

1 HB18
2 154765-1
3 By Representative Holmes
4 RFD: Public Safety and Homeland Security
5 First Read: 14-JAN-14
6 PFD: 10/02/2013

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8 SYNOPSIS: Act 2013-283 of the 2013 Regular Session is
9 a comprehensive revision of existing laws
10 regulating the possession and use of firearms.
11 Among other things, the act consolidates certain
12 preemption language regarding the authority of
13 local governments to regulate firearms, establishes
14 a rebuttable presumption that the carrying of a
15 firearm under certain conditions does not
16 constitute the crime of disorderly conduct, revises
17 the pistol permitting process, further provides for
18 business license taxes on persons participating in
19 gun shows, prohibits the carrying of firearms at
20 specified locations and allows employees to
21 transport or store a firearm or ammunition in the
22 employee's motor vehicle under certain conditions,
23 and allows the use of force for protection and
24 self-defense on business property.

25 This bill repeals Act 2013-283 of the 2013
26 Regular Session in its entirety and restores

1 amended or repealed Sections of the Code of Alabama
2 1975, to their original form.

3
4 A BILL
5 TO BE ENTITLED
6 AN ACT
7

8 Relating to firearms; to amend Sections 11-80-11,
9 13A-3-23, 13A-11-7, 13A-11-52, 13A-11-70, 13A-11-73,
10 13A-11-75, 13A-11-85, and 40-12-143, Code of Alabama 1975, all
11 as last amended by Act 2013-283 of the 2013 Regular Session,
12 to restore these sections to their original form prior to the
13 passage of Act 2013-283; to restore Section 11-45-1.1, Code of
14 Alabama 1975, as repealed by Act 2013-283 of the 2013 Regular
15 Session; and to repeal Sections 4, 5, 6, 7, and 10 of Act
16 2013-283 of the 2013 Regular Session.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Sections 11-80-11, 13A-3-23, 13A-11-7,
19 13A-11-52, 13A-11-70, 13A-11-73, 13A-11-75, 13A-11-85, and
20 40-12-143, Code of Alabama 1975, all as last amended by Act
21 2013-283 of the 2013 Regular Session, are amended to read as
22 follows:

23 "§11-80-11.

24 "(a) No county or municipal corporation,
25 instrumentality, or political subdivision thereof, by
26 ordinance, resolution, or other enactment, shall regulate in
27 any manner gun shows, the possession, ownership, transport,

1 carrying, transfer, sale, purchase, licensing, registration or
2 use of firearms, ammunition, components of firearms, firearms
3 dealers, or dealers in firearm components.

4 "(b)(1) Subsection (a) does not affect the authority
5 a municipality has under law to regulate the discharge of
6 firearms within the limits of the municipality or the
7 authority a county has under law enacted prior to August 1,
8 2000, to regulate the discharge of firearms within the
9 jurisdiction of the county.

10 "(2) Subsection (a) does not affect the authority of
11 the state, a county, or a municipality to assess, enforce, and
12 collect sales taxes, use taxes, and gross receipts taxes in
13 the nature of sales taxes as defined by Section 40-2A-3(8), on
14 the retail sale of firearms and ammunition or to assess,
15 enforce, and collect business licenses from firearms or
16 ammunition manufacturers, trade associations, distributors, or
17 dealers for the privilege of engaging in business.

18 "Further, nothing herein shall exempt any business
19 which uses firearms or ammunition in the conduct of its
20 business or any business which leases or sells firearms or
21 ammunition from the provisions of county and municipal
22 planning and zoning laws, as long as the code, ordinance, or
23 regulations are not used to circumvent the intent of
24 subsection (a).

25 "This section shall not be construed to limit or
26 restrict the power of a municipality to adopt or enforce
27 ordinances which make the violation of a state firearm law a

1 violation of a municipal ordinance to the same extent as other
2 state law violations.

