

House Bill 903

By: Representatives Schofield of the 63<sup>rd</sup>, Scott of the 76<sup>th</sup>, and Davis of the 87<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 5 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia  
2 Annotated, relating to Brady Law regulations, so as to provide for the establishment of a  
3 voluntary do not sell list for firearms; to provide for definitions; to provide for procedures  
4 and conditions for registration and removal from such list; to provide for penalties; to provide  
5 for limitation on the records relating to registration or removal; to provide for forms and rules  
6 and regulations; to provide for related matters; to provide for a short title; to repeal  
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Voluntary Do Not Sell Firearms Act."

11 **SECTION 2.**

12 Part 5 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,  
13 relating to Brady Law regulations, is amended by adding a new Code section to read as  
14 follows:

H. B. 903

15 "16-11-174.

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

17 (1) 'Do not sell list' or 'list' means a registry developed and maintained by the center that  
18 records individuals prohibited from purchasing a firearm and who registered for such  
19 prohibition voluntarily.

20 (2) 'Healthcare provider' means a person that provides healthcare or professional services  
21 related to healthcare and is acting within the scope of the person's license, certification,  
22 practice, education, or training.

23 (b)(1) Any individual who desires to be prohibited from purchasing a firearm may  
24 register for inclusion on the do not sell list upon a form prescribed and furnished by the  
25 center for such purpose:

26 (A) In person with a healthcare provider upon verification of identity by such  
27 healthcare provider;

28 (B) In person under oath with the judge of the probate court of his or her county of  
29 residence; or

30 (C) By mail with the center when such form is accompanied by a copy of a valid  
31 government issued photo identification document.

32 (2) A healthcare provider or probate judge accepting a registration request pursuant to  
33 this subsection shall transmit such information to the center no later than one business  
34 day of receipt of such completed form.

35 (3) The center shall provide the name of an individual registering for inclusion on the do  
36 not sell list to the NICS within 24 hours of receipt of such registration request.

37 (c)(1) It shall be unlawful to sell or offer for sale a firearm to any individual known to  
38 be on the do not sell list. Any person that violates this paragraph shall be guilty of a  
39 felony.

40 (2) It shall be unlawful for an individual on the do not sell list to knowingly possess a  
41 firearm. Any individual who violates this paragraph shall be guilty of a misdemeanor and  
42 shall be punished by a fine of not more than \$100.00.

43 (d)(1) No sooner than seven calendar days from the date a registration request pursuant  
44 to subsection (b) of this Code section was submitted, an individual may, on a form  
45 prescribed and furnished by the center for such purpose, request to be removed from the  
46 do not sell list. No later than 21 days from receipt of a request for removal pursuant to  
47 this paragraph, the center shall remove such individual from the list, provide such  
48 information to the NICS, and destroy all records related to the individual's original  
49 request and request for removal from the list.

50 (2) Any individual on the do not sell list may petition for expedited removal in the  
51 superior court of the county wherein the individual resides or in Fulton County. The  
52 superior court shall hear the petition on an expedited basis without a jury. All  
53 proceedings before the court shall be sealed. If after consideration of the evidence, the  
54 court finds by a preponderance of the evidence that the removal request was made  
55 voluntarily, knowingly, and intelligently, the court shall order the center to remove the  
56 individual from the list unless he or she is otherwise prohibited by law from possessing  
57 or purchasing a firearm within 24 hours of such finding. Such order shall require the  
58 center to provide the NICS with information relating to such removal and to destroy all  
59 records related to the individual's original request and request for removal from the list.

60 (e) Any individual who knowingly provides false information in executing the forms  
61 required by this Code section commits the offense of false swearing within the meaning of  
62 Code Section 16-10-71 and shall be subject to the penalties prescribed by such Code  
63 section.

64 (f) Evidence of an individual's registration or removal from the do not sell list shall not be  
65 used:

- 66 (1) In any court or proceeding or as a part of a criminal prosecution other than as  
67 provided for in this Code section or in a prosecution for false swearing;
- 68 (2) By an employer to dismiss, discharge, demote, deny employment, or otherwise alter  
69 the terms of employment;
- 70 (3) By an insurer as a basis for denial, modification, or reduction in coverage;
- 71 (4) To discriminate against such individual due to his or her disability as protected by  
72 fair housing provisions in Article 4 of Chapter 3 of Title 8;
- 73 (5) By this state, any agency or instrumentality thereof, or any county, municipality, or  
74 other political subdivision of this state to reduce any benefit, program, or assistance  
75 provided under a law or regulation; or
- 76 (6) By a healthcare provider to deny service.
- 77 (g) Records relating to the registration or removal of an individual from the do not sell list  
78 shall not be subject to Article 4 of Chapter 18 of Title 50, relating to open records.
- 79 (h) The center shall adopt rules and regulations necessary to carry out this Code section,  
80 including a procedure for the transmission of a registration request by a healthcare provider  
81 or probate judge and the development of forms required by this Code section. Such forms  
82 shall include all information required by the NICS, a signature line for the requesting  
83 individual, and notice that the form is subject to penalties for false swearing."

84 **SECTION 3.**

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