

1 HB372  
2 205835-1  
3 By Representatives Rowe, Fridy and Kitchens  
4 RFD: Public Safety and Homeland Security  
5 First Read: 03-MAR-20

SYNOPSIS: Under current law, a person may not knowingly possess or carry a firearm inside any building or facility which has a continuous posting of guards and has other security features, including physical barriers.

This bill would define other physical barriers.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to firearms; to amend Section 13A-11-61.2, Code of Alabama 1975, to define other physical barriers as related to buildings and facilities wherein firearms may not be possessed.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-11-61.2, Code of Alabama 1975, is amended to read as follows:

"§13A-11-61.2.

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

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

10           "(2) Inside or on the premises of a prison, jail,  
11 halfway house, community corrections facility, or other  
12 detention facility for those who have been charged with or  
13 convicted of a criminal or juvenile offense.

14           "(3) Inside a facility which provides inpatient or  
15 custodial care of those with psychiatric, mental, or emotional  
16 disorders.

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

22           "(5) Inside any facility hosting an athletic event  
23 not related to or involving firearms which is sponsored by a  
24 private or public elementary or secondary school or any  
25 private or public institution of postsecondary education,  
26 unless the person has a permit issued under Section  
27 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 posting of guards  
13 and the use of other security features, including, but not  
14 limited to, magnetometers, key cards, biometric screening  
15 devices, or turnstiles or other physical barriers. For  
16 purposes of this subsection, the term other physical barriers  
17 does not include doors, walls, or other standard building  
18 features. Nothing in this subsection otherwise restricts the  
19 possession, transportation, or storage of a lawfully possessed  
20 firearm or ammunition in an employee's privately owned motor  
21 vehicle while parked or operated in a public or private  
22 parking area provided the employee complies with the  
23 requirements of Section 13A-11-90.

24           "(c) The person or entity with authority over the  
25 premises set forth in subdivisions (1) to (6), inclusive, of  
26 subsection (a) and subsection (b) shall place a notice at the

1 public entrances of such premises or buildings alerting those  
2 entering that firearms are prohibited.

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

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

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

16 "(g) Prohibitions regarding the carrying of a  
17 firearm under this section shall not apply to law enforcement  
18 officers engaged in the lawful execution of their official  
19 duties or a qualified retired law enforcement officer. For  
20 purposes of this section, qualified retired law enforcement  
21 officer shall mean a retired officer who meets all of the  
22 following requirements:

23 "(1) Was separated from service in good standing  
24 from service with a public agency as a law enforcement  
25 officer.

26 "(2) Before separation, was authorized by law to  
27 engage in or supervise the prevention, detection,

1 investigation, or prosecution of, or the incarceration of any  
2 person for, any violation of law, and had statutory powers of  
3 arrest.

4 "(3) Before separation, served as a law enforcement  
5 officer for an aggregate of 10 years or more and separated  
6 from service with such agency, after completing any applicable  
7 probationary period of such service, due to a  
8 service-connected disability, as determined by the agency.

9 "(4) During the most recent 12-month period, has  
10 met, at the expense of the individual, the standards for  
11 qualification in firearms training for active law enforcement  
12 officers, as determined by the former agency of the  
13 individual, the state in which the individual resides or, if  
14 the state has not established such standards, either a law  
15 enforcement agency within the state in which the individual  
16 resides or the standards used by a certified firearms  
17 instructor that is qualified to conduct a firearms  
18 qualification test for active duty officers within that state.

19 "(5) Has not been officially found by a qualified  
20 medical professional employed by the agency to be unqualified  
21 for reasons relating to mental health, and as a result, will  
22 not be issued the photographic identification described in  
23 subdivision (8) and has not entered into an agreement with the  
24 agency from which the individual is separating from service in  
25 which that individual acknowledges he or she is not qualified  
26 under this section for reasons relating to mental health and

1 for those reasons will not receive or accept the photographic  
2 identification as described in subsection (8).

3 "(6) Is not under the influence of alcohol or  
4 another intoxicating or hallucinatory drug or substance.

5 "(7) Is not prohibited by state or federal law from  
6 receiving a firearm.

7 "(8) Is carrying any of the following identification  
8 documents:

9 "a. A photographic identification issued by the  
10 agency from which the individual separated from service as a  
11 law enforcement officer that identifies the person as having  
12 been employed as a police officer or law enforcement officer  
13 and indicates that the individual has, not less recently than  
14 one year before the date the individual is carrying the  
15 concealed firearm, been tested or otherwise found by the  
16 agency to meet the active duty standards for qualification in  
17 firearms training as established by the agency to carry a  
18 firearm of the same type as the concealed firearm.

19 "b. A photographic identification issued by the  
20 agency from which the individual separated from service as a  
21 law enforcement officer that identifies the person as having  
22 been employed as a police officer or law enforcement officer,  
23 and a certification issued by the state in which the  
24 individual resides or by a certified firearms instructor who  
25 is qualified to conduct a firearms qualification test for  
26 active duty officers within that state that indicates that the  
27 individual, not less than one year before the date the

1 individual is carrying the concealed firearm, has been tested  
2 or otherwise found by the state or a certified firearms  
3 instructor who is qualified to conduct a firearms  
4 qualification test for active duty officers within that state  
5 to have met either of the following:

6 "1. The active duty standards for qualification in  
7 firearms training, as established by the state, to carry a  
8 firearm of the same type as the concealed firearm.

9 "2. If the state has not established such standards,  
10 standards set by any law enforcement agency within that state  
11 to carry a firearm of the same type as the concealed firearm.

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

15 Section 2. This act shall become effective on the  
16 first day of the third month following its passage and  
17 approval by the Governor, or its otherwise becoming law.