



House of Representatives

Atlanta, Georgia

DAVID SCOTT
Representative, District 37
190 Wendell Drive, S. E.
Atlanta, Georgia 30315

COMMITTEES
INDUSTRIAL RELATIONS
MOTOR VEHICLES
Title & License Affairs
STATE PLANNING & COMMUNITY
AFFAIRS

THE 1975 GEORGIA HANDGUN REGULATIONS ACT
by Representative David Scott D-Atlanta & others.

Analysis

Statement of Purpose: "To enact a Georgia State Law to regulate the sale and possession of all handguns in the state of Georgia."

This Act shall not be construed nor applied to promote any purposes or policies that infringe upon the citizens right to bear arms or the right to purchase or possess a handgun in the State of Georgia. The act does require that minimum qualifications be met by all handgun owners and purchasers prior to purchase to insure the public's safety and directs the proper state of Georgia authorities to be accountable and responsible for seeing to it that all handgun owners meet these minimum qualifications.

Under current Georgia law the state requires only that the handgun owner be 21 years of age. This Act realizes that this current Georgia law is totally inadequate to the times, and does not provide the people of Georgia with the protective measures necessary to enhance the public's safety.

This Act realizes also that the determination of whether or not a prospective handgun purchaser is 21 years of age, a convicted felon, under criminal indictment, mentally competent, a murderer or armed robber ought not be left up to the handgun seller (who wants to make the sale). Rather, this responsibility should rest with the Georgia Department of Public Safety whose primary function is not selling firearms but providing for the safety of our Georgia people.

Major Provisions of the Act

1. All handgun owners and purchasers possess a handgun owner's license.
2. All handgun owners meet minimum qualifications: (a) age 21, (b) not committed a felony or under indictment for a felony or forcible misdemeanor, (c) not be judged mentally incompetent by court order.
3. All handguns be registered within the county of purchase prior to purchase. (Those handguns already possessed, must be registered within one year of the effective date of this act).

THE 1975 GEORGIA HANDGUN REGULATIONS ACT

4. The purchase of a handgun be preceded by a waiting period.
5. Provides penalties for violations of the Act.
6. The importation, manufacture, assembly, sale, possession and use of all sub-standard handguns and component parts are prohibited (Saturday Night Specials are outlawed.)
7. Establishes a Handgun Regulations Advisory Committee (membership to include representatives from NRA and Georgia Wildlife Federation along with representatives of law enforcement and public citizens.
8. Authorizes the Georgia Department of Public Safety to administer the law.
9. Exempts law enforcement officials and the military personnel.
10. Provides for the voluntary surrender and reimbursement of certain handguns.
11. Provides that local governments may enact laws, ordinances or regulations to regulate handguns in compliance with this Act.

H. B. No. 249

By: Messrs. Scott of the 37th, Brown of the 34th, Holmes of the 39th, Mrs. Richardson of the 52nd, Mr. Dean of the 29th, Mrs. Glover of the 32nd, Messrs. Egan of the 25th, Horton of the 43rd, White of the 132nd and Lucas of the 102nd

A BILL TO BE ENTITLED

AN ACT

1	To regulate handguns; to provide for a short title;	26
2	to state the purpose and intent of this Act; to define	27
3	certain terms; to provide that it shall be unlawful to	28
4	possess or control certain handguns without a license and	29
5	without registering the handgun; to provide that it shall be	30
6	unlawful to sell or otherwise transfer certain handguns to	31
7	persons who do not possess a license and who do not comply	32
8	with certain registration requirements; to provide that it	33
9	shall be unlawful to sell or otherwise transfer certain	34
10	handguns without notifying the Administrator of this Act of	34
11	such transfer; to provide that it shall be unlawful to	35
12	possess or control any substandard handgun; to provide that	36
13	it shall be unlawful to manufacture, assembly, import,	37
14	transport, sell, or otherwise transfer any substandard	38
15	handgun; to provide that it shall be unlawful to give false	39
16	or misleading information for the purpose of acquiring a	40
17	license or registration permit; to provide penalties for	41
18	violations of this Act; to provide for exemptions from the	42
19	operation of this Act; to name an Administrator; to provide	43
20	for the interpretation of this Act by authorizing the	44
21	Administrator to adopt and promulgate substantive rules; to	44
22	provide that the Administrator shall issue standard or	45
23	collector's licenses to possess handguns; to provide that	46
24	the Administrator shall not issue licenses to certain	47
25	persons; to provide for registration of handguns currently	48
26	possessed or to be purchased; to provide that registration	49
27	permits shall not be issued to certain persons; to provide	50
28	that persons selling or otherwise transferring handguns	50
29	shall notify the Administrator of such transactions; to	51

