

House Bill 711

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

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to  
2 offenses against public order and safety, so as to prohibit the possession of devices which  
3 attach to firearms to produce rapid fire; to revise and add definitions; to provide for  
4 punishment; to provide for exceptions; to provide for conforming changes; to amend Code  
5 Section 15-11-2 of the Official Code of Georgia Annotated, relating to definitions relative  
6 to the juvenile code, so as to revise a definition; to provide for related matters; to repeal  
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against  
11 public order and safety, is amended by revising Part 2 of Article 4, relating to possession of  
12 dangerous weapons, as follows:

13 **"Part 2**

14 16-11-120.

15 This part shall be known and may be cited as the 'Georgia Firearms and Weapons Act.'

16 16-11-121.

17 As used in this part, the term:

18 (1) 'Dangerous weapon' means any weapon designed to injure or kill multiple personnel  
 19 in quick succession or fire undetected and includes any launcher, machine gun, rapid-fire  
 20 attachment, sawed-off rifle, sawed-off shotgun, and silencer.

21 (2) 'Launcher' means any weapon commonly known as a 'rocket launcher,' 'bazooka,' or  
 22 'recoilless rifle' which fires explosive or nonexplosive rockets designed to injure or kill  
 23 personnel or destroy heavy armor; or any similar weapon used for such purpose. Such  
 24 term also means ~~The term shall also mean~~ a weapon commonly known as a 'mortar'  
 25 which fires high explosive from a metallic cylinder and which is commonly used by the  
 26 armed forces as an antipersonnel weapon or similar weapon used for such purpose. Such  
 27 term also means ~~The term shall also mean~~ a weapon commonly known as a 'hand  
 28 grenade' or other similar weapon which is designed to explode and injure personnel or  
 29 similar weapon used for such purpose.

30 (2)(3) 'Machine gun' means any weapon which ~~shoots or is designed,~~ or is modified  
 31 through a rapid-fire attachment, to shoot, ~~automatically,~~ more than six shots, ~~without~~  
 32 ~~manual reloading,~~ by a single function of the trigger without reloading.

33 (3)(4) 'Person' means any individual, partnership, company, association, or corporation.

34 (5) 'Rapid-fire attachment' means any device designed or redesigned, made or remade  
 35 to:

36 (A) Replace or supplement a weapon's buttstock or pistol grip and enables, or is  
 37 designed to enable, such weapon to shoot more than six shots by a single function of  
 38 the trigger or by recoil of the weapon;

39 (B) Be affixed to the outside of a weapon in order to bump into the trigger and fire  
 40 rounds in quick succession;

41 (C) Modify a weapon's trigger in order to allow the backward and forward motion of  
 42 the trigger to each fire a shot; or

43 (D) Push the trigger back into firing position allowing the shooter to pull the trigger  
 44 more quickly and in rapid succession.

45 ~~(4)~~(6) 'Sawed-off rifle' means a weapon designed or redesigned, made or remade, and  
 46 intended to be fired from the shoulder; and designed or redesigned, made or remade, to  
 47 use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile  
 48 through a rifle bore for each single pull of the trigger; and which has a barrel or barrels  
 49 of less than 16 inches in length or has an overall length of less than 26 inches.

50 ~~(5)~~(7) 'Sawed-off shotgun' means a shotgun or any weapon made from a shotgun whether  
 51 by alteration, modification, or otherwise having one or more barrels less than 18 inches  
 52 in length or if such weapon as modified has an overall length of less than 26 inches.

53 ~~(6)~~(8) 'Shotgun' means a weapon designed or redesigned, made or remade, and intended  
 54 to be fired from the shoulder; and designed or redesigned, and made or remade, to use the  
 55 energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a  
 56 number of ball shot or a single projectile for each single pull of the trigger.

57 ~~(7)~~(9) 'Silencer' means any device for silencing or diminishing the report of any portable  
 58 weapon such as a rifle, carbine, pistol, revolver, machine gun, shotgun, fowling piece, or  
 59 other device from which a shot, bullet, or projectile may be discharged by an explosive.

