

House Bill 452

By: Representatives Roberts of the 52<sup>nd</sup>, Lupton of the 83<sup>rd</sup>, Campbell of the 35<sup>th</sup>, Westbrook of the 163<sup>rd</sup>, Berry of the 56<sup>th</sup>, and others

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 provide that persons  
3 convicted of family violence offenses or subject to family violence temporary protective  
4 orders cannot receive, possess, transport, purchase, or transfer firearms; to provide for  
5 definitions; to provide for related matters; to provide for an effective date and applicability;  
6 to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,  
10 relating to carrying and possession of firearms, is amended by revising Code  
11 Section 16-11-131, relating to possession of firearms by convicted felons and first offender  
12 probationers, as follows:

13 "16-11-131.

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

15 (1) 'Antique firearm' means:

- 16 (A) A firearm, including, but not limited to, a firearm with a matchlock, flintlock,  
17 percussion cap, or similar type of ignition system, manufactured in or before 1898;
- 18 (B) Any replica of a firearm described in subparagraph (A) of this paragraph if such  
19 replica:
- 20 (i) Is not designed or redesigned for using rimfire or conventional centerfire fixed  
21 ammunition; or
- 22 (ii) Uses rimfire or conventional centerfire fixed ammunition which is no longer  
23 manufactured in the United States and which is not readily available in the ordinary  
24 channels of commercial trade; or
- 25 (C) Any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading pistol, which  
26 is designed to use black powder or a black powder substitute, and which cannot use  
27 fixed ammunition. Such term shall not include a firearm which incorporates a firearm  
28 frame or receiver, a firearm which is converted into a muzzle-loading weapon, or a  
29 muzzle-loading firearm which can be readily converted to fire fixed ammunition by  
30 replacing the barrel, bolt, breechblock, or any combination thereof.
- 31 (2) 'Family violence offense' shall include the offenses listed in paragraph (2) of Code  
32 Section 19-13-1 when committed against past or present spouses, persons who are parents  
33 of the same child, parents and children, stepparents and stepchildren, foster parents and  
34 foster children, or other persons living or formerly living in the same household.
- 35 (3) 'Family violence protective order' means an order:
- 36 (A) Issued pursuant to either Code Section 19-13-3 or 19-13-4;
- 37 (B) Which was issued after a hearing in which the responding party received actual  
38 notice and had an opportunity to participate;
- 39 (C) Which restrains the responding party from harassing, stalking, or threatening the  
40 petitioning party; and
- 41 (D) Includes a finding that the responding party presents a credible threat to the  
42 physical safety of the petitioning party or by its terms explicitly prohibits the use,

43 attempted use, or threatened use of physical force against the petitioning party that  
44 would be reasonably expected to cause bodily injury.

45 ~~(1)~~(4) 'Felony' means any offense punishable by imprisonment for a term of one year or  
46 more and includes conviction by a court-martial under the Uniform Code of Military  
47 Justice for an offense which would constitute a felony under the laws of the United  
48 States.

49 ~~(2)~~(5) 'Firearm' includes any handgun, rifle, shotgun, or other weapon which will or can  
50 be converted to expel a projectile by the action of an explosive or electrical charge. Such  
51 term shall not include an antique firearm.

52 (6) 'Forcible felony' means any felony which involves the use or threat of physical force  
53 or violence against any person and further includes, without limitation, murder; murder  
54 in the second degree; burglary in any degree; robbery; armed robbery; home invasion in  
55 any degree; kidnapping; hijacking of an aircraft or hijacking a motor vehicle in the first  
56 degree; aggravated stalking; rape; aggravated child molestation; aggravated sexual  
57 battery; arson in the first degree; the manufacturing, transporting, distribution, or  
58 possession of explosives with intent to kill, injure, or intimidate individuals or destroy a  
59 public building; terroristic threats; or acts of treason or insurrection.

60 (b) Any person who is on probation as a felony first offender pursuant to Article 3 of  
61 Chapter 8 of Title 42, who is on probation and was sentenced for a felony under  
62 subsection (a) or (c) of Code Section 16-13-2, or who has been convicted of a felony by a  
63 court of this state or any other state; by a court of the United States including its territories,  
64 possessions, and dominions; or by a court of any foreign nation and who receives,  
65 possesses, or transports a firearm commits a felony and, upon conviction thereof, shall be  
66 imprisoned for not less than one year nor more than ten years; provided, however, that  
67 upon a second or subsequent conviction, such person shall be imprisoned for not less than  
68 five nor more than ten years; provided, further, that if the felony for which the person is on  
69 probation or has been previously convicted is a forcible felony, then upon conviction of

70 receiving, possessing, or transporting a firearm, such person shall be imprisoned for a  
71 period of five years.

72 (b.1) Any person who is prohibited by this Code section from possessing a firearm because  
73 of conviction of a forcible felony or because of being on probation as a first offender or  
74 under conditional discharge for a forcible felony and who attempts to purchase or obtain  
75 transfer of a firearm shall be guilty of a felony and upon conviction shall be punished by  
76 imprisonment for not less than one year nor more than five years; provided, however, that  
77 upon a second or subsequent conviction, such person shall be punished by imprisonment  
78 for not less than five nor more than ten years.