1 provide that handguns sold within this State must meet 52
 2 certain minimum requirements; to provide for the voluntary
 3 surrender and reimbursement of certain handguns; to provide 54
 4 for the condemnation of certain handguns; to provide that 55
 5 local governments may enact laws, ordinances or regulations 56
 6 to regulate handguns in compliance with this Act; to provide 57
 7 for severability; to repeal conflicting laws; to provide for 58
 8 an effective date; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA: 61

10 Section 1. Short Title, Purpose and Intent.

11 (a) This Act shall be known and may be cited as 66
 12 "The Handgun Regulation Act of 1975". 67

13 (b) The purpose of this Act shall be the 69
 14 regulation of handguns in order to protect the people of 70
 15 Georgia from their misuse. It is the intent of the General 71
 16 Assembly that handguns be regulated for the safety of the 72
 17 people of Georgia and this Act shall be liberally construed 73
 18 and applied to promote its underlying purposes and policies. 74

19 Section 2. Definitions. 7

20 As used in this Act: 79

21 (a) "Administrator" shall mean the Administrator 81
 22 as defined in Section 5(a) of this Act or his delegate. 82

23 (b) "Antique Firearms" means: 84

24 (1) Any firearm, including a firearm with a 86
 25 matchlock, flintlock, percussion cap, or similar type 87
 26 ignition system, manufactured on or before 1898; 88

27 (2) Any replica of any firearm described in 90
 28 subparagraph (1) if such replica: 91

29 (A) Is not designed or redesigned for using 93
 30 rimfire or conventional centerfire fixed 4
 31 ammunition; or

(B) Uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade. 96
 2 fixed ammunition which is no longer manufactured in 97
 3 the United States and which is not readily 98
 4 available in the ordinary channels of commercial 99
 5 trade.

(c) "Collector" means any person who acquires, holds or disposes of firearms or ammunition as curios or relics or any such person who is licensed as a collector by the Secretary of the Treasury of the United States pursuant to the provisions of Title I of the Gun Control Act of 1968, 18 U.S.C., Chapter 44, as amended. 101
 7 holds or disposes of firearms or ammunition as curios or 102
 8 relics or any such person who is licensed as a collector by 103
 9 the Secretary of the Treasury of the United States pursuant 104
 10 to the provisions of Title I of the Gun Control Act of 1968, 105
 11 18 U.S.C., Chapter 44, as amended.

(d) "Component" of a handgun means a barrel, trigger, hammer, grip, cylinder, magazine or their functional equivalent, or any other part from which a handgun may be fabricated. 107
 13 trigger, hammer, grip, cylinder, magazine or their 108
 14 functional equivalent, or any other part from which a 109
 15 handgun may be fabricated.

(e) "Curio or Relics" means any firearm which is of a special interest to collectors by reason of some quality other than is ordinarily associated with firearms intended for sporting use or as offensive or defensive weapons and which have been designated as such by the Secretary of the Treasury of the United States pursuant to Title I of the Gun Control Act of 1968, 18 U.S.C., Chapter 44, as amended. 111
 17 of a special interest to collectors by reason of some 112
 18 quality other than is ordinarily associated with firearms 113
 19 intended for sporting use or as offensive or defensive 114
 20 weapons and which have been designated as such by the 115
 21 Secretary of the Treasury of the United States pursuant to 116
 22 Title I of the Gun Control Act of 1968, 18 U.S.C., Chapter 117
 23 44, as amended.

