacity magazines pose a significant threat to
11 public safety in that they provide the user of the rifle the ability to fire many rounds of
12 ammunition rapidly and thereby harm many people in a short amount of time;
- 13 (2) Such semiautomatic rifles have been used in numerous mass shootings around the
14 nation in the recent past, resulting in the death of large numbers of people, many of whom
15 were children; and

16 (3) There is a need to limit the ownership, possession, use, manufacture, and importation
17 of such semiautomatic rifles into this state to reduce the danger to the public from further
18 mass shootings using such rifles.

19 **SECTION 2.**

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

23 "16-11-139.

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

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

27 (2) 'Large capacity ammunition feeding device' means any magazine, clip, drum, belt,
28 feed strip, or similar device which is designed to supply or is capable of supplying
29 ammunition to a semiautomatic assault weapon and has a capacity in excess of 20 rounds
30 of ammunition.

31 (3) 'Manufacture' means the construction of the individual components of a
32 semiautomatic assault weapon as well as the assembly of such individual components
33 into a semiautomatic assault weapon capable of firing ammunition.

34 (4) 'Securely stored' means placed in a locked storage container that cannot be readily
35 accessed by those without permission or authorization to do so and is equipped with a
36 functioning trigger lock which is operated with a key or combination lock that prevents
37 the firearm from being discharged while the trigger lock is attached to the firearm.

38 (5) 'Semiautomatic assault weapon' means:

39 (A) A rifle that which uses the energy of an explosive in a fixed, center fire, metal
40 cartridge to expel a single projectile through the bore of the rifle for each single pull of
41 the trigger and to extract the fired cartridge case and chamber the next round; and

42 (B) Is capable of using a large capacity ammunition feeding device in its operation.
43 The term 'semiautomatic assault weapon' shall not include a weapon that uses rimfire
44 ammunition.

45 (b) On and after July 1, 2024, except as provided in this Code section, it shall be illegal to
46 own, possess, use, sell, import, or manufacture semiautomatic assault weapons in this state.

47 (c) On and after July 1, 2024, all semiautomatic assault rifles which were owned prior to
48 July 1, 2024, may be retained by the owner of the semiautomatic assault rifle if such
49 semiautomatic assault rifle is securely stored. Such semiautomatic assault rifle may be sold
50 or transferred by the owner of such rifle only if the owner has a criminal background check
51 of the purchaser or transferee conducted by a dealer pursuant to the National Instant
52 Criminal Background Check System created by the federal Brady Handgun Violence
53 Prevention Act (P.L. No. 103-159) and the background check reveals that the person is
54 eligible to purchase or receive such semiautomatic assault rifle.

55 (d) On and after July 1, 2024, except as provided in this Code section, it shall be illegal to
56 own, possess, use, sell, import, or manufacture a large capacity ammunition feeding device
57 in this state.

58 (e) On and after July 1, 2024, large capacity ammunition feeding devices which were
59 owned prior to July 1, 2024, may continue to be possessed by the owner but shall not be
60 sold or transferred.

61 (f) This Code section shall not apply to semiautomatic assault weapons or large capacity
62 ammunition feeding devices which are possessed or owned by:

63 (1) A law enforcement agency;

64 (2) A peace officer, as such term is defined in paragraph (11) of Code Section 16-1-3,
65 so long as such peace officer remains certified, whether employed by the state or a
66 political subdivision of the state or by another state or a political subdivision of another
67 state;

68 (3) A security officer employed by a federally licensed nuclear power facility or a
69 licensee of such facility, including a contract security officer, who is trained and qualified
70 under a security plan approved by the United States Nuclear Regulatory Commission or
71 other federal agency authorized to regulate nuclear facility security; provided, however,
72 that this exemption shall apply only while such security officer is acting in connection
73 with his or her official duties on the premises of such nuclear power facility or on
74 properties outside the facility property pursuant to a written agreement entered into with
75 the local law enforcement agency having jurisdiction over the facility; and

76 (4) A peace officer, as such term is defined in paragraph (11) of Code Section 16-1-3,
77 who has retired, so long as such retired peace officer remains certified under Chapter 8
78 of Title 35.

79 However, no person exempted under this Code section shall sell or transfer a
80 semiautomatic assault weapon or large capacity ammunition feeding device to any person
81 who is not exempted under this subsection.

82 (g)(1) Any person who violates the provisions of this Code section shall be guilty of a
83 misdemeanor on the first or second offense and, upon conviction thereof, shall be subject
84 to a fine of not more than \$250.00 for the first offense and a fine of not more than
85 \$500.00 for the second offense.

86 (2) Any person who violates the provisions of this Code section for a third or subsequent
87 time shall be guilty of a misdemeanor of a high and aggravated nature and may forfeit the
88 right to hunt for a period of time as specified by the court.

89 (3) Upon conviction of a violation of this Code section, the semiautomatic assault
90 weapon or large capacity ammunition feeding device which is the subject of the violation
91 shall be deemed to be contraband and shall be subject to forfeiture."

92 **SECTION 3.**

93 This Act shall become effective on July 1, 2024.

94

SECTION 4.

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