

House Bill 1127

By: Representatives Crawford of the 89th, Westbrook of the 163rd, Oliver of the 84th, Holcomb of the 101st, Willis of the 55th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 2 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia
2 Annotated, relating to possession of dangerous weapons, so as to provide for the offense of
3 unlawful possession of parts of a machine gun; to provide for punishment; to provide for an
4 exemption; to revise and provide for definitions; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 2 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
9 relating to possession of dangerous weapons, is amended by revising Code Section
10 16-11-121, relating to definitions, as follows:

11 "16-11-121.

12 As used in this part, the term:

13 (1) 'Dangerous weapon' means any weapon commonly known as a 'rocket launcher,'
14 'bazooka,' or 'recoilless rifle' which fires explosive or nonexplosive rockets designed to
15 injure or kill personnel or destroy heavy armor, or similar weapon used for such purpose.
16 The Such term shall also mean a weapon commonly known as a 'mortar' which fires high

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

21 (2) 'Machine gun' means any weapon which shoots ~~or~~, is designed to shoot, or can be
22 readily converted to shoot, automatically, more than ~~six shots~~ one shot, without manual
23 reloading, by a single function of the trigger.

24 (3) 'Parts of a machine gun' means:

25 (A) The frame or receiver of any such weapon;

26 (B) Any part designed and intended solely and exclusively, or combination of parts
27 designed and intended, for use in converting a pistol into a machine gun; or

28 (C) Any combination of parts from which a machine gun can be assembled if such
29 parts are in the possession or under the control of a person.

30 (4) 'Person' means any individual, partnership, company, association, or corporation.

31 (4)(5) 'Sawed-off rifle' means a weapon designed or redesigned, made or remade, and
32 intended to be fired from the shoulder; and designed or redesigned, made or remade, to
33 use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile
34 through a rifle bore for each single pull of the trigger; and which has a barrel or barrels
35 of less than 16 inches in length or has an overall length of less than 26 inches.

36 (5)(6) 'Sawed-off shotgun' means a shotgun or any weapon made from a shotgun whether
37 by alteration, modification, or otherwise having one or more barrels less than 18 inches
38 in length or if such weapon as modified has an overall length of less than 26 inches.

39 (6)(7) 'Shotgun' means a weapon designed or redesigned, made or remade, and intended
40 to be fired from the shoulder; and designed or redesigned, and made or remade, to use the
41 energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a
42 number of ball shot or a single projectile for each single pull of the trigger.

43 (7)(8) 'Silencer' means any device for silencing or diminishing the report of any portable
44 weapon such as a rifle, carbine, pistol, revolver, machine gun, shotgun, fowling piece, or
45 other device from which a shot, bullet, or projectile may be discharged by an explosive."

SECTION 2.

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

48 "16-11-123.1.

49 (a) As used in this Code section, the term 'possession' means actual or constructive custody
50 or control, including, but not limited to, manufacturing, obtaining, receiving, selling,
51 offering for sale, or using.

52 (b) No person shall have in his or her possession parts of a machine gun except as
53 provided in Code Section 16-11-124.

54 (c) A person commits the offense of unlawful possession of parts of a machine gun when
55 he or she knowingly has in his or her possession parts of a machine gun, and, upon
56 conviction thereof, shall be punished by imprisonment for not less than one nor more than
57 five years."

SECTION 3.

59 Said part is further amended in Code Section 16-11-124, relating to exemptions from
60 application of part, by adding a new paragraph to read as follows:

61 "(6) A manufacturer licensed and qualified to manufacture and maintain an inventory of
62 machine guns under the Gun Control Act of 1968, 82 Stat. 1213-2 (18 U.S.C.
63 Sections 921-934) and National Firearms Act, 68A Stat. 725 (26 U.S.C.
64 Sections 5841-5862), that is acting pursuant to and in accordance with such provisions."

SECTION 4.

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