(f) "Dealer" means any person engaged in the business of selling firearms at the wholesale or retail level; any person engaged in the business of repairing firearms or of making, or fitting special barrels, stocks or trigger mechanisms to firearms; or any person who is a pawnbroker. 119
 25 business of selling firearms at the wholesale or retail 120
 26 level; any person engaged in the business of repairing 121
 27 firearms or of making, or fitting special barrels, stocks or 122
 28 trigger mechanisms to firearms; or any person who is a 123
 29 pawnbroker.

(g) "Handgun" means any firearm, pistol or revolver which is designed or redesigned, made or remade, to be aimed and fired by the use of a single hand and which is designed to fire or capable of firing fixed cartridge ammunition; the frame and receiver of any such firearm; but 125
 31 revolver which is designed or redesigned, made or remade, to 126
 32 be aimed and fired by the use of a single hand and which is 127
 33 designed to fire or capable of firing fixed cartridge 128
 34 ammunition; the frame and receiver of any such firearm; but 129

1 the term shall not include any "antique firearm". 130

2 (h) "Importer" means any person engaged in the 132
 3 business of importing or bringing firearms into the United 133
 4 States for purposes of sale and distribution and who is 134
 5 licensed as such by the Secretary of the Treasury of the 135
 6 United States pursuant to the provisions of the Gun Control 136
 7 Act of 1968, 18 U.S.C., Chapter 44, as amended, and Title 137
 8 VII of the Omnibus Crime Control and Safe Streets Act of 138
 9 1968, as amended by Title III of the Gun Control Act of 138
 10 1968. 139

11 (i) "Manufacturer" means any person engaged in the 140
 12 manufacture of firearms for purposes of sale or distribution 141
 13 and who is licensed as such by the Secretary of the Treasury 142
 14 of the United States pursuant to the provisions of the Gun 143
 15 Control Act of 1968, 18 U.S.C., Chapter 44, as amended, and 144
 16 Title VII of the Omnibus Crime Control Act of 1968, as 145
 17 amended by Title III of the Gun Control Act of 1968. 146

18 (j) "Person" means any individual, corporation, 147
 19 company, association, firm, partnership, club, society, 148
 20 organization or joint stock company. 149

21 (k) "Substandard Handgun" means any handgun which 151
 22 fails to meet the requirements of Section 9 of this Act 152
 23 which has been designated as such by the Administrator, but 153
 24 the term shall not include any antique firearm or a curio or 154
 25 relic as defined in this Act. 155

26 (l) "Unserviceable Firearm" means a firearm which 156
 27 is incapable of discharging a shot by means of an explosive 157
 28 and incapable of being readily restored to a firing 158
 29 condition. 159

30 Section 3. Violations. 161

31 It shall be unlawful for any person to knowingly: 163

32 (a) Possess or have in his control a handgun or 165
 33 the components thereof without a valid license issued under 166

1 the provisions of this Act. The conviction for the first 167
 2 offense of this subsection shall be punished as for a 168
 3 misdemeanor; provided, however, that as an alternative to 169
 4 the penalties prescribed for a misdemeanor, the court in its 170
 5 discretion, may suspend any portion of the sentence
 6 conditioned upon the defendant's successful acquisition of a 171
 7 license and registration. A conviction for the second 172
 8 offense of this subsection shall be a misdemeanor punishable 173
 9 by up to twelve (12) months' imprisonment and payment of a 174
 10 fine not to exceed \$5,000.00. A conviction for the third 175
 11 offense of this subsection shall be a felony punishable by 176
 12 imprisonment from one to two years and payment of a fine up 177
 13 to \$10,000.00.

14 (b) Possess or have in his control a handgun 179
 15 without registering the handgun under the provisions of this 180
 16 Act. The conviction for the first offense of this 181
 17 subsection shall be punished as for a misdemeanor; provided, 182
 18 however, that as an alternative to the penalties prescribed 183
 19 for a misdemeanor, the court in its discretion, may suspend 184
 20 any portion of the sentence conditioned upon the defendant's 185
 21 successful acquisition of a license and registration. A 186
 22 conviction for the second offense of this subsection be a 187
 23 misdemeanor punishable by up to twelve (12) months' 188
 24 imprisonment and payment of a fine not to exceed \$5,000.00. 189
 25 A conviction for the third offense of this subsection shall 190
 26 be a felony punishable by imprisonment from one to two years 191
 27 and payment of a fine up to \$10,000.00.

