

Senate Bill 499

By: Senators Ginn of the 47th, Walker III of the 20th, Anavitarte of the 31st, Still of the 48th, Payne of the 54th and others

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 repeal the prohibition on  
3 possessing a silencer; to provide for conforming changes; to provide for related matters; to  
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to  
8 dangerous instrumentalities and practices, is amended by repealing paragraph (7) of Code  
9 Section 16-11-121, relating to definitions relative to possession of dangerous weapons.

10 **SECTION 2.**

11 Said article is further amended by revising Code Section 16-11-122, relating to possession  
12 of sawed-off shotgun or rifle, machine gun, silencer, or dangerous weapon prohibited, as  
13 follows:

14 "16-11-122.

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

18 **SECTION 3.**

19 Said article is further amended by revising Code Section 16-11-123, relating to unlawful  
20 possession of firearms or weapons, as follows:

21 "16-11-123.

22 A person commits the offense of unlawful possession of firearms or weapons when he or  
23 she knowingly has in his or her possession any sawed-off shotgun, sawed-off rifle, machine  
24 gun, or dangerous weapon, ~~or silencer~~; and, upon conviction thereof, he or she shall be  
25 punished by imprisonment for a period of five years."

26 **SECTION 4.**

27 Said article is further amended by revising Code Section 16-11-124, relating to exemptions  
28 from application of part, as follows:

29 "16-11-124.

30 This part shall not apply to:

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

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

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

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

(5) A security officer employed by a federally licensed nuclear power facility or a licensee of such facility, including a contract security officer, who is trained and qualified under a security plan approved by the United States Nuclear Regulatory Commission or other federal agency authorized to regulate nuclear facility security; provided, however, that this exemption shall apply only while such security officer is acting in connection with his or her official duties on the premises of such nuclear power facility or on properties outside the facility property pursuant to a written agreement entered into with the local law enforcement agency having jurisdiction over the facility. ~~The exemption under this paragraph does not include the possession of silencers."~~

## SECTION 5.

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

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

67

## **SECTION 6.**

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