

LOST

Senators Au of the 48th, Parent of the 42nd, Butler of the 55th, Jackson of the 41st and Jordan of the 6th offered the following amendment:

1 *Amend SB 319 (LC 28 0017) by inserting after "firearms;" on line 6 "to amend Part 5 of*
2 *Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to*
3 *Brady Law regulations, so as to require universal background checks in all manner of firearm*
4 *transfers and purchases; to provide for exceptions; to provide for criminal penalties; to*
5 *provide for applicability;" and by inserting after line 527 the following:*

6 **SECTION 12.**

7 Part 5 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
8 relating to Brady Law regulations, is amended by adding new Code section to read as
9 follows:

10 "16-11-174.

11 (a) On and after July 1, 2022, except as provided in subsection (d) of this Code section,
12 before any person who is not a licensed firearms dealer holding a federal firearms license
13 under 18 U.S.C. Section 923 transfers or attempts to transfer possession of a firearm to a
14 transferee, he or she shall require that a background check, in accordance with 18 U.S.C.
15 Section 922(t), be conducted of the prospective transferee. If a transferee is not a natural
16 person, each natural person who is authorized by the transferee to possess the firearm after
17 the transfer shall undergo a background check as described in this Code section.

18 (b) A prospective firearm transferor who is not a licensed firearms dealer, as provided in
19 subsection (a) of this Code section, shall arrange for a licensed firearms dealer to obtain the
20 background check required by this Code section.

21 (c) A licensed firearms dealer, as provided in subsection (a) of this Code section, who
22 obtains a background check on a prospective transferee shall record the transfer in the same
23 manner as when conducting a sale, rental, or exchange at retail. Such licensed firearms
24 dealer shall comply with all state and federal laws, including 18 U.S.C. Section 922, as if
25 he or she were transferring the firearm from his or her inventory to such transferee.

26 (d) The provisions of this Code section shall not apply to:

27 (1) The transfer of any:

28 (A) Firearm, including any handgun with a matchlock, flintlock, percussion cap, or
29 similar type of ignition system, manufactured in or before 1898;

30 (B) Replica of any firearm described in subparagraph (A) of this paragraph, if such
31 replica is not designed or redesigned to use rimfire or conventional center-fire fixed
32 ammunition or uses rimfire or conventional center-fire fixed ammunition which is no
33 longer manufactured in the United States and which is not readily available through the
34 ordinary channels of commercial trade; or

35 (C) Firearm which is a curio or relic as defined by 27 C.F.R. 178.11;

36 (2) The transfer of a firearm by or to any law enforcement agency, or law officer, armed
37 private security professional, or member of the armed forces, to the extent that the officer,
38 professional, or member is acting within the course and scope of employment and official
39 duties;

40 (3) A transfer that is a loan or bona fide gift between spouses; between domestic
41 partners; between parents and their children, including stepparents and their stepchildren;
42 between siblings; between aunts or uncles and their nieces or nephews; or between
43 grandparents and their grandchildren, if the transferor has no reason to believe that the
44 transferee will use or intends to use the firearm in a crime or is prohibited from receiving
45 or possessing firearms under state or federal law;

46 (4) A transfer to an executor, administrator, trustee, or personal representative of an
47 estate or a trust that occurs by operation of law upon the death of another person;

48 (5) A temporary transfer that is necessary to prevent imminent death or great bodily
49 harm, including harm to self, family, household members, or others, if the transferee
50 possesses the firearm only so long as reasonably necessary to prevent the imminent death
51 or great bodily harm;

52 (6) A transfer that is approved by the Attorney General under Section 5812 of the federal
53 Internal Revenue Code of 1986;

54 (7) A gunsmith who receives a firearm solely for the purpose of service or repair or the
55 return of the firearm to its owner by the gunsmith; or

56 (8) A temporary transfer if the transferor has no reason to believe that the transferee will
57 use or intends to use the firearm in a crime or is prohibited from receiving or possessing
58 firearms under state or federal law, provided that the transfer of the firearm and the
59 transferee's possession of the firearm occur exclusively:

60 (A) While in the presence of the transferor;

61 (B) At a shooting range or in a shooting gallery or other area designated for the
62 purpose of target shooting; or

63 (C) While reasonably necessary for the purposes of hunting, trapping, or fishing, if the
64 transferor has no reason to believe that the transferee intends to use the firearm in a
65 place where it is illegal and has reason to believe that the transferee will comply with
66 all licensing and permit requirements for such hunting, trapping, or fishing.

67 (e) A person who knowingly violates any provision of this Code section shall:

68 (1) For a first offense, be guilty of a misdemeanor; and

69 (2) For a second or subsequent offense, be guilty of a felony and, upon conviction, be
70 punished by confinement for not less than one nor more than three years.

71 (f) This Code section shall apply to transfers completed on and after July 1, 2022, and shall
72 not apply to any transfer completed prior to such date."

73 *By redesignating Sections 12 through 19 as Sections 13 through 20, respectively.*