

House Bill 971

By: Representatives Scott of the 76<sup>th</sup>, Beverly of the 143<sup>rd</sup>, Schofield of the 60<sup>th</sup>, Davis of the 87<sup>th</sup>, and McLeod of the 105<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 15-5-24, Article 4 of Chapter 11 of Title 16, and Article 1 of  
2 Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the duties of the  
3 Administrative Office of the Courts, dangerous instrumentalities and practices, and the  
4 Department of Public Safety, respectively, so as to provide for the offenses of failure to store  
5 a firearm in a secure manner; to provide for definitions; to provide for penalties; to provide  
6 for exceptions; to require that a gun lock be furnished to the buyer in all retail firearm sales  
7 made by firearm dealers; to provide for penalties; to provide for affirmative defenses; to  
8 provide for reporting of convictions; to provide for submission of a report to the General  
9 Assembly; to provide for the posting of information relating to certain firearm related  
10 offenses on the Department of Public Safety website; to authorize an education campaign  
11 relating to firearm safety; to provide for related matters; to provide for an effective date and  
12 applicability; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Code Section 15-5-24 of the Official Code of Georgia Annotated, relating to the duties of the  
16 Administrative Office of the Courts, is amended by deleting "and" at the end of

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17 paragraph (8), by replacing the period with "; and" at the end of paragraph (9), and by adding  
18 a new paragraph to read as follows:

19 "(10) On or before July 1, 2023, and on or before each July 1 thereafter, submit a report  
20 to the General Assembly that includes the number of convictions in each judicial district  
21 for a violation of Code Sections 16-11-132.1 and 16-11-172.1 in the prior state fiscal  
22 year."

23 **SECTION 2.**

24 Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to  
25 dangerous instrumentalities and practices, is amended by adding a new Code section to read  
26 as follows:

27 "16-11-132.1.

28 (a) As used in this Code section, the term:

29 (1) 'Child' means a person younger than 18 years of age.

30 (2) 'Locking device' means a device which prohibits the operation or discharge of a  
31 firearm and can be disabled only with the use of a key, combination, or biometric data.

32 (3) 'Personalized firearm' means a firearm that has, as part of its original manufacture,  
33 incorporated design technology that allows the firearm to be fired only by the authorized  
34 user and prevents any of the safety characteristics of the firearm from being readily  
35 deactivated by anyone other than the authorized user.

36 (4) 'Unauthorized user' means a resident of the premises who is ineligible to possess a  
37 firearm pursuant to state or federal law.

38 (b) Firearms shall be stored in a secure manner when not in use to prevent access by an  
39 unsupervised child and other unauthorized users. A firearm is stored in a secure manner  
40 when:

41 (1) A person carries the firearm on his or her person or within such close proximity  
42 thereto that the person can readily retrieve and use the firearm as if the person carried the  
43 firearm on his or her person;

44 (2) The firearm is kept in a locked gun safe or other secure container or in a manner that  
45 a reasonable person would believe to be secure and a child or unauthorized user does not  
46 have access to the key, combination, or other unlocking mechanism necessary to open the  
47 safe or container;

48 (3) The person properly installs a locking device on the firearm and a child or  
49 unauthorized user does not have access to the key, combination, or other unlocking  
50 mechanism necessary to remove the locking device; or

51 (4) The firearm is a personalized firearm and the safety characteristics of the firearm are  
52 activated.

53 (c) Any person who fails to store a firearm in secure manner as set forth in subsection (b)  
54 of this Code section upon any premises he or she owns or controls and knows or reasonably  
55 should know that an unauthorized user or child can gain access to the firearm without the  
56 permission of the child's parent or guardian shall be guilty of the offense of failure to  
57 secure a firearm. Any person convicted of a violation of this Code section shall be guilty  
58 of a misdemeanor.

59 (d) It shall be an affirmative defense to prosecution under this Code section that the child's  
60 access to the firearm:

61 (1) Was supervised by a person older than 18 years of age and was for hunting, sporting,  
62 or other lawful purposes;

63 (2) Consisted of lawful defense by the child of people or property;

64 (3) Was gained by entering property in violation of the law; or

65 (4) Occurred during a time when the person accused of violating this Code section and  
66 such child were engaged in an agricultural enterprise.

67 (e) The provisions of this Code section shall not apply to:  
68 (1) Any firearm, including any handgun with a matchlock, flintlock, percussion cap, or  
69 similar type of ignition system, manufactured in or before 1898;  
70 (2) Any replica of any firearm described in paragraph (1) of this subsection if such  
71 replica is not designed or redesigned to use rimfire or conventional center-fire fixed  
72 ammunition or uses rimfire or conventional center-fire fixed ammunition which is no  
73 longer manufactured in the United States and which is not readily available in the  
74 ordinary channels of commercial trade; and  
75 (3) Any firearm which is a curio or relic as defined by 27 C.F.R. 178.11.  
76 (f) The clerk of a court in which a person is convicted of a violation of this Code section  
77 shall report to the Administrative Office of the Courts the total number of convictions of  
78 this Code section for the previous calendar year. Each clerk shall make such report by  
79 March 15 of each year for the previous calendar year. The individual reports made to the  
80 Administrative Office of the Courts shall be held confidential and not subject to disclosure  
81 under Article 4 of Chapter 18 of Title 50, relating to open records. The Administrative  
82 Office of the Courts shall provide aggregated statistics only in accordance with Code  
83 Section 15-5-24. Such individual reports shall be destroyed six months after submission  
84 to the Administrative Office of the Courts."

