

HB34 ENROLLED



1 U97IDD-3
2 By Representative Estes
3 RFD: Judiciary
4 First Read: 07-Mar-23
5 2023 Regular Session



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1 Enrolled, An Act,

2
3 Relating to crimes and offenses; to amend Section
4 13A-11-61.1, Code of Alabama 1975; to provide that it is
5 unlawful to discharge a firearm on school property; to provide
6 criminal penalties; to provide for exceptions; and in
7 connection therewith would have as its purpose or effect the
8 requirement of a new or increased expenditure of local funds
9 within the meaning of Section 111.05 of the Constitution of
10 Alabama of 2022.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Section 13A-11-61.1, Code of Alabama 1975,
13 is amended to read as follows:

14 "§13A-11-61.1

15 (a) No person shall shoot or discharge a firearm into
16 an occupied or unoccupied school bus or school building.

17 ~~(b)~~ (1) A person who shoots or discharges a firearm into
18 an occupied school bus or school building shall be guilty of a
19 Class B felony.

20 ~~(c)~~ (2) A person who shoots or discharges a firearm into
21 an unoccupied school bus or school building shall be guilty of
22 a Class C felony.

23 (b) No person shall shoot or discharge a firearm on
24 school property.

25 (1) A person who shoots or discharges a firearm on
26 school property during school hours or during school
27 activities after school hours, shall be guilty of a Class B
28 felony.



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29 (2) In circumstances other than those provided in
30 subdivision (1), a person who shoots or discharges a firearm
31 on school property shall be guilty of a Class C felony.

32 (c) A person shall not be in violation of this section
33 if the person is justified in using physical force pursuant to
34 Section 13A-3-23.

35 (d) A person shall not be in violation of this section
36 if he or she is engaging in an organized competition or school
37 system sanctioned event involving the use of a firearm or
38 participating in or practicing for a performance by an
39 organized group under 26 U.S.C. § 501(c) (3) which uses
40 firearms as part of the performance or is on land leased from
41 a school system.

42 (e) For the purposes of this section, "school property"
43 does not include sixteenth section land or school lands,
44 pursuant to Section 16-20-1, held in trust for the benefit of
45 a school district, that do not have any school buildings, and
46 that is not actively used for the purpose of providing
47 educational or recreational activities to students.

48 (e) (f) A person shall not be in violation of this
49 section if he or she is under 19 years of age.

50 ~~(f)(e)~~ (g) This section shall not be construed to repeal
51 other criminal laws. Whenever conduct prescribed by any
52 provision of this section is also prescribed by any other
53 provision of law, the provision which carries the more serious
54 penalty shall be applied."

55 Section 2. Although this bill would have as its purpose
56 or effect the requirement of a new or increased expenditure of



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57 local funds, the bill is excluded from further requirements
58 and application under Section 111.05 of the Constitution of
59 Alabama of 2022, because the bill defines a new crime or
60 amends the definition of an existing crime.

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



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 11-Apr-23, as amended.

John Treadwell
Clerk

Senate 18-May-23 Passed