3 "(c) The authority to bring or settle any lawsuit in
4 which the state has an exclusive interest or right to recover
5 against any firearm or ammunition manufacturer, trade
6 association, or dealer, and the authority to bring or settle
7 any lawsuit on behalf of any governmental unit created by or
8 pursuant to an act of the Legislature or the Constitution of
9 Alabama of 1901, or any department, agency, or authority
10 thereof, for damages, abatement, injunctive relief, or other
11 equitable relief resulting from or relating to the design,
12 manufacture, marketing, or lawful sale of firearms or
13 ammunition, or both, shall be reserved exclusively to the
14 Attorney General, by and with the consent of the Governor.
15 This section shall not prohibit a county or municipal
16 corporation from bringing an action against a firearms or
17 ammunition manufacturer or dealer for breach of contract or
18 warranty as to firearms or ammunition purchased by the
19 political subdivision or local governmental authority.

20 "§13A-3-23.

21 "(a) A person is justified in using physical force
22 upon another person in order to defend himself or herself or a
23 third person from what he or she reasonably believes to be the
24 use or imminent use of unlawful physical force by that other
25 person, and he or she may use a degree of force which he or
26 she reasonably believes to be necessary for the purpose. A
27 person may use deadly physical force, and is legally presumed

1 to be justified in using deadly physical force in self-defense
2 or the defense of another person pursuant to subdivision ~~(5)~~
3 (4), if the person reasonably believes that another person is:

4 "(1) Using or about to use unlawful deadly physical
5 force.

6 "(2) Using or about to use physical force against an
7 occupant of a dwelling while committing or attempting to
8 commit a burglary of such dwelling.

9 "(3) Committing or about to commit a kidnapping in
10 any degree, assault in the first or second degree, burglary in
11 any degree, robbery in any degree, forcible rape, or forcible
12 sodomy.

13 ~~"(4) Using or about to use physical force against an
14 owner, employee, or other person authorized to be on business
15 property when the business is closed to the public while
16 committing or attempting to commit a crime involving death,
17 serious physical injury, robbery, kidnapping, rape, sodomy, or
18 a crime of a sexual nature involving a child under the age of
19 12.~~

20 ~~"(5)~~ (4) In the process of unlawfully and forcefully
21 entering, or has unlawfully and forcefully entered, a
22 dwelling, residence, ~~business property,~~ or occupied vehicle,
23 or federally licensed nuclear power facility, or is in the
24 process of sabotaging or attempting to sabotage a federally
25 licensed nuclear power facility, or is attempting to remove,
26 or has forcefully removed, a person against his or her will
27 from any dwelling, residence, ~~business property,~~ or occupied

1 vehicle when the person has a legal right to be there, and
2 provided that the person using the deadly physical force knows
3 or has reason to believe that an unlawful and forcible entry
4 or unlawful and forcible act is occurring. The legal
5 presumption that a person using deadly physical force is
6 justified to do so pursuant to this subdivision does not apply
7 if:

8 "a. The person against whom the defensive force is
9 used has the right to be in or is a lawful resident of the
10 dwelling, residence, or vehicle, such as an owner or lessee,
11 and there is not an injunction for protection from domestic
12 violence or a written pretrial supervision order of no contact
13 against that person;

14 "b. The person sought to be removed is a child or
15 grandchild, or is otherwise in the lawful custody or under the
16 lawful guardianship of, the person against whom the defensive
17 force is used;

18 "c. The person who uses defensive force is engaged
19 in an unlawful activity or is using the dwelling, residence,
20 or occupied vehicle to further an unlawful activity; or

21 "d. The person against whom the defensive force is
22 used is a law enforcement officer acting in the performance of
23 his or her official duties.

24 "(b) A person who is justified under subsection (a)
25 in using physical force, including deadly physical force, and
26 who is not engaged in an unlawful activity and is in any place

1 where he or she has the right to be has no duty to retreat and
2 has the right to stand his or her ground.