60 16-11-122.

61 No person shall have in his or her possession any ~~sawed-off shotgun, sawed-off rifle,~~  
 62 ~~machine gun, dangerous weapon, or silencer~~ except as provided in Code  
 63 Section 16-11-124.

64 16-11-123.

65 A person commits the offense of unlawful possession of ~~firearms or~~ dangerous weapons  
 66 when he or she knowingly has in his or her possession any ~~sawed-off shotgun, sawed-off~~

67 ~~rifle, machine gun, dangerous weapon, or silencer~~, and, upon conviction thereof, he or she  
68 shall be punished by imprisonment for a period of five years.

69 16-11-124.

70 This part shall not apply to:

71 (1) A peace officer of any duly authorized police agency of this state or of any political  
72 subdivision thereof, or a law enforcement officer of any department or agency of the  
73 United States who is regularly employed and paid by the United States, this state, or any  
74 such political subdivision, or an employee of the Department of Corrections of this state  
75 who is authorized in writing by the commissioner of corrections to transfer or possess  
76 such firearms while in the official performance of his or her duties;

77 (2) A member of the National Guard or of the armed forces of the United States to wit:  
78 the army, navy, marine corps, air force, space force, or coast guard who, while serving  
79 therein, possesses such firearm in the line of duty;

80 (3) Any ~~sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon, or silencer~~  
81 which has been modified or changed to the extent that it is inoperative. Examples of the  
82 requisite modification include weapons with their barrel or barrels filled with lead, hand  
83 grenades filled with sand, or other nonexplosive materials;

84 (4) Possession of a ~~sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon,~~  
85 ~~or silencer~~ by a person who is authorized to possess the same because he or she has  
86 registered the ~~sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon, or~~  
87 ~~silencer~~ such weapon in accordance with the dictates of the National Firearms Act, 68A  
88 Stat. 725 (26 U.S.C. Sections 5841-5862); and

89 (5) A security officer employed by a federally licensed nuclear power facility or a  
90 licensee of such facility, including a contract security officer, who is trained and qualified  
91 under a security plan approved by the United States Nuclear Regulatory Commission or  
92 other federal agency authorized to regulate nuclear facility security; provided, however,

93 that this exemption shall apply only while such security officer is acting in connection  
 94 with his or her official duties on the premises of such nuclear power facility or on  
 95 properties outside the facility property pursuant to a written agreement entered into with  
 96 the local law enforcement agency having jurisdiction over the facility. The exemption  
 97 under this paragraph ~~does~~ shall not include the possession of silencers.

98 16-11-125.

99 In any complaint, accusation, or indictment and in any action or proceeding brought for the  
 100 enforcement of this part it shall not be necessary to negative any exception, excuse,  
 101 proviso, or exemption contained in this part, and the burden of proof of any such exception,  
 102 excuse, proviso, or exemption shall be upon the defendant."

### 103 SECTION 2.

104 Said chapter is further amended in Code Section 16-11-160, relating to use of machine guns,  
 105 sawed-off rifles, sawed-off shotguns, or firearms with silencers during commission of certain  
 106 offenses and enhanced criminal penalties, by revising the introductory language of  
 107 paragraph (1) of subsection (a) as follows:

108 "(a)(1) It shall be unlawful for any person to possess or to use a ~~machine gun, sawed-off~~  
 109 ~~rifle, sawed-off shotgun, or firearm equipped with a silencer, as those terms are~~  
 110 dangerous weapon, as defined in Code Section 16-11-121, during the commission or the  
 111 attempted commission of any of the following offenses:"

### 112 SECTION 3.

113 Code Section 15-11-2 of the Official Code of Georgia Annotated, relating to definitions  
 114 relative to the juvenile code, is amended by revising subdivision (13)(N)(i)(II) as follows:

115 "(II) Dangerous weapon ~~or machine gun~~, as defined in Code Section 16-11-121; or"

116

**SECTION 4.**

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