

Senate Bill 19

By: Senators Lucas of the 26th, Jones of the 10th, Jones II of the 22nd, Jackson of the 41st,
Parent of the 44th and others

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 require a ten-day waiting period for
3 the purchase or transfer of certain firearms; to provide for exceptions; to provide for criminal
4 penalties; to provide for definitions; to provide for related matters; to repeal conflicting laws;
5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 5 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
9 relating to Brady Law Regulations, is amended by revising Code Section 16-11-171, relating
10 to definitions, as follows:

11 "16-11-171.

12 As used in this part, the term:

13 (1) 'Center' means the Georgia Crime Information Center within the Georgia Bureau of
14 Investigation.

15 (2) 'Dealer' means any person licensed as a dealer pursuant to 18 U.S.C. Section 921, et
16 seq.

17 (3) 'Firearm' means any weapon that is designed to or may readily be converted to expel
18 a projectile by the action of an explosive or the frame or receiver of any such weapon,
19 any firearm muffler or firearm silencer, or any destructive device as defined in 18 U.S.C.
20 Section 921(a)(3).

21 (4) 'Involuntarily hospitalized' means hospitalized as an inpatient in any mental health
22 facility pursuant to Code Section 37-3-81 or hospitalized as an inpatient in any mental
23 health facility as a result of being adjudicated mentally incompetent to stand trial or being
24 adjudicated not guilty by reason of insanity at the time of the crime pursuant to Part 2 of
25 Article 6 of Chapter 7 of Title 17.

26 (5) 'NICS' means the National Instant Criminal Background Check System created by
27 the federal 'Brady Handgun Violence Prevention Act' (P. L. No. 103-159).

28 (6) 'Pistol grip' means a grip or similar feature on a weapon that can function as a grip
29 for the trigger hand.

30 (7) 'Semiautomatic assault weapon' means:

31 (A) Any selective firearm capable of fully semiautomatic or burst fire at the option of
32 the user;

33 (B) Any revolving cylinder shotgun;

34 (C) Any semiautomatic rifle that can accommodate a detachable magazine and that has
35 at least two of the following:

36 (i) A folding or telescoping stock;

37 (ii) A pistol grip that protrudes conspicuously beneath the action of the weapon;

38 (iii) A bayonet mount;

39 (iv) A flash suppressor or threaded barrel designed to accommodate a flash
40 suppressor; or

41 (v) A grenade launcher;

42 (D) A semiautomatic pistol that can accommodate a detachable magazine and that has
43 at least two of the following:

- 44 (i) An ammunition magazine that attaches to the pistol outside of the pistol grip;
45 (ii) A threaded barrel that can accommodate a barrel extender, flash suppressor,
46 forward handgrip, or silencer;
47 (iii) A shroud that is attached to, or partially or completely encircles, the barrel and
48 that allows the shooter to hold the firearm with the nontrigger hand without being
49 burned;
50 (iv) A manufactured weight of 50 ounces or more when the pistol is unloaded; or
51 (v) A semiautomatic version of an automatic firearm; or
52 (E) A semiautomatic shotgun that has at least two of the following:
53 (i) A folding or telescoping stock;
54 (ii) A pistol grip that protrudes conspicuously beneath the action of the weapon;
55 (iii) A fixed magazine capacity in excess of five rounds; or
56 (iv) The capability to accommodate a detachable magazine."

57 **SECTION 2.**

58 Said part is further amended by adding a new Code section to read as follows:

59 "16-11-172.1.

- 60 (a) No transfer or purchase of a semiautomatic assault weapon conducted by a licensed
61 importer, licensed manufacturer, or licensed dealer shall be completed until the tenth day
62 after the initiation of such transfer or purchase; provided, however, that the calculation of
63 the ten days shall not include Saturdays, Sundays, or state or federal holidays; and
64 provided, further, that an NICS check may be conducted within such ten days.
65 (b) Licensed importers, licensed manufacturers, and licensed dealers shall, during normal
66 business hours, make records available for inspection by any law enforcement agency for
67 purposes of any criminal investigation.
68 (c) Subsection (a) of this Code section shall not apply when a semiautomatic assault
69 weapon is being transferred to or purchased by:

70 (1) The holder of a weapons carry license issued pursuant to Code Section 16-11-129;
71 or
72 (2) Any person provided for under Code Section 16-11-130.
73 (d) Any licensed importer, licensed manufacturer, or licensed dealer that violates this Code
74 section or any purchaser or transferee that uses fraud or false representation to avoid the
75 requirements of subsection (a) of this Code section shall be guilty of a felony and, upon
76 conviction, shall be punished by imprisonment for not less than one nor more than five
77 years."

78 **SECTION 3.**

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