

House Bill 10

By: Representatives Oliver of the 82nd, Abrams of the 89th, Gardner of the 57th, Henson of the 86th, Bennett of the 94th, 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 prohibit the possession, sale,
3 transport, distribution, or use of certain assault weapons, large capacity magazines,
4 armor-piercing bullets, and incendiary .50 caliber bullets; to provide for crimes involving the
5 possession, sale, transport, distribution, or use of certain assault weapons, large capacity
6 magazines, armor-piercing bullets, and incendiary .50 caliber bullets; to provide for criminal
7 penalties; to provide for enhanced penalties for the possession and use of machine guns; to
8 provide for definitions; to provide for exemptions; to provide for related matters; to repeal
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to
13 dangerous instrumentalities and practices, is amended by adding a new part to read as
14 follows:

15 "Part 1A

16 16-11-114.

17 As used in this part, the term:

18 (1) 'Action of the weapon' means the part of the firearm that loads, fires, or ejects a
19 cartridge and that includes, but is not limited to, the upper and lower receiver, charging
20 handle, forward assist, magazine release, and shell deflector.

21 (2) 'Armor-piercing bullet' means:

22 (A) Any .50 caliber bullet that is designed for the purpose of, is held out by the
23 manufacturer or distributor as, or is generally recognized as having a specialized
24 capability to penetrate armor or bulletproof glass, including, but not limited to, bullets

25 designated as M2 Armor-Piercing or AP, M8 Armor-Piercing Incendiary or API, M20
 26 Armor-Piercing Incendiary Tracer or APIT, M903 Caliber .50 Saboted Light Armor
 27 Penetrator or SLAP, or M962 Saboted Light Armor Penetrator Tracer or SLAPT; or

28 (B) Any bullet that can be fired from a pistol or revolver that:

29 (i) Has projectiles or projectile cores constructed entirely from tungsten alloys, steel,
 30 iron, brass, bronze, beryllium copper, or depleted uranium;

31 (ii) Is fully jacketed with a jacket weight of more than 25 percent of the total weight
 32 of the projectile, is larger than .22 caliber, and is designed and intended for use in a
 33 firearm; or

34 (iii) Does not have projectiles whose cores are composed of soft materials, including,
 35 but not limited to, soft materials such as lead, lead alloys, zinc, or zinc alloys,
 36 frangible projectiles designed primarily for sporting purposes, or any other projectiles
 37 or projectile cores that the Attorney General of the United States finds to be primarily
 38 intended to be used for sporting purposes or industrial purposes or that otherwise do
 39 not constitute armor-piercing ammunition as defined by federal law;

40 provided, however, that such bullet shall not include a shotgun shell.

41 (3) 'Assault weapon' means:

42 (A) Any selective fire firearm capable of fully automatic, semiautomatic, or burst fire
 43 at the option of the user and any part designed or intended for use with such firearm;

44 (B) Any of the following semiautomatic firearms: the Algimec Agmi; Armalite
 45 AR-180; Australian Automatic Arms SAP Pistol; Auto-Ordnance Thompson type;
 46 Avtomat Kalashnikov AK-47 type; Barrett Light-Fifty model 82A1; Beretta AR-70;
 47 Bushmaster Auto Rifle and Auto Pistol; Calico models M-900, M-950, and 100-P;
 48 Chartered Industries of Singapore SR-88; Colt AR-15 and Sporter; Daewoo K-1, K-2,
 49 Max-1, and Max-2; Encom MK-IV, MP-9, and MP-45; Fabrique Nationale FN/FAL,
 50 FN/LAR, or FN/FNC; FAMAS MAS 223; Feather AT-9 and Mini-AT; Federal XC 900
 51 and XC-450; Franchi SPAS-12 and LAW-12; Galil AR and ARM; Goncz High-Tech
 52 Carbine and High-Tech Long Pistol; Heckler & Koch HK-91, HK-93, HK-94, and
 53 SP-89; Holmes MP-83; MAC-10, MAC-11, and MAC-11 Carbine type; Intratec TEC-9
 54 and Scorpion; Iver Johnson Enforcer model 3000; Ruger Mini-14/5F folding stock
 55 model; Scarab Skorpion; SIG 57 AMT and 500 series; Spectre Auto Carbine and Auto
 56 Pistol; Springfield Armory BM59, SAR-48, and G-3; Sterling MK-6 and MK-7; Steyr
 57 AUG; Street Sweeper and Striker 12 revolving cylinder shotguns; USAS-12; UZI
 58 Carbine, Mini-Carbine, and Pistol; Weaver Arms Nighthawk; and Wilkinson Linda
 59 Pistol, and any part designed or intended for use with such firearms;