28 (c) Sell, exchange, transfer, give or in any way 193
 29 cause a handgun or the components thereof to come into the 194
 30 possession of a person who does not possess a valid license 195
 31 and registration permit issued under the provisions of this 196
 32 Act. A conviction for the violation of this subsection 197
 33 shall be a felony punishable by imprisonment for one to five 198
 34 years and payment of a fine up to \$10,000.00. 199

1	(d) Sell, exchange, transfer, give or in any way	201
2	cause a handgun or the components thereof to come into the	2
3	possession of a person without notifying the Administrator	203
4	as provided in Section 8 of this Act. A conviction for the	204
5	violation of this subsection shall be punished as for a	205
6	misdemeanor.	
7	(e) Possess or have in his control a substandard	207
8	handgun as proscribed in Section 9 of this Act, commonly	208
9	referred to as a "Saturday Night Special". A conviction for	209
10	the first offense of this subsection shall be a misdemeanor	210
11	punishable by imprisonment up to twelve (12) months and	211
12	payment of a fine up to \$5,000.00. A conviction for the	2
13	second and subsequent offenses of this subsection shall be a	213
14	felony punishable by imprisonment for one to two years and	214
15	payment of a fine up to \$5,000.00.	
16	(f) Manufacture, assemble, import, transport,	216
17	sell, exchange or in any other way transfer a substandard	217
18	handgun or its components, commonly known as a "Saturday	218
19	Night Special". A conviction for the violation of this	219
20	subsection shall be a felony punishable by imprisonment for	220
21	one to five years and payment of a fine up to \$10,000.00.	221
22	(g) For the purpose of acquiring a handgun license	23
23	or registration permit provide false, or misleading	224
24	information, or fail to provide any material information	225
25	needed to make the information given not misleading. A	226
26	conviction for the violation of this subsection shall be a	227
27	felony and punishable by imprisonment for one to five years	228
28	and payment of a fine up to \$5,000.00.	
29	(h) For the purpose of acquiring a handgun or	230
30	registration permit produce a false license or registration	231
31	permit or impersonate a person to whom a handgun license or	232
32	registration permit has been granted. A conviction for the	233
33	violation of this subsection shall be a felony and	234
34	punishable by imprisonment for one to five years and payment	235

1	of a fine up to \$5,000.00.	235
2	<u>Section 4. Exemptions.</u>	238
3	(a) The provisions of this Act shall not apply to	240
4	or affect any of the following persons while engaged in	241
5	pursuit of official duty or any person when authorized by	242
6	Federal or State law, regulations or order:	
7	(1) Peace officers;	244
8	(2) Wardens, superintendents, and keepers of	246
9	prisons, penitentiaries, jails or other institutions for	247
10	the detention of persons accused or convicted of an	248
11	offense;	
12	(3) Persons in the active military service of the	250
13	United States or of the State of Georgia;	251
14	(4) Persons employed in fulfilling defense	253
15	contracts with the Government of the United States or	254
16	agencies thereof when possession of the weapon is	255
17	necessary for manufacture, transport, installation, and	256
18	testing the requirements of such contract; and	
19	(5) District Attorneys, investigators employed by	258
20	and assigned to a District Attorney's office, and	259
21	Assistant District Attorneys.	260
22	(b) The provisions of this Act shall not apply to	262
23	or affect antique firearms or curios or relics, nor	263
24	unserviceable handguns.	
25	(c) The provisions of this Act shall not apply to	265
26	or affect sales by manufacturers, importers or dealers to a	266
27	bonafide wholesaler or to a bonafide retailer or sales by a	267
28	bonafide wholesaler or retailer to a bonafide retailer,	268
29	provided these sales are otherwise in compliance with State	269
30	and Federal law.	
31	(d) The provisions of this Act shall not apply to	271
32	or affect any person while such person is transporting	272
33	through the State from one location outside of the State to	273

