

House Bill 289

By: Representatives Oliver of the 82<sup>nd</sup>, Frye of the 118<sup>th</sup>, Clark of the 108<sup>th</sup>, Shannon of the 84<sup>th</sup>, Holland of the 54<sup>th</sup>, 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 make unlawful the possession  
3 and use of bump fire stocks; to revise definitions; to subject the possession and use of bump  
4 fire stocks to criminal penalties; to provide for related matters; to repeal conflicting laws; and  
5 for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to  
9 dangerous instrumentalities and practices, is amended by revising Part 2, relating to  
10 possession of dangerous weapons, as follows:

11 "Part 2

12 16-11-120.

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

14 16-11-121.

15 As used in this part, the term:

16 (1) 'Bump fire stock' means any device that replaces or supplements, or is designed to  
17 replace or supplement, a weapon's buttstock or pistol grip and enables, or is designed to  
18 enable, such weapon to shoot more than six shots by a single function of the trigger or by  
19 recoil of the weapon.

20 (2) 'Dangerous weapon' means any weapon commonly known as a 'rocket launcher,'  
21 'bazooka,' or 'recoilless rifle' which fires explosive or nonexplosive rockets designed to  
22 injure or kill personnel or destroy heavy armor; or similar weapon used for such purpose.

23 The term shall also mean a weapon commonly known as a 'mortar' which fires high

24 explosive from a metallic cylinder and which is commonly used by the armed forces as  
 25 an antipersonnel weapon or similar weapon used for such purpose. The term shall also  
 26 mean a weapon commonly known as a 'hand grenade' or other similar weapon which is  
 27 designed to explode and injure personnel or similar weapon used for such purpose.

28 ~~(2)~~(3) 'Machine gun' means any weapon which:

29 (A) ~~Shoots~~ ~~shoots~~ or is designed to shoot, automatically, more than six shots, without  
 30 manual reloading, by a single function of the trigger; or

31 (B) Is used with a bump fire stock.

32 ~~(3)~~(4) 'Person' means any individual, partnership, company, association, or corporation.

33 ~~(4)~~(5) 'Sawed-off rifle' means a weapon designed or redesigned, made or remade, and  
 34 intended to be fired from the shoulder; and designed or redesigned, made or remade, to  
 35 use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile  
 36 through a rifle bore for each single pull of the trigger; and which has a barrel or barrels  
 37 of less than 16 inches in length or has an overall length of less than 26 inches.

38 ~~(5)~~(6) 'Sawed-off shotgun' means a shotgun or any weapon made from a shotgun whether  
 39 by alteration, modification, or otherwise having one or more barrels less than 18 inches  
 40 in length or if such weapon as modified has an overall length of less than 26 inches.

41 ~~(6)~~(7) 'Shotgun' means a weapon designed or redesigned, made or remade, and intended  
 42 to be fired from the shoulder; and designed or redesigned, and made or remade, to use the  
 43 energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a  
 44 number of ball shot or a single projectile for each single pull of the trigger.

45 ~~(7)~~(8) 'Silencer' means any device for silencing or diminishing the report of any portable  
 46 weapon such as a rifle, carbine, pistol, revolver, machine gun, shotgun, fowling piece, or  
 47 other device from which a shot, bullet, or projectile may be discharged by an explosive.

48 16-11-122.

49 No person shall have in his or her possession any sawed-off shotgun, sawed-off rifle,  
 50 machine gun, dangerous weapon, bump fire stock, or silencer except as provided in Code  
 51 Section 16-11-124.

52 16-11-123.

53 A person commits the offense of unlawful possession of firearms or weapons when he or  
 54 she knowingly has in his or her possession any sawed-off shotgun, sawed-off rifle, machine  
 55 gun, dangerous weapon, bump fire stock, or silencer, and, upon conviction thereof, he or  
 56 she shall be punished by imprisonment for a period of five years.

57 16-11-124.

58 This part shall not apply to:

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

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

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

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

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

86 16-11-125.

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

91 **SECTION 2.**

92 Said article is further amended by revising subsection (a) of Code Section 16-11-151, relating  
93 to prohibited training, as follows:

94 "(a) As used in this Code section, the term 'dangerous weapon' has the same meaning as  
95 found in ~~paragraph (1)~~ of Code Section 16-11-121."

96 **SECTION 3.**

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