3 "(c) Notwithstanding the provisions of subsection
4 (a), a person is not justified in using physical force if:

5 "(1) With intent to cause physical injury or death
6 to another person, he or she provoked the use of unlawful
7 physical force by such other person.

8 "(2) He or she was the initial aggressor, except
9 that his or her use of physical force upon another person
10 under the circumstances is justifiable if he or she withdraws
11 from the encounter and effectively communicates to the other
12 person his or her intent to do so, but the latter person
13 nevertheless continues or threatens the use of unlawful
14 physical force.

15 "(3) The physical force involved was the product of
16 a combat by agreement not specifically authorized by law.

17 "(d) A person who uses force, including deadly
18 physical force, as justified and permitted in this section is
19 immune from criminal prosecution and civil action for the use
20 of such force, unless the force was determined to be unlawful.

21 "(e) A law enforcement agency may use standard
22 procedures for investigating the use of force described in
23 subsection (a), but the agency may not arrest the person for
24 using force unless it determines that there is probable cause
25 that the force used was unlawful.

26 "§13A-11-7.

1 "(a) A person commits the crime of disorderly
2 conduct if, with intent to cause public inconvenience,
3 annoyance or alarm, or recklessly creating a risk thereof, he
4 or she does any of the following:

5 "(1) Engages in fighting or in violent tumultuous or
6 threatening behavior.

7 "(2) Makes unreasonable noise.

8 "(3) In a public place uses abusive or obscene
9 language or makes an obscene gesture.

10 "(4) Without lawful authority, disturbs any lawful
11 assembly or meeting of persons.

12 "(5) Obstructs vehicular or pedestrian traffic, or a
13 transportation facility.

14 "(6) Congregates with other person in a public place
15 and refuses to comply with a lawful order of ~~law enforcement~~
16 the police to disperse.

17 "(b) Disorderly conduct is a Class C misdemeanor.

18 "~~(c) It shall be a rebuttable presumption that the~~
19 ~~mere carrying of a visible pistol, holstered or secured, in a~~
20 ~~public place, in and of itself, is not a violation of this~~
21 ~~section.~~

22 "~~(d) Nothing in Act 2013-283 shall be construed to~~
23 ~~prohibit law enforcement personnel who have reasonable~~
24 ~~suspicion from acting to prevent a breach of the peace or from~~
25 ~~taking action to preserve public safety.~~

26 "§13A-11-52.

1 "Except as otherwise provided in this article, no
2 person shall carry a pistol about his person on ~~private~~
3 ~~property premises~~ not his own or under his control ~~unless the~~
4 ~~person possesses a valid concealed weapon permit or the person~~
5 ~~has the consent of the owner or legal possessor of the~~
6 ~~premises~~; but this section shall not apply to any ~~law~~
7 ~~enforcement officer~~ sheriff or his deputy or police officer of
8 an incorporated town or city in the lawful discharge of the
9 duties of his office, or to United States marshal or his
10 deputies, rural free delivery mail carriers in the discharge
11 of their duties as such, bonded constables in the discharge of
12 their duties as such, conductors, railway mail clerks and
13 express messengers in the discharge of their duties.

14 "§13A-11-70.

15 "For the purposes of this division, the following
16 terms shall have the respective meanings ascribed by this
17 section:

18 "(1) PISTOL. Any firearm with a barrel less than 12
19 inches in length.

20 "(2) CRIME OF VIOLENCE. Any of the following crimes
21 or an attempt to commit any of them, namely, murder,
22 manslaughter, (except manslaughter arising out of the
23 operation of a vehicle), rape, mayhem, assault with intent to
24 rob, assault with intent to ravish, assault with intent to
25 murder, robbery, burglary, ~~and kidnapping~~ and larceny. ~~"Crime~~
26 ~~of violence"~~ shall also mean any Class A felony or any Class B
27 felony that has as an element serious physical injury, the

1 ~~distribution or manufacture of a controlled substance, or is~~
2 ~~of a sexual nature involving a child under the age of 12.~~

3 "(3) PERSON. Such term includes any firm,
4 partnership, association or corporation.