1 another location outside of the State a handgun which is: 74

2 (1) Unloaded; 276

3 (2) Broken down or disassembled in a 278

4 nonfunctioning state; and 279

5 (3) Crated, packaged, packed or otherwise not 281

6 immediately accessible to the person. 282

7 (e) A prosecution based upon a violation of this 284

8 Act need not negative any exemptions, but rather the burden 285

9 of proving such exemptions shall be upon the defendant. 286

10 Section 5. Administrator. 289

11 (a) The Administrator shall be the Commissioner of 1

12 the Department of Public Safety. 292

13 (b) The Administrator is hereby authorized to 294

14 adopt substantive rules and regulations that prohibit 295

15 specific acts or practices in violation of this Act. Such 296

16 rules shall not conflict with applicable Federal laws, rules

17 and regulations. Such rules shall be promulgated only when 297

18 it is determined by the Administrator, in the reasonable 298

19 exercise of his discretion, on the basis of his expertise, 299

20 and facts, submissions, evidence, and all information before 300

21 him that such rules are needed to prohibit or control acts

22 or practices which create the probability of actual and 301

23 substantial violations of this Act. No rule shall be 302

24 promulgated where it is reasonably certain that the burden

25 of complying with said rules will unreasonably outweigh the 303

26 public interest in prohibiting or controlling the practice 304

27 which would be so prohibited or controlled. No such rule so 305

28 promulgated shall be arbitrary or capricious nor shall its 306

29 promulgation be characterized by an abuse of discretion or

30 an unwarranted exercise of discretion. 307

31 (c) The Georgia Administrative Procedure Act shall 309

32 apply to the promulgation of rules and regulations by the 310

33 Administrator under this Act.

1	(d) The Administrator shall be advised in the	312
2	promulgation of all rules and regulations by the Handgun	313
3	Regulation Advisory Council which Council shall consist of	314
4	twelve (12) members comprised as follows:	
5	(1) The Director of the Georgia Bureau of	316
6	Investigation or his delegate;	317
7	(2) The Director of the Georgia Crime Information	319
8	Center or his delegate;	320
9	(3) The Director of the Georgia Crime Lab or his	322
10	delegate;	
11	(4) A representative of the Sheriff's Association,	324
12	designated by the Association;	325
13	(5) A representative who is a citizen of the State	327
14	and also a member of The National Rifle Association,	328
15	designated by the Association;	329
16	(6) A representative of the State Wildlife	331
17	Federation; designated by the Federation;	332
18	(7) The Commissioner of the Department of Natural	334
19	Resources or his delegate;	335
20	(8) The Adjutant General of the State of Georgia	337
21	or his delegate;	338
22	(9) A private citizen appointed by the Governor;	340
23	(10) A private citizen appointed by the Speaker of	342
24	the House of Representatives;	343
25	(11) A private citizen appointed by the Lieutenant	345
26	Governor of the State of Georgia;	346
27	(12) A representative of the Georgia Association of	348
28	Chiefs of Police, designated by the Association.	349
29	(e) In order that the people of this State may be	351
30	sufficiently familiar in the safe operation and proper care	352
31	of firearms so as to reduce the number of accidents, deaths,	353
32	injuries and property damage occasioned by the misuse of	354
33	firearms and, so, if called upon pursuant to law they may	
34	meet their responsibilities as members of the militia of the	355

1 State, the Administrator is authorized to formulate programs 357
 2 of firearms safety and to assist any other agency of State 357
 3 and local government or private organization in promoting
 4 the safe operation and proper care of firearms. 358

5 Section 6. Licensing Procedure. 360

6 (a) The Administrator shall issue or renew 362
 7 standard or collector's licenses to possess handguns or 363
 8 their components according to the provisions of this 364
 9 Section.

10 (b) Any person desiring to obtain a standard or 366
 11 collector's license to possess a handgun may apply for such 7
 12 license at those locations throughout the State where the 368
 13 Department of Public Safety issues driver's licenses. 369

14 (c) The applicant shall furnish under oath the 371
 15 following information to the Administrator: 372

16 (1) Full name; 374

17 (2) Date of birth; 376

18 (3) Place of birth; 378

19 (4) Residence; 380

20 (5) A statement whether or not: (A) He has ever 383
 21 been convicted of a felony;

22 (B) He has been convicted of a forceable 385
 23 misdemeanor

24 within the preceding two years; 387

25 (C) He has ever been convicted for the 389
 26 violation of Georgia Code Annotated Sections 390
 27 26-2901, 26-2902, 26-2903, 26-2904 or 26-2905; 391

