

1 SB3  
2 181196-1  
3 By Senator Allen  
4 RFD: Judiciary  
5 First Read: 09-JAN-18  
6 PFD: 06/02/2017

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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

12  
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.