60 (C) Any of the following semiautomatic center-fire rifles: the AK-47; AK-74; AKM;
 61 AKS-74U; ARM; MAADI AK47; MAK90; MISR; NHM90; NHM91; Norinco 56,

62 56S, 84S, and 86S; Poly Technologies AKS and AK47; SA 85; SA 93; VEPR;
 63 WASR-10; WUM; Rock River Arms LAR-47; Vector Arms AK-47; AR-10; AR-15;
 64 Bushmaster Carbon 15; Bushmaster XM15; Bushmaster ACR Rifles; Bushmaster MOE
 65 Rifles; Colt Match Target Rifles; Armalite M15; Olympic Arms AR-15, A1, CAR,
 66 PCR, K3B, K30R, K16, K48, K8, and K9 Rifles; DPMS Tactical Rifles; Smith &
 67 Wesson M&P15 Rifles; Rock River Arms LAR-15; Doublestar AR Rifles; Barrett
 68 REC7; Beretta Storm; Calico Liberty 50, 50 Tactical, 100, 100 Tactical, I, I Tactical,
 69 II, and II Tactical Rifles; Hi-Point Carbine Rifles; HK-PSG-1; Kel-Tec Sub-2000, SU
 70 Rifles, and RFB; Remington Tactical Rifle Model 7615; SAR-8; SAR-4800; SR9; SLG
 71 95; SLR 95 and 96; TNW M230 and M2HB; Vector Arms UZI; Galil and Galil Sporter;
 72 Daewoo AR 100 and AR 110C; Fabrique Nationale/FN 308 Match and L1A1 Sporter;
 73 HK USC; IZHMASH Saiga AK; SIG Sauer 551-A1, 556, 516, 716, and M400 Rifles;
 74 Valmet M62S, M71S, and M78S; Wilkinson Arms Linda Carbine; and Barrett
 75 M107A1;

76 (D) Any of the following semiautomatic pistols: the Centurion 39 AK; Draco AK-47;
 77 HCR AK-47; I.O. Inc. Hellpup AK-47; Mini-Draco AK-47; Yugo Krebs Krink;
 78 American Spirit AR-15; Bushmaster Carbon 15; Doublestar Corporation AR; DPMS
 79 AR-15; Olympic Arms AR-15; Rock River Arms LAR 15; Calico Liberty III and III
 80 Tactical Pistols; Masterpiece Arms MPA Pistols; Velocity Arms VMA Pistols; Intratec
 81 TEC-DC9 and AB-10; Colefire Magnum; German Sport 522 PK and Chiappa Firearms
 82 Mfour-22; DSA SA58 PKPFAL; I.O. Inc. PPS-43C; Kel-Tec PLR-16 Pistol; Sig Sauer
 83 P516 and P556 Pistols; and Thompson TA5 Pistols;

84 (E) IZHMASH Saiga 12 Shotguns;

85 (F) Any semiautomatic firearm which is:

86 (i) A semiautomatic center-fire rifle that has an ability to accept a detachable
 87 magazine and has at least one of the following:

88 (I) A folding or telescoping stock;