28 (D) He is currently under indictment; 393

29 (E) He is currently under a court order 395
 30 adjudicating him mentally incompetent. 396

31 (d) The Administrator shall obtain from the 398
 32 applicant:

33 (1) A photograph; 400

1 (2) A physical description; and 402
 2 (3) A complete set of fingerprints. 404
 3 (e) The Administrator shall not issue or renew 406
 4 either a standard or collector's license except for a 407
 5 person:
 6 (1) Who is at least twenty-one years of age; 409
 7 (2) Who has not been convicted anywhere of a 411
 8 felony;
 9 (3) Who has not been convicted within the 413
 10 preceding two years of a forceable misdemeanor; 414
 11 (4) Who has never been convicted for a violation 416
 12 of Georgia Code Annotated Sections 26-2901, 26-2902, 417
 13 26-2903, 26-2904 or 26-2905; 418
 14 (5) Who is not currently under a court order 420
 15 adjudicating him mentally incompetent; 421
 16 (6) Who has visual acuity correctable to 20/60 423
 17 vision; and who has given a bond with a commercial 424
 18 surety approved by the Administrator payable to the 425
 19 Administrator in the sum of \$1,000.00 conditioned upon 426
 20 the lawful use of all handguns.
 21 (f) The Administrator shall not issue or renew a 428
 22 collector's handgun license except to an applicant who, in 429
 23 addition to meeting the requirements of subsection (e), is a 430
 24 collector as defined in Section 2 of this Act. 431
 25 (g) The standard license issued by the 433
 26 Administrator shall contain the applicant's name, address, 434
 27 date of birth, physical description, recent photograph and a 435
 28 license number.
 29 (h) The collector's license shall contain the same 437
 30 information as found in the standard license, but 438
 31 additionally shall be so marked as to indicate that it is a 439
 32 collector's license.
 33 (i) All licenses issued by the Administrator shall 441
 34 expire five (5) years from the date of issuance and may be 442

1 renewed upon application from the licensee meeting the 443
 2 requirements of an initial application. The fee for the 44
 3 initial application and all renewals shall be \$5.00.
 4 (j) The Administrator shall, after notice and 446
 5 hearing, revoke the license of any person who is convicted 447
 6 of a felony, convicted of a forceable misdemeanor, convicted 448
 7 of a violation of Georgia Code Annotated Sections 26-2901, 449
 8 26-2902, 26-2903, 26-2904 or 26-2905, or any of the 450
 9 provisions of this Act or the regulations promulgated 451
 10 thereunder. The revocation of a license of any person shall 452
 11 also revoke all registration permits issued to such person. 453
 12 (k) All denials of applications, denials of 454
 13 renewals, or revocations shall be subject to the provisions 455
 14 of the Georgia Administrative Procedure Act. 456
 15 (l) Any person who shall cease to meet the 458
 16 requirements for the issuance of a license or whose 459
 17 license is revoked shall have sixty (60) days from the 460
 18 date on which he ceased to meet the requirements for the 461
 19 issuance of a license or the date on which the license 462
 20 was revoked to dispose of any handguns subject to this 463
 21 Act in accordance with the provisions of this Act. 464
 22 Section 7. Registration. 466
 23 (a) To purchase or possess any handgun a person 468
 24 must obtain a registration permit in accordance with the 469
 25 provisions of this Section. 470
 26 (b) To sell, exchange, transfer, give, or in any 471
 27 way cause a handgun to come into the possession of a person, 472
 28 a person must comply with the requirements of this Section. 473
 29 (c) Any person possessing a handgun on the 475
 30 effective date of this Act shall within one (1) year of that 476
 31 effective date register such handgun or handguns with the 477
 32 judge of the probate court of the county of their residence 478
 33 in the same manner as described in subsection (d) of this 479

1 Section; provided, however, that persons licensed as 479
2 collectors shall register their handgun or handguns as 480
3 prescribed in subsection (e).