5 "§13A-11-73.

6 "~~(a) Except on land under his or her control or in~~
7 ~~his or her own abode or his or her own fixed place of~~
8 ~~business, no~~ No person shall carry a pistol in any vehicle or
9 concealed on or about his or her person except on his or her
10 land, in his or her own abode or fixed place of business,
11 without a ~~permit issued under Section 13A-11-75(a)(1) or~~
12 ~~recognized under Section 13A-11-85~~ license therefor as
13 hereinafter provided.

14 "~~(b) Except as otherwise prohibited by law, a person~~
15 ~~legally permitted to possess a pistol, but who does not~~
16 ~~possess a valid concealed weapon permit, may possess an~~
17 ~~unloaded pistol in his or her motor vehicle if the pistol is~~
18 ~~locked in a compartment or container that is in or affixed~~
19 ~~securely to the vehicle and out of reach of the driver and any~~
20 ~~passenger in the vehicle.~~

21 "§13A-11-75.

22 "(a) ~~(1) a.~~ The sheriff of a county, upon the
23 application of any person residing in that county, ~~within 30~~
24 ~~days from receipt of a complete application and accompanying~~
25 ~~fee, shall~~ may issue or renew a permit for a qualified or
26 unlimited license to such person to carry a pistol in a
27 vehicle or concealed on or about his or her person within this

1 state for one to five year increments, as requested by the
2 person seeking the permit, not more than one year from date of
3 issue, if it appears that the applicant has good reason to
4 fear injury to his or her person or property or has any other
5 proper reason for carrying a pistol, and that he or she is a
6 suitable person to be so licensed. unless the sheriff
7 determines that the person is prohibited from the possession
8 of a pistol or firearm pursuant to state or federal law, or
9 has a reasonable suspicion that the person may use a weapon
10 unlawfully or in such other manner that would endanger the
11 person's self or others. In making such determination, the
12 sheriff may consider whether the applicant:

13 "1. Was found guilty but mentally ill in a criminal
14 case.

15 "2. Was found not guilty in a criminal case by
16 reason of insanity or mental disease or defect.

17 "3. Was declared incompetent to stand trial in a
18 criminal case.

19 "4. Asserted a defense in a criminal case of not
20 guilty by reason of insanity or mental disease or defect.

21 "5. Was found not guilty only by reason of lack of
22 mental responsibility under the Uniform Code of Military
23 Justice.

24 "6. Required involuntary inpatient treatment in a
25 psychiatric hospital or similar treatment facility.

26 "7. Required involuntary outpatient treatment in a
27 psychiatric hospital or similar treatment facility based on a

1 ~~finding that the person is an imminent danger to himself or~~
2 ~~herself or to others.~~

3 ~~"8. Required involuntary commitment to a psychiatric~~
4 ~~hospital or similar treatment facility for any reason,~~
5 ~~including drug use.~~

6 ~~"9. Is or was the subject of a prosecution or of a~~
7 ~~commitment or incompetency proceeding that could lead to a~~
8 ~~prohibition on the receipt or possession of a firearm under~~
9 ~~the laws of Alabama or the United States.~~

10 ~~"10. Falsified any portion of the permit~~
11 ~~application.~~

12 ~~"11. Caused justifiable concern for public safety.~~

13 ~~"b. The sheriff shall take into account how recent~~
14 ~~any consideration under paragraph a. is in relation to the~~
15 ~~date of the application. The sheriff shall provide a written~~
16 ~~statement of the reasons for a denial of a permit and the~~
17 ~~evidence upon which it is based must be disclosed to the~~
18 ~~applicant, unless disclosure would interfere with a criminal~~
19 ~~investigation.~~

