

Senate Bill 499

By: Senators Ginn of the 47th, Walker III of the 20th, Anavitarte of the 31st, Still of the 48th,  
Payne of the 54th and others

**AS PASSED SENATE**

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,  
2 relating to dangerous instrumentalities and practices, so as to repeal the prohibition on  
3 possessing a silencer; to provide for conforming changes; to provide for definitions; to  
4 provide for related matters; to provide for an effective date and applicability; to repeal  
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to  
9 dangerous instrumentalities and practices, is amended in Part 2, relating to possession of  
10 dangerous weapons, by repealing paragraph (7) of Code Section 16-11-121, relating to  
11 definitions relative to possession of dangerous weapons.

12 **SECTION 2.**

13 Said article is further amended in said part by revising Code Section 16-11-122, relating to  
14 possession of sawed-off shotgun or rifle, machine gun, silencer, or dangerous weapon  
15 prohibited, as follows:

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16 "16-11-122.

17 No person shall have in his or her possession any sawed-off shotgun, sawed-off rifle,  
18 machine gun, or dangerous weapon, ~~or silencer~~ except as provided in Code  
19 Section 16-11-124."

20 **SECTION 3.**

21 Said article is further amended in said part by revising Code Section 16-11-123, relating to  
22 unlawful possession of firearms or weapons, as follows:

23 "16-11-123.

24 A person commits the offense of unlawful possession of firearms or weapons when he or  
25 she knowingly has in his or her possession any sawed-off shotgun, sawed-off rifle, machine  
26 gun, or dangerous weapon, ~~or silencer~~, and, upon conviction thereof, he or she shall be  
27 punished by imprisonment for a period of five years."

28 **SECTION 4.**

29 Said article is further amended in said part by revising Code Section 16-11-124, relating to  
30 exemptions from application of part, as follows:

31 "16-11-124.

32 This part shall not apply to:

33 (1) A peace officer of any duly authorized police agency of this state or of any political  
34 subdivision thereof, or a law enforcement officer of any department or agency of the  
35 United States who is regularly employed and paid by the United States, this state, or any  
36 such political subdivision, or an employee of the Department of Corrections of this state  
37 who is authorized in writing by the commissioner of corrections to transfer or possess  
38 such firearms while in the official performance of his or her duties;

39 (2) A member of the National Guard or of the armed forces of the United States to wit:  
 40 the army, navy, marine corps, air force, space force, or coast guard who, while serving  
 41 therein, possesses such firearm in the line of duty;

42 (3) Any sawed-off shotgun, sawed-off rifle, machine gun, or dangerous weapon, ~~or~~  
 43 ~~silencer~~ which has been modified or changed to the extent that it is inoperative.  
 44 Examples of the requisite modification include weapons with their barrel or barrels filled  
 45 with lead, hand grenades filled with sand, or other nonexplosive materials;

46 (4) Possession of a sawed-off shotgun, sawed-off rifle, machine gun, or dangerous  
 47 weapon, ~~or silencer~~ by a person who is ~~authorized to possess~~ possesses the same because  
 48 ~~he has registered the sawed-off shotgun, sawed-off rifle, machine gun, dangerous~~  
 49 ~~weapon, or silencer~~ in accordance with the dictates of the National Firearms Act, 68A  
 50 Stat. 725 (26 U.S.C. Sections 5841-5862) federal law; and

51 (5) A security officer employed by a federally licensed nuclear power facility or a  
 52 licensee of such facility, including a contract security officer, who is trained and qualified  
 53 under a security plan approved by the United States Nuclear Regulatory Commission or  
 54 other federal agency authorized to regulate nuclear facility security; provided, however,  
 55 that this exemption shall apply only while such security officer is acting in connection  
 56 with his or her official duties on the premises of such nuclear power facility or on  
 57 properties outside the facility property pursuant to a written agreement entered into with  
 58 the local law enforcement agency having jurisdiction over the facility. ~~The exemption~~  
 59 ~~under this paragraph does not include the possession of silencers."~~

60 **SECTION 5.**

61 Said article is further amended in Part 4A, relating to enhanced criminal penalties, by  
 62 revising Code Section 16-11-160, relating to use of machine guns, sawed-off rifles,  
 63 sawed-off shotguns, or firearms with silencers during commission of certain offenses and  
 64 enhanced criminal penalties, as follows:

65 "16-11-160.

66 (a)(1) As used in this Code section, the term:

67 (1) 'Bulletproof vest' means a bullet-resistant soft body armor providing, as a minimum  
 68 standard, the level of protection known as 'threat level I,' which means at least seven  
 69 layers of bullet-resistant material providing protection from at least three shots of  
 70 158-grain lead ammunition fired from a .38 caliber handgun at a velocity of 850 feet per  
 71 second.

