

Senate Bill 344

By: Senators Harrell of the 40th, Jones of the 10th, Merritt of the 9th, Halpern of the 39th,
Parent of the 42nd 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 require training to possess
3 a handgun or long gun; to provide for training standards; to provide for the offenses of
4 possession of a firearm without proper training and failure to store a firearm in a secure
5 manner; to provide for definitions; to provide for penalties; to provide for exceptions; to
6 provide for related matters; 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 adding a new Code section to
11 read as follows:

12 "16-11-126.1.

13 (a) As used in this Code section, the term 'firearm' means handgun or long gun.

14 (b) On and after July 1, 2023, any person in possession of a firearm who is otherwise
15 authorized under state or federal law to possess such firearm shall complete a training
16 course as set forth in this Code section.

17 (c) The Georgia Public Safety Training Center shall develop and maintain a training
18 course to be completed by any person who possesses a firearm within this state. The
19 Georgia Public Safety Training Center may qualify instructors or course providers to
20 render the instruction required under this Code section. Pursuant to rules and regulations
21 promulgated by the Board of Public Safety, the Georgia Public Safety Training Center may
22 assess, and permit any qualified instructors or course providers to assess, a fee for the
23 training course.

24 (d) The training course shall include:

25 (1) Not less than four and not more than six hours of instruction on:

26 (A) The laws that relate to firearms and the use of deadly force;

27 (B) Firearm use and safety, including, but not limited to, use of restraint holsters and
28 methods to ensure the secure carrying of openly carried firearms;

29 (C) Nonviolent dispute resolution; and

30 (D) Proper storage for firearms as set forth in Code Section 16-11-132.1.

31 (2) One to two hours of instruction in shooting proficiency at a firearm range.

32 (e) Upon successful completion of the training course, the instructor shall issue a
33 certificate of completion in a form meeting requirements set forth by the Board of Public
34 Safety through rules and regulations. Any person possessing a firearm in this state shall
35 present a certificate of completion to a law enforcement officer upon request. The Board
36 of Public Safety shall develop a list of states with training standards similar to those set
37 forth in this Code section. Such list shall be updated bi-annually and be made accessible
38 on the Department of Public Safety's website. Any resident of a state included upon such
39 list shall be exempt from the training requirements of this Code section.

40 (f) Any person convicted of a violation of this Code section shall be guilty of a
41 misdemeanor and, upon conviction thereof, shall be punished by imprisonment not to
42 exceed 12 months, a fine not to exceed \$1,000.00, or both."

SECTION 2.

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

"16-11-132.1.

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

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

(2) 'Firearm' means handgun or long gun.

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

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

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

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

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

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

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

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

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

77 (d) It shall be an affirmative defense to prosecution under this Code section that:

78 (1) A child's access to the firearm was supervised by a person older than 18 years of age
79 and was for hunting, sporting, or other lawful purposes;

80 (2) A child's or unauthorized user's access to the firearm consisted of lawful defense of
81 people or property;

82 (3) A child's or unauthorized user's access to the firearm was gained by entering property
83 in violation of the law; or

84 (4) A child's or unauthorized user's access to the firearm occurred during a time when
85 the person accused of violating this Code section and such child or unauthorized user
86 were engaged in an agricultural enterprise.

87 (e) The provisions of this Code section shall not apply to:

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

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

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

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SECTION 3.

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