

Senate Bill 224

By: Senators Harrell of the 40th, Jackson of the 41st and Parent of the 44th

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 "Donna's Law."

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:

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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; or

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

30 (2) The form for registration pursuant to this Code section shall require the submission  
31 of the name and contact information for two individuals who shall be contacted upon any  
32 request for removal pursuant to subsection (d) of this Code section.

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

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

38 (c)(1) It shall be unlawful to sell or offer for sale a firearm to any individual known to  
39 be on the do not sell list. Any person found to have violated this paragraph shall be guilty  
40 of the offense of an unauthorized sale of a firearm and punished as for a felony.

41 (2) Any individual on the do not sell list who knowingly possesses a firearm shall be  
42 liable for a civil monetary penalty of \$25.00.

43 (d) No sooner than seven calendar days from the date a registration request pursuant to  
44 subsection (b) of this Code section was submitted to the center by a healthcare provider or  
45 probate judge, an individual may, on a form prescribed and furnished by the center for such  
46 purpose, request to be removed from the do not sell list. Upon receipt of a request for  
47 removal from the list pursuant to this subsection, the center shall inform each individual  
48 listed upon the registration form as required under paragraph (2) of subsection (b) of this  
49 Code section of such removal request. No later than 21 days from receipt of a request for  
50 removal pursuant to this subsection, the center shall remove such individual from the list,  
51 provide such information to the NICS, and destroy all records related to the individual's  
52 original request for inclusion upon the do not sell list and request for removal from the list.

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

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

59 (1) In any court or proceeding or as a part of a criminal prosecution other than as  
60 provided for in this Code section or in a prosecution for false swearing;

61 (2) By an employer to dismiss, discharge, demote, deny employment, or otherwise alter  
62 the terms of employment;

63 (3) By an insurer as a basis for denial, modification, or reduction in coverage;

64 (4) To discriminate against such individual due to his or her disability as protected by  
65 fair housing provisions in Article 4 of Chapter 3 of Title 8;

66 (5) By the state, any agency or instrumentality thereof, or any county, municipality, or  
67 other political subdivision of this state to reduce any benefit, program, or assistance  
68 provided under a law or regulation; or

69 (6) By a healthcare provider to deny service.

70 (g) Records relating to the registration or removal of an individual from the do not sell list  
71 shall not be subject to Article 4 of Chapter 18 of Title 50, relating to open records.

72 (h) The center shall adopt rules and regulations necessary to carry out this Code section,  
73 including a procedure for the transmission of a registration request by a healthcare provider  
74 or probate judge and the development of forms required by this Code section. Such forms  
75 shall include all information required by the NICS, a signature line for the requesting  
76 individual, and notice that the form is subject to penalties for false swearing."

77 **SECTION 3.**

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