4 (d) Any person desiring to obtain possession of a 482
5 handgun or handguns through a purchase by sale or any other 483
6 method of transfer shall apply to the judge of the probate 484
7 court of the county in which the sale or other transfer is 485
8 to take place for a registration permit, supplied to the 486
9 Judge of the Probate Court by the Administrator, as follows:

10 (1) The application shall contain: 488

11 (A) All of the information on the applicant's 490
12 handgun license; 491

13 (B) The name and address of the seller or 493
14 other transferor; 494

15 (c) The name of the maker of the handgun or 496
16 handguns to be purchased; 497

17 (D) The caliber and serial number of the 499
18 handgun or handguns to be purchased; 500

19 (E) A sworn statement by the applicant that 502
20 all the information contained in the application is 503
21 true and that he complies with all the eligibility 504
22 requirements to possess a handgun provided for in 505
23 this Act;

24 (F) A sworn statement by the seller or the 507
25 transferor that all the information contained in 508
26 the application concerning the identity of the 509
27 handgun to be purchased is true.

28 (2) The application shall be submitted to the 511
29 judge of the probate court of the county in which the 512
30 sale or other transfer is to take place along with a 513
31 \$5.00 registration fee made payable to the county. The 514
32 judge of the probate court shall make such investigation 515
33 as may be necessary to determine whether an applicant 515
34 meets the requirements of this Act, and shall determine 516

1 from the Administrator whether the applicant's handgun 517
 2 license is valid.

3 (3) The judge of the probate court shall not issue 519
 4 a permit to any person who: 520

5 (A) Does not have a handgun license issued 522
 6 pursuant to this Act, and verified by the 523
 7 Administrator at the time of application to be 524
 8 valid;

9 (B) Has subsequent to the issuance of a 526
 10 handgun license been adjudicated mentally 527
 11 incompetent;

12 (C) Has subsequent to the issuance of a 529
 13 handgun license been convicted of a felony or a 530
 14 forceable misdemeanor or a violation of Georgia 531
 15 Code Annotated Sections 26-2901, 26-2902, 26-2903,
 16 26-2904 or 26-2905; or 532

17 (D) Has subsequent to the issuance of the 533
 18 license been indicted. 534

19 (4) The registration permit issued by the judge of 536
 20 the probate court shall contain: 537

21 (A) The applicant's name; 539
 22 (B) The applicant's handgun license number; 541
 23 (C) The name of the maker of the handgun or 543
 24 handguns registered; 544
 25 (D) The caliber and serial number of the 546
 26 handgun or handguns registered. 547

27 (5) The judge of the probate court upon a 549
 28 determination to issue the registration permit shall 550
 29 send the permit to the applicant at the address 551
 30 appearing on his handgun license, and shall send a copy 552
 31 of the application and the permit so issued to the
 32 Administrator. 553

33 (e) Any person licensed as a collector under this 555
 34 Act shall within one (1) year of the effective date of this 556
 35 Act register such collection with the judge of the probate 557
 36 court of the county of their residence by applying to the 558

1 judge of the probate court for a collector's permit. The 557
 2 collector's application shall contain the same information
 3 contained in the application described in subsection (d) of 558
 4 this Section and shall list each handgun possessed which is 559
 5 not exempt under Section 4 of this Act upon a permit
 6 supplied to the judge of the probate court by the 560
 7 Administrator identified as a collector's permit. The judge 561
 8 of the probate court shall then follow the same procedures 562
 9 prescribed in subsection (d) of this Section.

10 (f) Any person licensed as a collector under this 564
 11 Act who purchases at sale or by any other method of transfer 565
 12 handguns to be added to his collection shall register such 566
 13 additional handguns by submitting their collector's 567
 14 registration permit to the judge of the probate court of the 568
 15 county of their residence along with the name of the maker 569
 16 of the handguns and the serial numbers and calibers of the
 17 handguns purchased within one (1) year from the date of the 570
 18 issuance of their initial collector's registration permit, 571
 19 and each succeeding year thereafter. 572

20 Section 8. Notification of Sale to Administrator. 575

21 Any person who sells, exchanges, transfers, gives or 577
 22 in any way causes a handgun or components thereof to come 578
 23 into the possession of a person, shall within forty-eight 579
 24 (48) hours of the transaction send, by registered mail, 580
 25 notice of the transaction to the Administrator in accordance 581
 26 with the rules and regulations prescribed by the 582
 27 Administrator for this Section.