89 (II) Any grip of the weapon, including, but not limited to, a pistol grip, a forward
 90 pistol grip, a thumbhole stock, or any other stock, the use of which would allow a
 91 person to grip the weapon, resulting in any finger on the trigger hand in addition to
 92 the trigger finger being directly below any portion of the action of the weapon when
 93 firing;

94 (III) A flash suppressor; or

95 (IV) A grenade launcher or flare launcher;

96 (ii) A semiautomatic center-fire rifle that has a fixed magazine with the ability to
 97 accept more than ten rounds;

98 (iii) A semiautomatic center-fire rifle that has an overall length of less than 30 inches;

99 (iv) A semiautomatic pistol that has an ability to accept a detachable magazine and
 100 has at least one of the following:

101 (I) An ability to accept a detachable ammunition magazine that attaches at some
 102 location outside of the pistol grip;

103 (II) A threaded barrel capable of accepting a flash suppressor, forward pistol grip,
 104 or silencer;

105 (III) A shroud that is attached to, or partially or completely encircles, the barrel and
 106 that permits the shooter to fire the firearm without being burned, not including a
 107 slide that encloses the barrel; or

108 (IV) A second hand grip;

109 (v) A semiautomatic pistol with a fixed magazine that has the ability to accept more
 110 than ten rounds;

111 (vi) A semiautomatic shotgun that has both of the following:

112 (I) A folding or telescoping stock; and

113 (II) Any grip of the weapon, including, but not limited to, a pistol grip, a forward
 114 pistol grip, a thumbhole stock, or any other stock, the use of which would allow a
 115 person to grip the weapon, resulting in any finger on the trigger hand in addition to
 116 the trigger finger being directly below any portion of the action of the weapon when
 117 firing;

118 (vii) A semiautomatic shotgun that has the ability to accept a detachable magazine;
 119 or

120 (viii) A shotgun with a revolving cylinder; or

121 (G) A part or combination of parts designed or intended to convert such weapons into
 122 such firearms.

123 The term 'assault weapon' shall not include any firearm modified to render it permanently
 124 inoperable or any firearm, or part or combination of parts of such firearm, that is in the
 125 possession of a person for the purpose of serving or repairing such firearm lawfully
 126 possessed by its owner under this part.

127 (4) 'Detachable magazine' means an ammunition feeding device that can be removed
 128 without disassembling the firearm action.

129 (5) 'Forward pistol grip' means any feature capable of functioning as a grip that can be
 130 held by the nontrigger hand.

131 (6) 'Incendiary .50 caliber bullet' means any .50 caliber bullet that is designed for the
 132 purpose of, is held out by its manufacturer or distributor as, or is generally recognized as
 133 having a specialized capability to ignite upon impact, including, but not limited to, bullets
 134 commonly designated as M1 Incendiary, M23 Incendiary, M8 Armor-Piercing Incendiary
 135 or API, or M20 Armor-Piercing Incendiary Tracer or APIT.

136 (7)(A) 'Large capacity magazine' means any firearm magazine, belt, drum, feed strip,
137 or similar device that has the capacity of, or can be readily restored or converted to
138 accept, more than ten rounds of ammunition; provided, however, that such term shall
139 not include a:

- 140 (i) .22 caliber tube ammunition feeding device;
- 141 (ii) Tubular magazine that is contained in a lever action firearm; or
- 142 (iii) Magazine that is permanently inoperable.

143 (B) The term 'large capacity magazine' shall not include a magazine modified to render
144 it permanently inoperable or a magazine, or part or combination of parts of such
145 magazine, that is in the possession of a person for the purpose of servicing or repairing
146 such magazine lawfully possessed by its owner under this part.

147 (8) 'Pistol grip' means a grip or similar feature that can function as a grip for the trigger
148 hand.

149 (9) 'Second hand grip' means a grip or similar feature that can function as a grip that is
150 additional to the trigger hand grip.

151 16-11-115.

152 (a) No person shall possess, distribute, transport, transfer, or sell any assault weapon.