20 ~~"c. Except as otherwise provided by the laws of this~~
21 ~~state, a permit issued under this subdivision is valid~~
22 ~~throughout the state, and a sheriff may not place conditions~~
23 ~~or requirements on the issuance of the permit or limit its~~
24 ~~scope or applicability.~~

25 ~~"(2) a. The sheriff may revoke a permit issued under~~
26 ~~subdivision (1) for any reason that could lead to a denial of~~
27 ~~a permit under that subdivision.~~

1 ~~"b. The sheriff shall provide a written statement of~~
2 ~~the reasons for the revocation and the evidence upon which it~~
3 ~~is based must be disclosed to the applicant, unless disclosure~~
4 ~~would interfere with a criminal investigation.~~

5 ~~"(3) A person who is denied a permit under~~
6 ~~subdivision (1), or a person whose permit is revoked under~~
7 ~~subdivision (2), within 30 days of notification of the denial~~
8 ~~or revocation, may appeal the denial or revocation to the~~
9 ~~district court of the county where the denial or revocation~~
10 ~~was issued. Upon a review of a denial under this subdivision,~~
11 ~~the sheriff shall have the burden of proving by clear and~~
12 ~~convincing evidence that the person is prohibited from~~
13 ~~possession of a pistol or other firearm pursuant to state or~~
14 ~~federal law or, based on any of the considerations enumerated~~
15 ~~in the subsection (a) (1) of this section that the person may~~
16 ~~use a weapon unlawfully or in such other manner as would~~
17 ~~endanger the person's self or others if granted a permit to~~
18 ~~carry a concealed weapon under this section.~~

19 ~~"(4) Within 30 days of receipt of the appeal, the~~
20 ~~district court shall review the appeal and issue a~~
21 ~~determination providing the reasons for the determination.~~

22 ~~"(5) If the district court issues a determination in~~
23 ~~favor of a person whose permit was denied or revoked, the~~
24 ~~person shall be issued a permit or the permit must be~~
25 ~~reinstated.~~

1 ~~"(6) Nothing in this section shall be construed to~~
2 ~~permit a sheriff to disregard any federal law or regulation~~
3 ~~pertaining to the purchase or possession of a firearm.~~

4 "(b) ~~Each permit~~ The license shall be written or in
5 ~~an electronic or digital~~ in triplicate, in form to be
6 prescribed by the Secretary of State ~~in consultation with the~~
7 ~~Alabama Sheriff's Association,~~ and shall bear the name,
8 address, description, and signature of the ~~permittee~~ licensee
9 and the reason given for desiring a license. The original
10 ~~hardcopy of the permit~~ thereof shall be delivered to the
11 ~~permittee~~ licensee, and ~~a~~ the duplicate shall, within seven
12 days, be sent by registered or certified mail to the Director
13 of Public Safety. ~~The application and a copy ,~~ and the
14 triplicate shall be preserved for six years by the authority
15 issuing the same. ~~The sheriff may charge a fee as provided by~~
16 ~~local law for the issuance of the permit under subdivision (1)~~
17 ~~of subsection (a).~~ ~~The amount of the fee for a period of one~~
18 ~~year up to five years shall be the amount of the fee as~~
19 ~~prescribed by local law multiplied by the number of years of~~
20 ~~the permit requested by the applicant.~~ ~~The fee~~ fee for issuing
21 such license shall be one dollar (\$1) which shall be paid into
22 the county treasury unless otherwise provided by local law.
23 Prior to issuance ~~or renewal~~ of a ~~permit~~ license, the sheriff
24 shall contact available local, state, and federal criminal
25 history data banks, ~~including the National Instant Criminal~~
26 ~~Background Check System,~~ to determine whether possession of a
27 firearm by an applicant would be a violation of state or

1 federal law. The sheriff may revoke a license upon proof that
2 the licensee is not a proper person to be licensed.

