

Senate Bill 257

By: Senator Rhett of the 33<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia  
2 Annotated, relating to carrying and possession of firearms, so as to prohibit the purchase of  
3 a firearm by any person who is currently a party to a proceeding instituted under Chapter 5  
4 of Title 19 of the Official Code of Georgia Annotated without permission of the presiding  
5 judge; to provide for definitions; to provide for exceptions; to provide for criminal penalties;  
6 to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,  
10 relating to carrying and possession of firearms, is amended by adding a new Code section to  
11 read as follows:

12 "16-11-132.1.

13 (a) As used in this Code section, the term 'firearm' includes any handgun, rifle, shotgun,  
14 or other weapon which will, or can be converted to, expel a projectile by the action of an  
15 explosive or electrical charge.

16 (b) Any person who is currently a party to a proceeding instituted under Chapter 5 of Title  
17 19, who has had a petition seeking relief from family violence or a protective order granted  
18 against him or her pursuant to Article 1 of Chapter 13 of Title 19 or Article 7 of Chapter  
19 5 of Title 16 as filed by the opposite party to the current proceeding, and who attempts to  
20 purchase a firearm shall be guilty of a misdemeanor unless he or she secures written  
21 permission for such purchase from the judge presiding over such proceeding. Such written  
22 permission shall be secured in conformance with the laws, rules, and regulations relating  
23 to civil pleading, practice, and procedure. Such written permission shall be granted in the  
24 discretion of the judge if sufficient facts indicate that a sufficient cooling-off period has  
25 occurred since the granting of such petition or protective order and if a preponderance of  
26 the evidence, including, but not limited to, a court ordered psychological evaluation, shows  
27 that such person will not likely act in a manner dangerous to public safety by purchasing

28 such firearm. Nothing in this subsection shall be construed to apply to any firearm already  
29 owned by a party prior to commencement of such proceeding under Chapter 5 of Title 19."

30 **SECTION 2.**

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