

1 SB27  
2 188496-1  
3 By Senator Holley  
4 RFD: Judiciary  
5 First Read: 09-JAN-18  
6 PFD: 12/07/2017

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8 SYNOPSIS: Under existing law, a person, including a  
9 person with a valid pistol permit, is prohibited  
10 from possessing a firearm in certain designated  
11 places, including law enforcement stations, jails,  
12 mental health facilities, courthouses, and athletic  
13 facilities. A person, including a person with a  
14 valid pistol permit, is prohibited from possessing  
15 a firearm in a building or facility to which access  
16 is limited by security measures. These prohibitions  
17 do not apply to a law enforcement officer in the  
18 lawful execution of his or her duties.

19 This bill would also provide that the  
20 prohibitions would not apply to a qualified retired  
21 law enforcement officer as defined in the federal  
22 Law Enforcement Officer Safety Act of 2004. Under  
23 the federal definition, a qualified retired law  
24 enforcement officer among other requirements has to  
25 be honorably retired with 10 or more years of  
26 service and meet the qualification for active law  
27 enforcement officers to carry firearms.

1  
2 A BILL  
3 TO BE ENTITLED  
4 AN ACT  
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6 To amend Section 13A-11-61.2 of the Code of Alabama  
7 1975, prohibiting the possession of firearms in certain  
8 places; to specify that a qualified retired law enforcement  
9 officer would be exempt from the prohibition in that section.  
10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

13 "§13A-11-61.2.

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

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

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

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

4           "(4) Inside a courthouse, courthouse annex, a  
5 building in which a district attorney's office is located, or  
6 a building in which a county commission or city council is  
7 currently having a regularly scheduled or specially called  
8 meeting.

9           "(5) Inside any facility hosting an athletic event  
10 not related to or involving firearms which is sponsored by a  
11 private or public elementary or secondary school or any  
12 private or public institution of postsecondary education,  
13 unless the person has a permit issued under Section  
14 13A-11-75(a) (1) or recognized under Section 13A-11-85.

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

19           "(b) Notwithstanding the provisions of subsection  
20 (a), a person, including a person with a permit issued under  
21 Section 13A-11-75(a) (1) or recognized under Section 13A-11-85,  
22 may not, without the express permission of a person or entity  
23 with authority over the premises, knowingly possess or carry a  
24 firearm inside any building or facility to which access of  
25 unauthorized persons and prohibited articles is limited during  
26 normal hours of operation by the continuous posting of guards  
27 and the use of other security features, including, but not

1 limited to, magnetometers, key cards, biometric screening  
2 devices, or turnstiles or other physical barriers. Nothing in  
3 this subsection otherwise restricts the possession,  
4 transportation, or storage of a lawfully possessed firearm or  
5 ammunition in an employee's privately owned motor vehicle  
6 while parked or operated in a public or private parking area  
7 provided the employee complies with the requirements of  
8 Section 13A-11-90.

9 "(c) The person or entity with authority over the  
10 premises set forth in subsection (a)(1)-(6) and subsection (b)  
11 shall place a notice at the public entrances of such premises  
12 or buildings alerting those entering that firearms are  
13 prohibited.

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

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

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

26 "(g) Prohibitions regarding the carrying of a  
27 firearm under this section shall not apply to law enforcement

1 officers engaged in the lawful execution of their official  
2 duties or a qualified retired law enforcement officer as  
3 defined in the federal Law Enforcement Officer Safety Act of  
4 2004, 18 U.S.C §926C.

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

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