153 (b) Any person who distributes, transports, or imports an assault weapon into this state
154 shall be guilty of a misdemeanor.

155 (c) Any person who transfers, sells, or gives any assault weapon to a person under the age
156 of 18 shall be guilty of a misdemeanor.

157 (d) Any person who acquires or possesses any assault weapon in this state shall be guilty
158 of a misdemeanor.

159 (e) Any person who uses an assault weapon in the commission of a felony or who, by
160 words or conduct, represents that he or she is armed with such assault weapon during such
161 commission of a felony shall be guilty of a felony and, upon conviction thereof, shall be
162 punished by imprisonment for not less than eight nor more ten years.

163 (f) This Code section shall not apply to any person servicing or repairing an assault
164 weapon that is lawfully possessed by its owner under this part.

165 16-11-116.

166 (a) Any person who possesses a large capacity magazine on or after January 1, 2018, that
167 was obtained by such person prior to July 1, 2017, shall be fined not more than \$100.00 for
168 a first offense and shall be guilty of a misdemeanor for any subsequent offense.

169 (b) Any person who possesses a large capacity magazine on or after January 1, 2018, that
170 was obtained by such person on or after July 1, 2017, shall be guilty of a misdemeanor.

171 (c) This Code section shall not apply to any person servicing or repairing a large capacity
 172 magazine that is lawfully possessed by its owner under this part.

173 16-11-117.

174 (a) Notwithstanding Code Sections 16-11-115 and 16-11-116, any person who possesses
 175 any assault weapon or large capacity magazine on July 1, 2017, shall have until
 176 October 31, 2017, to, without any prosecution under the law, modify such assault weapon
 177 or large capacity magazine to render it permanently inoperable or such that it is no longer
 178 an assault weapon or large capacity magazine.

179 (b) Notwithstanding Code Sections 16-11-115 and 16-11-116, any person who relocates
 180 his or her residence to this state and who possesses an assault weapon or large capacity
 181 magazine or who comes to possess such assault weapon or large capacity magazine through
 182 probate shall, within 90 days of establishing such residency or the closing of such probate,
 183 modify such assault weapon or large capacity magazine to render it permanently inoperable
 184 or such that it is no longer an assault weapon or large capacity magazine.

185 16-11-118.

186 (a) Any person who knowingly distributes, transports, or imports into this state, keeps for
 187 sale, offers or exposes for sale, or gives to any person any armor-piercing bullet or
 188 incendiary .50 caliber bullet shall be guilty of a misdemeanor.

189 (b) Any person who knowingly transports or carries a firearm loaded with an
 190 armor-piercing bullet or incendiary .50 caliber bullet shall be guilty of a misdemeanor.

191 16-11-119.

192 Any person who lawfully possesses an assault weapon under this part that is lost or stolen
 193 from such person shall report such loss or theft to the Georgia Bureau of Investigation
 194 within 72 hours of the time when such person discovered such loss or theft. Any person
 195 who fails to make such report within the time prescribed by this Code section shall be fined
 196 not more than \$90.00 for a first offense and shall be guilty of a misdemeanor for any
 197 subsequent offense under this Code section.

198 16-11-119.1.

199 This part shall not apply to:

200 (1) Any duly authorized police agency of this state or a peace officer of any duly
 201 authorized police agency of this state or of any political subdivision thereof, a law
 202 enforcement officer of any department or agency of the United States who is regularly
 203 employed and paid by the United States, this state, or any political subdivision thereof,

204 or an employee of the Department of Corrections of this state who is authorized in
 205 writing by the commissioner of corrections to transfer or possess firearms while in the
 206 official performance of his or her duties;

207 (2) A member of the National Guard or of the armed forces of the United States to wit:
 208 the army, navy, marine corps, air force, or coast guard who, while serving therein,
 209 possesses assault weapons, large capacity magazines, armor-piercing bullets, or
 210 incendiary .50 caliber bullets in the line of duty;

