

House Bill 90

By: Representatives Allison of the 8th, Cooke of the 18th, Brockway of the 102nd, Duncan of the 26th, Dutton of the 157th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia
2 Annotated, relating to general provisions regarding dangerous instrumentalities and practices,
3 so as to provide that no officer or employee of the state or any political subdivision of the
4 state, no persons performing governmental functions, and no firearms dealer shall enforce
5 or attempt to enforce any federal law or regulation relating to a personal firearm, a firearm
6 accessory, or ammunition that is owned or manufactured commercially or privately in this
7 state and that remains exclusively within the borders of this state; to provide for penalties;
8 to provide for representation by the Attorney General; to provide that no federal law or
9 regulation shall be enforceable within this state that attempts to ban or restrict ownership of
10 a semiautomatic firearm or any magazine of such firearm or that requires the registration of
11 any firearm, magazine, or other firearm accessory; to provide for related matters; to provide
12 an effective date; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 style="text-align:center">**SECTION 1.**

15 Part 1 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
16 relating to general provisions regarding dangerous instrumentalities and practices, is
17 amended by adding a new Code section to read as follows:

18 "16-11-114.

19 (a) As used in this Code section, the term 'firearm accessory' means an item that is used
20 in conjunction with or mounted upon a firearm but is not essential to the basic function of
21 a firearm, including, but not limited to, telescopic or laser sight, magazine, folding or
22 aftermarket stock or grip, speedloader, ammunition carrier, and optics for target
23 identification and lights for target illumination.

24 (b) No officer or employee of the state or any political subdivision of the state, including,
25 but not limited to, law enforcement officers, prosecutors, legislators, and judges; any
26 person participating as a juror, witness, advisor, consultant, or otherwise in performing a

27 governmental function; or any firearms dealer shall enforce or attempt to enforce any act,
 28 law, statute, rule, or regulation of the United States government relating to a personal
 29 firearm, firearm accessory, or ammunition that is owned or manufactured commercially or
 30 privately in this state and that remains exclusively within the borders of this state.

31 (c) Any official, agent, or employee of the United States government who enforces or
 32 attempts to enforce any act, order, law, statute, rule, or regulation of the United States
 33 government upon a personal firearm, a firearm accessory, or ammunition that is owned or
 34 manufactured commercially or privately in this state and that remains exclusively within
 35 the borders of this state shall be guilty of a felony and, upon conviction, shall be subject
 36 to imprisonment for not less than one nor more than five years, a fine of not more than
 37 \$5,000.00, or both.

38 (c) The Attorney General may defend a citizen of this state who is prosecuted by the
 39 United States government for violation of a federal law relating to the manufacture, sale,
 40 transfer, or possession of a firearm, a firearm accessory, or ammunition owned or
 41 manufactured and retained exclusively within the borders of this state.

42 (d) Any federal law, rule, regulation, or order created or effective on or after January 1,
 43 2013, shall be unenforceable within the borders of this state if the law, rule, regulation, or
 44 order attempts to:

- 45 (1) Ban or restrict ownership of a semiautomatic firearm or any magazine of a firearm;
 46 or
 47 (2) Require any firearm, magazine, or other firearm accessory to be registered in any
 48 manner."

49 **SECTION 3.**

50 This Act shall become effective upon its approval by the Governor or upon its becoming law
 51 without such approval.

52 **SECTION 4.**

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