28 Section 9. Substandard Handguns. 585

29 Every handgun intended for sale to the general 587
 30 public within this State that does not meet each of the 588
 31 following minimum requirements is declared to be a 589
 32 substandard handgun. 590

1	(a) Materials, construction, and design - The	
2	handgun shall be free of dents, cracks, burs, scratches,	592
3	sharp edges or other defects which may affect the	593
4	functioning of the weapon.	
5	(b) High Pressure Resistance - Handguns shall be	595
6	capable of withstanding the firing of one high pressure test	596
7	cartridge that develops a mean breach pressure of 31,000 to	597
8	33,000 pounds per square inch. After firing the handgun	598
9	shall be free of cracks, seams, bulges, splits, rings and	599
10	other defects which would indicate a defective barrel.	
11	(c) Endurance - Handguns shall be capable of	601
12	passing without malfunctioning or unserviceable parts a	
13	3,000 round endurance test using thirty (30) proof rounds	603
14	and in addition to standard velocity grade cartridges.	604
15	(d) Hammer Drop - Handguns shall be capable of	606
16	withstanding a hammer drop test from a height thirty-six	607
17	(36) inches on to a steel plate without discharging.	608
18	(e) Marking - Handguns shall be marked with the	610
19	name of the manufacturer, importer or maker, and a serial	611
20	number which may not be readily removed, obliterated or	612
21	altered.	
22	Pursuant to the provisions of this Section, the	
23	Administrator shall develop or otherwise provide for	615
24	adequate testing procedures for the inspection of handguns	616
25	manufactured within this State and intended for sale to the	617
26	general public within this State, or any handgun offered for	
27	sale to the general public within this State, and publish	618
28	annually a list of those handguns approved for sale to the	619
29	general public within this State.	
30	<u>Section 10. Voluntary Surrender of Handguns,</u>	621
31	<u>Reimbursement.</u>	
32	(a) Any person owning or possessing a handgun may	623
33	at any time deliver such handgun to the Administrator at any	624

1 one of the locations where a license may be obtained, or to 625
 2 any law enforcement agency in accordance with the 626
 3 regulations promulgated by the Administrator. The 627
 4 Administrator shall arrange with those local law enforcement
 5 agencies designated to receive handguns for the transfer, 628
 6 destruction, or other disposition of handguns received under 629
 7 this Section. 630

8 (b) Upon proof of lawful acquisition and ownership 631
 9 of any handgun delivered under this Section, the person 632
 10 delivering it shall be entitled to receive from the State a 633
 11 payment equal to the fair market value of the handgun, or 634
 12 \$50.00, whichever is less. The Administrator shall arrange 635
 13 for the payment, directly or indirectly, to State or local 636
 14 law enforcement agencies, of the amounts to which owners of 637
 15 handguns delivered under this Section are entitled. 638

16 Section 11. Condemnation of Certain Handguns. 639

17 (a) Any handgun which is possessed in violation of 641
 18 this Act is hereby declared contraband, and any person 642
 19 possessing such handgun who does not have a valid license 643
 20 and registration permit on his person at the time of the 644
 21 possession of such handgun forfeits any proprietary interest 645
 22 therein and makes such handgun subject to seizure as 646
 23 contraband. 647

24 (b) After notice, and a hearing, by any court of 648
 25 record with criminal jurisdiction and a determination by the 649
 26 court that the handgun was possessed in violation of this 650
 27 Act, such handgun shall be condemned by the court and 651
 28 disposed of by the seizing law enforcement agency. 652

29 Section 12. Authority Granted to Local 653
 30 Governments. 654

31 The General Assembly hereby grants to every local 655
 32 government, municipal and county, authority to enact such 656

laws, ordinances, and regulations it deems proper to regulate handguns in accordance with the provisions of this Act.

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Section 13. Severability.

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In the event any section, subsection, sentence, clause or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses or phrases of this Act, which shall remain of full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof. The General Assembly hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared or adjudged invalid or unconstitutional.

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Section 14. General Repealer.

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All laws or parts of laws in conflict with this Act are hereby repealed.

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Section 15. Effective Date.

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This Act shall become effective on July 1, 1975.

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