

Senate Bill 232

By: Senators Jones of the 10th, Sims of the 12th, Lucas of the 26th, Davenport of the 17th,  
Wicks of the 34th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 3 of Chapter 5 of Title 17 of the Official Code of Georgia Annotated,  
2 relating to disposition of property seized, so as to provide for the destruction of a firearm  
3 discharged at a person under 18 years of age; to provide for conforming changes; to provide  
4 for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Article 3 of Chapter 5 of Title 17 of the Official Code of Georgia Annotated, relating to  
8 disposition of property seized, is amended by revising Code Section 17-5-51, relating to civil  
9 forfeiture of weapons used in commission of crime, possession of which constitutes crime  
10 or delinquent act, or illegal concealment generally, as follows:

11 "17-5-51.

12 (a) Except as otherwise provided for in subsection (b) of this Code section, any Any device  
13 which is used as a weapon in the commission of any crime against any person or any  
14 attempt to commit any crime against any person, any weapon the possession or carrying  
15 of which constitutes a crime or delinquent act, and any weapon for which a person has been  
16 convicted of violating Code Section 16-11-126 are declared to be contraband and shall be

17 forfeited in accordance with the procedures set forth in Chapter 16 of Title 9,  
18 notwithstanding the time frames set forth in Code Section 9-16-7.

19 (b) Any firearm which is discharged at a person under 18 years of age is declared to be  
20 contraband and shall be destroyed in accordance with subsection (b) of Code  
21 Section 9-16-19."

22 **SECTION 2.**

23 Said article is further amended by revising Code Section 17-5-52, relating to disposition of  
24 weapons used in commission of crime or delinquent act involving possession and civil  
25 forfeiture, as follows:

26 "17-5-52.

27 When a final judgment is entered finding a defendant guilty of the commission or  
28 attempted commission of a crime against any person or guilty of the commission of a crime  
29 or delinquent act involving the illegal possession or carrying of a weapon, any weapon or  
30 device which was used as a weapon in the commission of the crime or delinquent act shall  
31 be turned over by the person having custody of the weapon or device to the sheriff, chief  
32 of police, or other executive officer of the law enforcement agency that originally  
33 confiscated the weapon or device when the weapon or device is no longer needed for  
34 evidentiary purposes. Within one year after receiving the weapon or device, the sheriff,  
35 chief of police, or other executive officer of the law enforcement agency shall ~~return or sell~~  
36 the weapon or device when it is unclaimed as provided in Code Section 17-5-54, destroy  
37 the weapon or device when it constitutes a firearm that was discharged at a person under  
38 18 years of age as provided for in Code Section 17-5-51, or, if the weapon or device is  
39 subject to forfeiture, follow the procedures set forth in Chapter 16 of Title 9, ~~shall be~~  
40 ~~followed~~ notwithstanding the time frames set forth in Code Section 9-16-7. A state  
41 attorney seeking forfeiture under this Code section shall commence civil forfeiture

42 proceedings within 60 days of the entry of a final judgment as contemplated by this Code  
43 section; the remaining provisions of Chapter 16 of Title 9 shall be applicable.”

44 **SECTION 3.**

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