

House Bill 3

By: Representative Au of the 50th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 5 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia
2 Annotated, relating to Brady Law Regulations, so as to require universal background checks
3 in all manner of firearm transfers; to provide for definitions; to provide for exceptions; to
4 provide for criminal penalties; to provide for applicability; to provide for related matters; to
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 5 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
9 relating to Brady Law Regulations, is amended by revising Code Section 16-11-171, relating
10 to definitions, as follows:

11 "16-11-171.

12 As used in this part, the term:

13 (1) 'Center' means the Georgia Crime Information Center within the Georgia Bureau of
14 Investigation.

15 (2) 'Dealer' means any person licensed as a dealer pursuant to 18 U.S.C. Section 921, et
16 seq.

H. B. 3

17 (3) 'Firearm' means any weapon that is designed to or may readily be converted to expel
18 a projectile by the action of an explosive or the frame or receiver of any such weapon,
19 any firearm muffler or firearm silencer, or any destructive device as defined in 18 U.S.C.
20 Section 921(a)(3).

21 (4) 'Involuntarily hospitalized' means hospitalized as an inpatient in any mental health
22 facility pursuant to Code Section 37-3-81 or hospitalized as an inpatient in any mental
23 health facility as a result of being adjudicated mentally incompetent to stand trial or being
24 adjudicated not guilty by reason of insanity at the time of the crime pursuant to Part 2 of
25 Article 6 of Chapter 7 of Title 17.

26 (5) 'NICS' means the National Instant Criminal Background Check System created by
27 the federal 'Brady Handgun Violence Prevention Act' (P. L. No. 103-159).

28 (6) 'Person' means an individual or any corporation, company, association, firm,
29 partnership, club, organization, society, joint stock company, or other entity and shall
30 include any entity that engages in business in this state, in whole or part, through internet
31 or mail order sales.

32 (7) 'Transferee' means a person who intends to receive a firearm from an unlicensed
33 person.

34 (8) 'Transferor' means an unlicensed person who intends to transfer a firearm.

35 (9) 'Unlicensed person' means a person who is not validly licensed as a firearms dealer,
36 manufacturer, or importer pursuant to 18 U.S.C. Section 921, et seq."

37 **SECTION 2.**

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

39 "16-11-174.

40 (a) No unlicensed person shall transfer a firearm unless such transfer is facilitated by a
41 dealer in accordance with this Code section.

42 (b)(1) A dealer who facilitates a firearm transfer on behalf of an unlicensed person shall
43 use the same procedures and comply with all state and federal laws required by such
44 dealer for the transfer of a firearm from the inventory of such dealer, including, but not
45 limited to, completion of an NICS check and maintenance of records.

46 (2) When an NICS check indicates that a transferee is not prohibited from receiving or
47 possessing a firearm under state or federal law and all legal requirements to complete the
48 transfer have been met, the dealer shall deliver the firearm to the transferee.

49 (3) When an NICS check indicates that a transferee is prohibited from receiving or
50 possessing a firearm under state or federal law, or if a dealer cannot otherwise lawfully
51 deliver a firearm to a transferee, a dealer shall not complete the transfer and shall return
52 a firearm to a transferor; provided, however, that, if an NICS check indicates that the
53 transferor is prohibited from receiving or possessing a firearm, the dealer shall not return
54 the firearm to the transferor.

55 (c) A dealer shall be authorized to charge a reasonable fee to facilitate the transfer of a
56 firearm pursuant to this Code section.

57 (d) The provisions of this Code section shall not apply to:

58 (1) A transfer of any:

59 (A) Firearm, including any handgun with a matchlock, flintlock, percussion cap, or
60 similar type of ignition system, manufactured in or before 1898, or any replica thereof,
61 provided that such replica is not designed or redesigned to use rimfire or conventional
62 center-fire fixed ammunition or to use rimfire or conventional center-fire fixed
63 ammunition which is no longer manufactured in the United States and which is not
64 readily available in the ordinary channels of commercial trade; or

65 (B) Firearm which is a curio or relic as defined by 27 C.F.R. 178.11 in effect on
66 January 1, 2025;

67 (2) A transfer of a firearm by or to a law enforcement agency or officer, a person
68 licensed or registered as a private detective business or private security business under

69 Chapter 38 of Title 43, or a member of the armed forces of the United States, to the extent
70 that such person is acting within the course and scope of his or her employment and
71 official duties;

72 (3) A transfer that is a loan or gift between spouses; between domestic partners; between
73 parents and children, including stepparents and stepchildren; between siblings; between
74 aunts, uncles, nieces, and nephews; or between grandparents and grandchildren, if the
75 transferor has no reason to believe that the transferee will use or intends to use the firearm
76 in a crime or that the transferee is prohibited from receiving or possessing a firearm under
77 state or federal law;

78 (4) A transfer to an executor, administrator, trustee, or personal representative of an
79 estate or a trust that occurs by operation of law upon the death of an individual;

80 (5) A temporary transfer that is necessary to prevent imminent death or great bodily
81 harm, including harm to self, family, household members, or others, if the transferee
82 possesses the firearm only as long as is reasonably necessary to prevent such imminent
83 death or great bodily harm;

84 (6) A transfer that is approved by the Attorney General under Section 5812 of the
85 Internal Revenue Code of 1986;

86 (7) A temporary transfer solely for the purpose of service or repair of a firearm; or

87 (8) A temporary transfer if the transferor has no reason to believe that the transferee will
88 use or intends to use the firearm in a crime or that the transferee is prohibited from
89 receiving or possessing a firearm under state or federal law, provided that such transfer
90 occurs:

91 (A) While in the presence of the transferor;

92 (B) At a shooting range or in a shooting gallery or other area designated for the
93 purpose of target shooting; or

94 (C) For the purposes of hunting, trapping, or fishing, if the transferor has no reason to
95 believe that the transferee intends to use the firearm in a place where it is illegal and has

96 reason to believe that the transferee will comply with all licensing and permit
97 requirements for such hunting, trapping, or fishing.

98 (e) A person who knowingly violates any provision of this Code section shall:

99 (1) For a first offense, be guilty of a misdemeanor; or

100 (2) For a second or subsequent offense, be guilty of a felony and, upon conviction, be
101 punished by imprisonment for not less than one nor more than three years.

102 (f) This Code section shall apply to transfers completed on or after July 1, 2025, and shall
103 not apply to any transfer completed prior to such date."

104 **SECTION 3.**

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