3 ~~"(c) For the convenience of the applicant, the~~
4 ~~sheriff may provide for application or renewal of a permit~~
5 ~~under subdivision (1) of subsection (a) through electronic~~
6 ~~means. The sheriff may also accept payment for a permit by~~
7 ~~debit or credit card or other consumer electronic payment~~
8 ~~method. Any transaction or banking fee charged for the~~
9 ~~electronic payment method shall be paid by the applicant.~~

10 ~~"(d) If a person who is not a United States citizen~~
11 ~~applies for a permit under this section, the sheriff shall~~
12 ~~conduct an Immigration Alien Query through U.S. Immigration~~
13 ~~and Customs Enforcement, or any successor agency, and the~~
14 ~~application form shall require information relating to the~~
15 ~~applicant's country of citizenship, place of birth, and any~~
16 ~~alien or admission number issued by U.S. Immigration and~~
17 ~~Customs Enforcement, or any successor agency. The sheriff~~
18 ~~shall review the results of these inquiries before making a~~
19 ~~determination of whether to issue a permit or renewal permit.~~
20 ~~A person who is unlawfully present in this state may not be~~
21 ~~issued a permit under this section.~~

22 ~~"(e) (b) The name, address, and signature,~~
23 ~~photograph, and any other personally identifying information~~
24 ~~collected from an applicant or permittee licensee under this~~
25 ~~section shall be kept confidential, shall be exempt from~~
26 ~~disclosure under Section 36-12-40, and may only be used for~~
27 ~~law enforcement purposes except when a current permittee~~

1 licensee is charged in any state with a felony involving the
2 use of a pistol. All other information on ~~permits~~ licenses
3 under this section, including information concerning the
4 annual number of applicants, number of ~~permits~~ licenses
5 issued, number of ~~permits~~ licenses denied ~~or revoked~~, revenue
6 from issuance of ~~permits~~ licenses, and any other fiscal or
7 statistical data otherwise, shall remain public writings
8 subject to public disclosure. Except as provided above, the
9 sheriff of a county shall redact the name, address, signature,
10 and photograph, ~~and any other personally identifying~~
11 ~~information of a permit holder~~ an applicant before releasing a
12 copy of a ~~permit~~ license for a non-law enforcement purpose.
13 The sheriff may charge one dollar (\$1) per copy of any
14 redacted ~~permit~~ license record requested other than when
15 requested for law enforcement purposes. To knowingly publish
16 or release to the public in any form any information or
17 records related to the licensing process, or the current
18 validity of any ~~permit~~ license, except as authorized in this
19 subsection or in response to a court order or subpoena, is a
20 Class A misdemeanor.

21 ~~"(f) A concealed pistol permit issued under this~~
22 ~~section shall be valid for the carrying of a pistol in a motor~~
23 ~~vehicle or concealed on the permittee's person throughout the~~
24 ~~state, unless prohibited by this section.~~

25 ~~"(g) This section shall not be construed to limit or~~
26 ~~place any conditions upon a person's right to carry a pistol~~
27 ~~that is not in a motor vehicle or not concealed.~~

1 ~~"(h) If a person issued a pistol permit in this~~
2 ~~state establishes residence in another state, the pistol~~
3 ~~permit shall expire upon the establishment of residence in the~~
4 ~~other state.~~

5 "§13A-11-85.

6 "(a) A person licensed to carry a handgun in any
7 state whose laws recognize and give effect in that state to a
8 license issued under the laws of the State of Alabama shall be
9 authorized to carry a handgun in this state. This section
10 shall apply to a ~~licenseholder~~ license holder from another
11 state only while the ~~licenseholder~~ license holder is not a
12 resident of this state. A ~~licenseholder~~ license holder from
13 another state shall carry the handgun in compliance with the
14 laws of this state.