79 (b.2) Any person who is on probation as a first offender pursuant to Article 3 of Chapter 8  
80 of Title 42 for a family violence offense or who has been convicted of a family violence  
81 offense by a court of this state or any other state; by a court of the United States including  
82 its territories, possessions, and dominions; or by a court of any foreign nation and who  
83 receives, possesses, or transports a firearm or attempts to purchase or obtain transfer of a  
84 firearm commits a felony and, upon conviction thereof, shall be imprisoned for not less  
85 than one year nor more than five years; provided, however, that, if the family violence  
86 offense as to which the person is on probation or has been previously convicted is a  
87 forcible felony, then upon conviction of receiving, possessing, transporting, or attempting  
88 to purchase or obtain transfer of a firearm, such person shall be imprisoned for a period of  
89 five years.

90 (b.3) Any person who is subject to a family violence protective order and who, during the  
91 pendency of such protective order, receives, possesses, transports, or attempts to purchase  
92 or obtain transfer of a firearm commits a felony and, upon conviction thereof, shall be  
93 imprisoned for not less than one year nor more than five years.

94 (c) This Code section shall not apply to any person who has been pardoned for the felony  
95 by the President of the United States, the State Board of Pardons and Paroles, or the person  
96 or agency empowered to grant pardons under the constitutions or laws of the several states

97 or of a foreign nation and, by the terms of the pardon, has expressly been authorized to  
98 receive, possess, or transport a firearm. Any person suffering from a disability pursuant  
99 to this Code section may seek to have his or her rights restored by the superior court or by  
100 the State Board of Pardons and Paroles after five years have passed from the completion  
101 of the sentence if the offender has no pending charges and has paid all fines and any  
102 restitution ordered.

103 (d) A person who has been convicted of a felony or of a family violence offense, but who  
104 has been granted relief from the disabilities imposed by the laws of the United States with  
105 respect to the acquisition, receipt, transfer, shipment, or possession of firearms by the  
106 secretary of the United States Department of the Treasury pursuant to 18 U.S.C.  
107 Section 925, shall, upon presenting to the Board of Public Safety proof that the relief has  
108 been granted and it being established from proof submitted by the applicant to the  
109 satisfaction of the Board of Public Safety that the circumstances regarding the conviction  
110 and the applicant's record and reputation are such that the acquisition, receipt, transfer,  
111 shipment, or possession of firearms by the person would not present a threat to the safety  
112 of the citizens of Georgia and that the granting of the relief sought would not be contrary  
113 to the public interest, be granted relief from the disabilities imposed by this Code section.  
114 A person who has been convicted under federal or state law of a felony pertaining to  
115 antitrust violations, unfair trade practices, or restraint of trade shall, upon presenting to the  
116 Board of Public Safety proof, and it being established from said proof, submitted by the  
117 applicant to the satisfaction of the Board of Public Safety that the circumstances regarding  
118 the conviction and the applicant's record and reputation are such that the acquisition,  
119 receipt, transfer, shipment, or possession of firearms by the person would not present a  
120 threat to the safety of the citizens of Georgia and that the granting of the relief sought  
121 would not be contrary to the public interest, be granted relief from the disabilities imposed  
122 by this Code section. A record that the relief has been granted by the board shall be entered  
123 upon the criminal history of the person maintained by the Georgia Crime Information

124 Center and the board shall maintain a list of the names of such persons which shall be open  
125 for public inspection.

126 ~~(e) As used in this Code section, the term 'forcible felony' means any felony which~~  
127 ~~involves the use or threat of physical force or violence against any person and further~~  
128 ~~includes, without limitation, murder; murder in the second degree; burglary in any degree;~~  
129 ~~robbery; armed robbery; home invasion in any degree; kidnapping; hijacking of an aircraft~~  
130 ~~or hijacking a motor vehicle in the first degree; aggravated stalking; rape; aggravated child~~  
131 ~~molestation; aggravated sexual battery; arson in the first degree; the manufacturing,~~  
132 ~~transporting, distribution, or possession of explosives with intent to kill, injure, or~~  
133 ~~intimidate individuals or destroy a public building; terroristic threats; or acts of treason or~~  
134 ~~insurrection.~~

135 ~~(f)~~(e) Any person sentenced as a first offender pursuant to Article 3 of Chapter 8 of Title  
136 42 or sentenced pursuant to subsection (a) or (c) of Code Section 16-13-2 and subsequently  
137 discharged without court adjudication of guilt as a matter of law pursuant to Code  
138 Section 42-8-60 or 16-13-2, as applicable, shall, upon such discharge, be relieved from the  
139 disabilities imposed by this Code section.

140 ~~(g)~~(f) For any violation of subsection (b) or (b.1) of this Code section involving multiple  
141 firearms, each firearm connected to such violation shall constitute a separate offense.

142 (g) Any person subject to a family violence protective order shall, upon the expiration or  
143 dismissal of such family violence protective order, be relieved from the disabilities  
144 imposed by this Code section."

145 **SECTION 2.**

146 This Act shall become effective on July 1, 2025, and shall apply to any family violence  
147 conviction or family violence protective order issued on or after such date.

148

**SECTION 3.**

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