85 **SECTION 3.**

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

87 "16-11-172.1.

88 (a) A dealer, as such term is defined in Code Section 16-11-171, shall provide with each  
89 firearm sold or otherwise transferred a locking device, as such term is defined in Code  
90 Section 16-11-132.1.

91 (b) Subsection (a) of this Code section shall not apply to:

92 (1) Any firearm, including any handgun with a matchlock, flintlock, percussion cap, or  
93 similar type of ignition system, manufactured in or before 1898;

94 (2) Any replica of any firearm described in paragraph (1) of this subsection if such  
95 replica is not designed or redesigned to use rimfire or conventional center-fire fixed  
96 ammunition or uses rimfire or conventional center-fire fixed ammunition which is no  
97 longer manufactured in the United States and which is not readily available in the  
98 ordinary channels of commercial trade; and

99 (3) Any firearm which is a curio or relic as defined by 27 C.F.R. 178.11.

100 (c) A dealer shall post in a conspicuous position on the premises where the dealer conducts  
101 business a sign that contains the following warning in block letters not less than one inch  
102 in height:

103 'IT IS UNLAWFUL TO STORE, TRANSPORT, OR ABANDON AN UNSECURED  
104 FIREARM IN A PLACE WHERE CHILDREN ARE LIKELY TO BE AND CAN  
105 OBTAIN ACCESS TO THE FIREARM.'

106 (d) A violation of this Code section shall be a misdemeanor punishable by a fine of not  
107 more than \$500.00.

108 (e) The clerk of a court in which a person is convicted of a violation of this Code section  
109 shall report to the Administrative Office of the Courts the total number of convictions of  
110 this Code section for the previous calendar year. Each clerk shall make such report by  
111 March 15 of each year for the previous calendar year. The individual reports made to the  
112 Administrative Office of the Courts shall be held confidential and not subject to disclosure  
113 under Article 4 of Chapter 18 of Title 50, relating to open records. The Administrative  
114 Office of the Courts shall provide aggregated statistics only in accordance with Code  
115 Section 15-5-24. Such individual reports shall be destroyed six months after submission  
116 to the Administrative Office of the Courts."

117 **SECTION 4.**

118 Article 1 of Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the  
119 Department of Public Safety, is amended by adding a new Code section to read as follows:  
120 "35-2-17.

121 (a) The department shall include on a public page of the department's website information  
122 relating to:

123 (1) The offense of failure to store a firearm in secure manner set forth in Code  
124 Section 16-11-132.1;

125 (2) The penalties for an offense related to furnishing a firearm to a child or allowing a  
126 child to possess a firearm in violation of Code Section 16-11-101.1 or 16-11-132; and

127 (3) The requirement that a licensed gun dealer provide a locking device with each  
128 firearm transferred, as set forth in Code Section 16-11-172.1.

129 (b) Any information described in subsection (a) of this Code section shall be posted on the  
130 department's website in both English and Spanish.

131 (c) The department shall include references to the offenses listed in subsection (a) of this  
132 Code section and direction to the department's website for more information about those  
133 offenses in materials provided to:

134 (1) Licensed gun dealers, shooting ranges, and safety instructors; and

135 (2) Healthcare providers.

136 (d)(1) Subject to appropriations, the department shall develop and implement a firearms  
137 safe storage education campaign, to educate firearms owners, firearms purchasers,  
138 licensed gun dealers, shooting ranges, and safety instructors about safe storage of  
139 firearms and state requirements related to firearms safety and storage.

140 (2) As part of such education campaign, the department may:

141 (A) Develop and provide materials to local law enforcement agencies to assist in  
142 educating the public about safe storage of firearms and state requirements related to  
143 firearms safety and storage;

144 (B) Develop and provide materials to healthcare providers to assist in educating the  
145 public about safe storage of firearms and state requirements related to firearms safety  
146 and storage; and  
147 (C) Provide information about programs that assist firearms owners with the cost of  
148 purchasing firearms locking devices, gun safes, or other secure firearms storage  
149 containers, including programs that provide free or reduced-price locking devices.  
150 (3) As part of such education campaign, the department shall provide information on its  
151 website about community programs that allow firearms owners to voluntarily and  
152 temporarily store a firearm at a secure location outside of the home, including a firearms  
153 retailer, gun range, or law enforcement agency.  
154 (4) In furtherance of the goals of the education campaign, the department may use  
155 television messaging, radio broadcasts, print media, digital strategies, or any other form  
156 of messaging deemed appropriate by the department."

157 **SECTION 5.**

158 This Act shall become effective on July 1, 2022, and shall apply to offenses committed on  
159 or after that date.

160 **SECTION 6.**

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