15 "(b) The Attorney General ~~is authorized to enter~~
16 ~~into reciprocal agreements with other states for the mutual~~
17 ~~recognition of licenses to carry handguns and shall~~
18 periodically publish a list of states which ~~recognize licenses~~
19 ~~issued pursuant to Section 13A-11-75~~ meet the requirements of
20 subsection (a).

21 "§40-12-143.

22 "Persons dealing in pistols, revolvers, maxim
23 silencers, bowie knives, dirk knives, brass knucks or knucks
24 of like kind, whether principal stock in trade or not shall
25 pay the following license tax: In cities and towns of 35,000
26 inhabitants and over, \$150; and in all other places, \$100. ~~The~~
27 ~~required license amounts shall be paid for each place of~~

1 ~~business from which sales of such items are made. In addition~~
2 ~~to any other required licenses, a person may organize and~~
3 ~~conduct a gun and knife show of no more than seven days, by~~
4 ~~paying the maximum license tax prescribed in this section, as~~
5 ~~well as the maximum license taxes provided in Sections~~
6 ~~40-12-158 and 40-12-174(d), for each such show. Participants~~
7 ~~shall not be required to pay the license taxes provided in~~
8 ~~this section, nor in Section 40-12-158 or 40-12-174 for~~
9 ~~participating in such shows, provided the organizer has paid~~
10 ~~the license taxes prescribed in this section prior to the~~
11 ~~commencement of the event. It shall be the duty of the~~
12 ~~organizer of such show to determine if each participant is~~
13 ~~licensed under the sales tax laws of this state as well as the~~
14 ~~particular county and municipality in which the show is~~
15 ~~conducted. The organizer shall be responsible for providing a~~
16 ~~list of participants to the county and municipality in which~~
17 ~~the gun show is held and for collecting and remitting all~~
18 ~~state and local sales taxes for any participant not licensed~~
19 ~~under state or local sales tax laws. In the event the~~
20 ~~organizer does not provide the information required herein or~~
21 ~~pay the license taxes prescribed in this section, prior to the~~
22 ~~commencement of the event, each participant shall be~~
23 ~~responsible for his or her applicable licenses. The organizer~~
24 ~~and all participants shall abide by applicable federal, state,~~
25 ~~and local laws and regulations. All persons dealing in~~
26 ~~pistols, revolvers, and maxim silencers shall be required to~~
27 ~~keep a permanent record of the sale of every pistol, revolver,~~

1 or maxim silencer, showing the date of sale, serial number, or
2 other identification marks, manufacturer's name, caliber and
3 type, and also the name and address of the purchaser. ~~The~~
4 ~~records~~ which record shall always be open for inspection by
5 any peace officer of the State of Alabama or any municipality
6 thereof. The failure to keep such record shall subject such
7 person to having his or her license revoked by the probate
8 judge of the county where such license was issued on motion of
9 any district attorney of the State of Alabama."

10 Section 2. Section 11-45-1.1, Code of Alabama 1975,
11 as repealed by Act 2013-283 of the 2013 Regular Session, is
12 restored as follows:

13 "§11-45-1.1.

14 No incorporated municipality shall have the power to
15 enact any ordinance, rule, or regulation which shall tax,
16 restrict, prevent, or in any way affect the possession or
17 ownership of handguns by the citizens of this state. The
18 entire subject matter of handguns is reserved to the State
19 Legislature. This section shall not be construed to limit or
20 restrict the power of a municipality to adopt ordinances which
21 make the violation of a state handgun law a violation of a
22 municipal ordinance to the same extent as other state law
23 violations, or to limit or restrict the power of a municipal
24 court to exercise concurrent jurisdiction with the district
25 court over violations of state handgun laws which may be
26 prosecuted as breaches of a municipal ordinance.

1 Section 3. Sections 4, 5, 6, 7, and 10 of Act
2 2013-283 of the 2013 Regular Session are repealed.

3 Section 4. This act shall become effective
4 immediately following its passage and approval by the
5 Governor, or its otherwise becoming law.