

1 HB414
2 181196-1
3 By Representatives Whorton (I), Hanes, Holmes (M), Whorton
4 (R), Henry, Ainsworth, Crawford and Moore (B)
5 RFD: Public Safety and Homeland Security
6 First Read: 15-MAR-17

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8 SYNOPSIS: This bill would repeal certain restrictions
9 on the carrying or possession of a firearm on
10 certain property or in a motor vehicle by persons
11 with or without a concealed pistol permit.

12 This bill would also revise certain
13 restrictions on the carrying or possession of
14 firearms at certain locations.

15 Amendment 621 of the Constitution of Alabama
16 of 1901, now appearing as Section 111.05 of the
17 Official Recompilation of the Constitution of
18 Alabama of 1901, as amended, prohibits a general
19 law whose purpose or effect would be to require a
20 new or increased expenditure of local funds from
21 becoming effective with regard to a local
22 governmental entity without enactment by a 2/3 vote
23 unless: it comes within one of a number of
24 specified exceptions; it is approved by the
25 affected entity; or the Legislature appropriates
26 funds, or provides a local source of revenue, to
27 the entity for the purpose.

1 The purpose or effect of this bill would be
2 to require a new or increased expenditure of local
3 funds within the meaning of the amendment. However,
4 the bill does not require approval of a local
5 governmental entity or enactment by a 2/3 vote to
6 become effective because it comes within one of the
7 specified exceptions contained in the amendment.

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9 A BILL
10 TO BE ENTITLED
11 AN ACT

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13 Relating to firearms; to repeal Sections 9-11-304,
14 13A-11-50, 13A-11-51, 13A-11-52, 13A-11-59, 13A-11-71,
15 13A-11-73, and 13A-11-74, Code of Alabama 1975, relating to
16 the carrying or possession of a firearm or pistol, to repeal
17 certain restrictions on the carrying or possession of a
18 firearm on certain property or in a motor vehicle; to amend
19 Section 13A-11-61.2, Code of Alabama 1975, to revise certain
20 restrictions on the carrying or possession of firearms at
21 certain locations; and in connection therewith would have as
22 its purpose or effect the requirement of a new or increased
23 expenditure of local funds within the meaning of Amendment 621
24 of the Constitution of Alabama of 1901, now appearing as
25 Section 111.05 of the Official Recompilation of the
26 Constitution of Alabama of 1901, as amended.
27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. The following sections of the Code of
2 Alabama 1975, are repealed:

3 (1) Section 9-11-304, Code of Alabama 1975, relating
4 to the carrying of a firearm in wildlife management areas.

5 (2) Sections 13A-11-50 and 13A-11-51, Code of
6 Alabama 1975, relating to the carrying of concealed weapons.

7 (3) Section 13A-11-52, Code of Alabama 1975,
8 relating to the carrying of a pistol on private property.

9 (4) Section 13A-11-59, Code of Alabama 1975,
10 relating to the possession of firearms at demonstrations.

11 (5) Section 13A-11-71, Code of Alabama 1975,
12 relating to the commission of a crime when armed.

13 (5) Sections 13A-11-73 and 13A-11-74, Code of
14 Alabama 1975, relating to pistols and pistol permits.

15 Section 2. Section 13A-11-61.2, Code of Alabama
16 1975, is amended to read as follows:

17 "§13A-11-61.2.

18 "(a) In addition to any other place limited or
19 prohibited by state or federal law, a person, including a
20 person with a permit issued under Section 13A-11-75(a) (1) or
21 recognized under Section 13A-11-85, may not knowingly possess
22 or carry a firearm in any of the following places without the
23 express permission of a person or entity with authority over
24 the premises:

25 "(1) Inside the building of a police, sheriff, or
26 highway patrol station.

1 "(2) Inside or on the premises of a prison, jail,
2 halfway house, community corrections facility, or other
3 detention facility for those who have been charged with or
4 convicted of a criminal or juvenile offense. It is not a
5 violation of this subsection to knowingly possess or carry a
6 firearm at a location described in this subdivision if the
7 location is also a sheriff's office that issues pistol permits
8 and the pistol remains inside of a locked vehicle at all times
9 while the person is on the premises.

10 "(3) Inside a facility which provides inpatient or
11 custodial care of those with psychiatric, mental, or emotional
12 disorders.

13 "(4)a. Inside a courthouse, courthouse annex, a
14 building in which a district attorney's office is located, or
15 a building in which a county commission or city council is
16 currently having a regularly scheduled or specially called
17 meeting.

18 "b. For the purposes of this subdivision,
19 "courthouse annex" means a building which is currently having
20 regularly scheduled or specially called court hearings.

21 "(5) Inside any facility hosting an athletic event
22 not related to or involving firearms which is sponsored by a
23 private or public elementary or secondary school or any
24 private or public institution of postsecondary education,
25 unless the person has a permit issued under Section
26 13A-11-75(a) (1) or recognized under Section 13A-11-85.

1 "(6) Inside any facility hosting a professional
2 athletic event not related to or involving firearms, unless
3 the person has a permit issued under Section 13A-11-75(a)(1)
4 or recognized under Section 13A-11-85.

5 "(b) Notwithstanding the provisions of subsection
6 (a), a person, including a person with a permit issued under
7 Section 13A-11-75(a)(1) or recognized under Section 13A-11-85,
8 may not, without the express permission of a person or entity
9 with authority over the premises, knowingly possess or carry a
10 firearm inside any building or facility to which access of
11 unauthorized persons and prohibited articles is limited during
12 normal hours of operation by the continuous on-site posting of
13 guards who are responsible for the prevention of prohibited
14 items from entering the facility, and the use of other
15 security features, ~~including, but not limited to,~~
16 magnetometers, key cards, biometric screening devices, or
17 turnstiles or other physical barriers that prevent all persons
18 entering the facility from bringing prohibited items into the
19 facility. Nothing in this subsection otherwise restricts the
20 possession, transportation, or storage of a lawfully possessed
21 firearm or ammunition in an employee's privately owned motor
22 vehicle while parked or operated in a public or private
23 parking area provided the employee complies with the
24 requirements of Section 13A-11-90.

25 "(c) The person or entity with authority over the
26 premises set forth in subsection (a)(1)-(6) and subsection (b)
27 shall place a notice at the public entrances of such premises

1 or buildings alerting those entering that firearms are
2 prohibited.

3 "(d) Except as provided in subsections (a)(5) and
4 (a)(6), any firearm on the premises of any facility set forth
5 in subsection (a)(1), (a)(2), or subsection (a)(4)-(6), or
6 subsection (b) must be kept from ordinary observation and
7 locked within a compartment or in the interior of the person's
8 motor vehicle or in a compartment or container securely
9 affixed to the motor vehicle.

10 "(e) A violation of subsections (a), (b), or (d) is
11 a Class C misdemeanor.

12 "(f) This section shall not prohibit any person from
13 possessing a firearm within the person's residence or during
14 ingress or egress thereto.

15 "(g) Prohibitions regarding the carrying of a
16 firearm under this section shall not apply to law enforcement
17 officers engaged in the lawful execution of their official
18 duties.

19 "(h) Nothing in this section shall be construed to
20 authorize the carrying or possession of a firearm where
21 prohibited by federal law."

22 Section 3. Although this bill would have as its
23 purpose or effect the requirement of a new or increased
24 expenditure of local funds, the bill is excluded from further
25 requirements and application under Amendment 621, now
26 appearing as Section 111.05 of the Official Recompilation of
27 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an
2 existing crime.

3 Section 4. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.