

House Bill 1

By: Representative Au of the 50<sup>th</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 establish the offense of  
3 making a firearm accessible to a child; to provide for definitions; to provide for exceptions  
4 and affirmative defenses; to provide for criminal penalties; to require a notice by certain  
5 firearm dealers; to provide for a short title; to provide for related matters; to repeal  
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Pediatric Health Safe Storage Act."

10 **SECTION 2.**

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

14 "16-11-132.1.

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

- 16 (1) 'Child' means a person younger than 18 years of age.
- 17 (2) 'Dealer' shall have the same meaning as provided for under Code Section 16-11-171.
- 18 (3) 'Family' means a parent, grandparent, or sibling.
- 19 (4) 'Readily dischargeable firearm' means a firearm that is loaded with ammunition,  
20 whether or not a round is in the chamber.
- 21 (5) 'Secure' means to take steps that a reasonable person would believe sufficient to  
22 prevent the access to a readily dischargeable firearm by a child, including, but not limited  
23 to, placing a firearm in a locked container or temporarily rendering the firearm inoperable  
24 by a trigger lock or other means.
- 25 (b) Except where possession of a firearm by a child is lawful under Code Section  
26 16-11-132, a person commits the offense of making a firearm accessible to a child if such  
27 child gains access to a readily dischargeable firearm, and the person with criminal  
28 negligence:
- 29 (1) Failed to secure the firearm; or
- 30 (2) Left the firearm in a place to which the person knew or should have known the child  
31 could gain access.
- 32 (c) It shall be an affirmative defense to prosecution under this Code section that the child's  
33 access to the firearm:
- 34 (1) Was supervised by a person older than 18 years of age and was for hunting, sporting,  
35 or other lawful purposes;
- 36 (2) Consisted of lawful defense by the child of people or property; or
- 37 (3) Was gained by entering property in violation of the law.
- 38 (d)(1) Except as provided under paragraph (2) of this subsection, a person convicted  
39 pursuant to subsection (b) of this Code section shall be guilty of a misdemeanor.
- 40 (2) A person convicted pursuant to subsection (b) of this Code section where the child  
41 discharges the firearm and causes death or serious bodily injury to himself or herself or  
42 another person shall be guilty of a misdemeanor of a high and aggravated nature.

43 (3) No person who commits a violation of subsection (b) of this Code section shall be  
44 arrested before the seventh day after the date on which the offense was committed if:

45 (A) Such person is family of the child who discharged the firearm; and

46 (B) The child, in discharging the firearm, caused the death of or serious injury to such  
47 child.

48 (e)(1) A dealer shall post in a conspicuous position on the premises where the dealer  
49 conducts business a sign that contains the following warning in block letters not less than  
50 one inch in height:

51 'IT IS UNLAWFUL TO STORE, TRANSPORT, OR ABANDON AN UNSECURED  
52 FIREARM IN A PLACE WHERE CHILDREN CAN OBTAIN ACCESS TO THE  
53 FIREARM.'

54 (2) A person convicted pursuant to subsection (e) of this Code section shall be guilty of  
55 a misdemeanor of a high and aggravated nature."

56 **SECTION 3.**

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