211 (3) The possession of an assault weapon, large capacity magazine, armor-piercing bullet,
 212 or incendiary .50 caliber bullet by a person who is authorized to possess the same because
 213 he or she is in compliance with the dictates of the National Firearms Act, 68A Stat. 725
 214 (26 U.S.C. Sections 5841-5862);

215 (4) A security officer employed by a federally licensed nuclear power facility or a
 216 licensee of such facility, including a contract security officer, who is trained and qualified
 217 under a security plan approved by the United States Nuclear Regulatory Commission or
 218 other federal agency authorized to regulate nuclear facility security; provided, however,
 219 that this exemption shall apply only while such security officer or licensee is acting in
 220 connection with his or her official duties on the premises of such nuclear power facility
 221 or on properties outside such facility pursuant to a written agreement entered into with
 222 the local law enforcement agency having jurisdiction over such facility;

223 (5) Notwithstanding Code Section 16-11-119, persons and their agents who are engaged
 224 in the manufacture of assault weapons, large capacity magazines, armor-piercing bullets,
 225 or incendiary .50 caliber bullets in this state pursuant to federal law;

226 (6) Notwithstanding Code Section 16-11-119, persons and their agents who stock assault
 227 weapons, large capacity magazines, armor-piercing bullets, or incendiary .50 caliber
 228 bullets for the purpose of selling to police agencies, the National Guard, or the armed
 229 forces of the United States; and

230 (7) Notwithstanding Code Section 16-11-119, persons engaged in sport competition
 231 pursuant to rules and regulations of the Georgia Bureau of Investigation."

232 **SECTION 2.**

233 Said article is further amended by adding a new paragraph to Code Section 16-11-121,
 234 relating to definitions, to read as follows:

235 "(1) 'Crime of violence' means committing or attempting to commit any crime involving
 236 any classification of:

237 (A) Murder or manslaughter as provided for in Article 1 of Chapter 5 of this title;

238 (B) Assault or aggravated assault as provided for in Article 2 of Chapter 5 of this title;

- 239 (C) Kidnapping, false imprisonment, or hijacking as provided for in Article 3 of
 240 Chapter 5 of this title;
 241 (D) Rape, sexual assault, sexual battery, or aggravated sexual battery as provided for
 242 in Chapter 6 of this title;
 243 (E) Burglary or home invasion as provided for in Article 1 of Chapter 7 of this title;
 244 (F) Theft as provided for in Article 1 of Chapter 8 of this title;
 245 (G) Robbery or armed robbery as provided for in Article 2 of Chapter 8 of this title; or
 246 (H) Riot as provided for in Article 2 of Chapter 11 of this title."

247 **SECTION 3.**

248 Said article is further amended by adding a new Code section to read as follows:

249 "16-11-123.1.

250 (a) Any person who possesses a machine gun in a crime of violence shall be guilty of a
 251 felony and, upon conviction thereof, shall be punished by imprisonment for a period of not
 252 less than ten nor more than 20 years.

253 (b)(1) Any person who possesses or uses a machine gun for an offensive or aggressive
 254 purpose or transfers, sells, or provides a machine gun to a person under 16 years of age,
 255 including, but not limited to, such transfer for use in target shooting or on a firing or
 256 shooting range, shall be guilty of a misdemeanor.

257 (2) The possession or use of a machine gun by a person shall be presumed to be for an
 258 offensive or aggressive purpose when:

259 (A) Such machine gun is possessed or used on premises not owned or rented by such
 260 person for a bona fide permanent residence or business occupancy; or

261 (B) Such person possessing such machine gun is unnaturalized or has been convicted
 262 of a crime of violence or of a crime with substantially the same elements therein by the
 263 federal government or any state, including, but not limited to, territories, districts, or
 264 insular possessions of the United States.

265 (c) The presence of a machine gun in any room, boat, or vehicle shall be presumptive
 266 evidence of the possession or use of such machine gun by each person occupying such
 267 room, boat, or vehicle."

268 **SECTION 4.**

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