72 (2) 'Machine gun' shall have the same meaning as set forth in Code Section 16-11-121.

73 (3) 'Sawed-off rifle' shall have the same meaning as set forth in Code Section 16-11-121.

74 (4) 'Sawed-off shotgun' shall have the same meaning as set forth in Code  
 75 Section 16-11-121.

76 (5) 'Silencer or suppressor' means any device for diminishing the report of any portable  
 77 weapon or other device from which a shot, bullet, or projectile may be discharged by an  
 78 explosive.

79 (b) It shall be unlawful for any person to possess or to use a machine gun, sawed-off rifle,  
 80 sawed-off shotgun, or firearm equipped with a silencer or suppressor, as those terms are  
 81 defined in Code Section 16-11-121, during the commission or the attempted commission  
 82 of any of the following offenses:

83 (1)(A) Aggravated assault as defined in Code Section 16-5-21;

84 (2)(B) Aggravated battery as defined in Code Section 16-5-24;

85 (3)(C) Robbery as defined in Code Section 16-8-40;

86 (4)(D) Armed robbery as defined in Code Section 16-8-41;

87 (5)(E) Home invasion in any degree as defined in Code Section 16-7-5;

88 (6)(F) Murder or felony murder as defined in Code Section 16-5-1;

89 (7)(G) Voluntary manslaughter as defined in Code Section 16-5-2;

90 (8)(H) Involuntary manslaughter as defined in Code Section 16-5-3;

91 ~~(9)(H)~~ Sale, possession for sale, transportation, manufacture, offer for sale, or offer to  
 92 manufacture controlled substances in violation of any provision of Article 2 of  
 93 Chapter 13 of this title, the 'Georgia Controlled Substances Act';

94 ~~(10)(F)~~ Terroristic threats or acts as defined in Code Section 16-11-37;

95 ~~(11)(J)~~ Arson as defined in Code Section 16-7-60, 16-7-60.1, 16-7-61, or 16-7-62 or  
 96 arson of lands as defined in Code Section 16-7-63;

97 ~~(12)(K)~~ Influencing witnesses as defined in Code Section 16-10-93; and

98 ~~(13)(L)~~ Participation in criminal gang activity as defined in Code Section 16-15-4.

99 ~~(2)(A)~~ As used in this paragraph, the term 'bulletproof vest' means a bullet-resistant  
 100 soft body armor providing, as a minimum standard, the level of protection known as  
 101 'threat level I,' which means at least seven layers of bullet-resistant material providing  
 102 protection from at least three shots of 158-grain lead ammunition fired from a .38  
 103 caliber handgun at a velocity of 850 feet per second.

104 ~~(c)(B)~~ It shall be unlawful for any person to wear a bulletproof vest during the commission  
 105 or the attempted commission of any of the following offenses:

106 ~~(1)(i)~~ Any crime against or involving the person of another in violation of any of the  
 107 provisions of this title for which a sentence of life imprisonment may be imposed;

108 ~~(2)(ii)~~ Any felony involving the manufacture, delivery, distribution, administering, or  
 109 selling of controlled substances or marijuana as provided in Code Section 16-13-30; or

110 ~~(3)(iii)~~ Trafficking of substances in violation of Code Section 16-13-31.

111 ~~(d)(b)~~ Any person who violates ~~paragraph (1)~~ of subsection ~~(a)~~~~(b)~~ of this Code section  
 112 shall be guilty of a felony, and, upon conviction thereof, shall be punished by confinement  
 113 for a period of ten years; and such sentence ~~to~~ shall run consecutively to any other sentence  
 114 which the person has received.

115 ~~(e)~~ Any person who violates ~~paragraph (2)~~ of subsection ~~(a)~~~~(c)~~ of this Code section shall  
 116 be guilty of a felony, and, upon conviction thereof, shall be punished by confinement for

117 a period of one to five years; and such sentence ~~to~~ shall run consecutively to any other  
118 sentence which the person has received.

119 ~~(f)(c)~~ Upon the second or subsequent conviction of a person under this Code section, the  
120 person shall be punished by life imprisonment. Notwithstanding any other law to the  
121 contrary, the sentence of any person which is imposed for violating this Code section a  
122 second or subsequent time shall not be suspended by a court or a probationary sentence  
123 imposed in lieu thereof.

124 ~~(g)(d)~~ The punishment prescribed for the violation of subsections ~~(a) and (b)~~, (c), and (f)  
125 of this Code section shall not be probated or suspended as ~~is~~ provided by Code  
126 Section 17-10-7.

127 ~~(h)(e)~~ Any crime committed in violation of this Code section shall be considered a separate  
128 offense."

129 **SECTION 6.**

130 This Act shall become effective on July 1, 2026, and shall apply to all offenses committed  
131 on or after such date.

132 **SECTION 7.**

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