

**SB170 INTRODUCED**



1 SB170  
2 MCTKHH1-1  
3 By Senators Coleman, Hatcher, Coleman-Madison, Smitherman,  
4 Figures, Singleton, Stewart  
5 RFD: Judiciary  
6 First Read: 13-Feb-25



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SYNOPSIS:

This bill would establish the Gun Violence Protective Order Act.

This bill would authorize courts to issue ex parte gun violence protective orders and one-year gun violence protective orders, which may be authorized if the court finds that the respondent, as defined, poses an immediate and present danger of causing personal injury to self or others.

This bill would provide that upon the issuance of an ex parte or one-year gun violence protective order, the court shall order the respondent to surrender to the local law enforcement agency all firearms and ammunition of which the respondent has custody, control, ownership, or possession.

This bill would provide for the renewal or early termination of a one-year gun violence protective order under certain conditions.

This bill would provide criminal penalties for a violation.

A BILL  
TO BE ENTITLED  
AN ACT



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29  
30 Relating to firearms; to establish the Gun Violence  
31 Protective Order Act; to provide for the issuance of ex parte  
32 gun violence protective orders and one-year gun violence  
33 protective orders; to require the surrender of all firearms  
34 and ammunition of a person subject to an ex parte gun violence  
35 protective order or one-year gun violence protective order; to  
36 provide for the renewal or early termination of an order; and  
37 to provide criminal penalties for a violation.

38 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

39 Section 1. This act shall be known and may be cited as  
40 the Gun Violence Protective Order Act.

41 Section 2. The Legislature finds and declares the  
42 following:

43 (1) Over 100,000 people become victims of a gunshot  
44 wound each year and more than 30,000 of those victims lose  
45 their lives.

46 (2) Federal law prohibits any individual subject to  
47 certain domestic violence restraining orders from purchasing  
48 or possessing firearms. Many states have similar laws. About  
49 half of the states also authorize or require a court that is  
50 issuing a domestic violence protective order to require the  
51 abuser to surrender firearms that he or she may already have  
52 in his or her possession. This act is modeled on existing  
53 domestic violence laws that have firearms surrender  
54 provisions.

55 (3) Studies have shown that an individual who engages  
56 in certain dangerous behaviors is significantly more likely to



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57 commit an act of violence toward himself or herself or others  
58 in the near future. These behaviors, which might include other  
59 acts or threats of violence, self-harm, or the abuse of drugs  
60 or alcohol, serve as warning signs that the individual might  
61 soon commit an act of violence.

62 (4) Under federal law, an individual suffering from  
63 mental illness is not prohibited from purchasing or possessing  
64 a firearm unless he or she has been involuntarily committed to  
65 a mental institution, found not guilty of a crime by reason of  
66 insanity, or undergone some other formalized court proceeding  
67 regarding his or her mental illness. Similarly, an individual  
68 who has committed a violent act toward another is not  
69 prohibited from possessing a firearm under federal law until  
70 after he or she has been convicted of a felony or domestic  
71 violence misdemeanor.

72 (5) It is the purpose and intent of the Legislature to  
73 reduce firearm deaths and injuries by providing a formal court  
74 procedure that law enforcement officers, teachers, and family  
75 members may use to obtain a court order that prevents an  
76 individual who poses a significant danger of causing personal  
77 injury to self or others from gaining access to firearms and  
78 ammunition. The Legislature intends for these court orders to  
79 be limited to situations in which the individual poses a  
80 significant danger of causing personal injury to self or  
81 others by owning, purchasing, controlling, possessing, or  
82 receiving a firearm or ammunition.

83 Section 3. The following terms have the following  
84 meanings:



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85 (1) EX PARTE GUN VIOLENCE PROTECTIVE ORDER. An order  
86 issued by a court, pursuant to Section 5, that prohibits the  
87 respondent from owning, purchasing, controlling, possessing,  
88 or receiving firearms or ammunition until a court-scheduled  
89 hearing for a one-year gun violence protective order.

90 (2) FAMILY MEMBER. An individual related by blood,  
91 marriage, or adoption to the respondent, current or former  
92 dating partner of the respondent, and any individual who  
93 resides or has resided with the respondent, or who is acting  
94 or has acted as the respondent's legal guardian.

95 (3) FIREARM. A weapon from which a shot is discharged  
96 by gun powder.

97 (4) ONE-YEAR GUN VIOLENCE PROTECTIVE ORDER. An order  
98 issued by a court, pursuant to Section 6, prohibiting the  
99 respondent from owning, purchasing, controlling, possessing,  
100 or receiving guns or ammunition for a period of one year.

101 (5) PETITIONER. A law enforcement officer, teacher, or  
102 family member of the respondent who files a petition pursuant  
103 to Section 4.

104 (6) RESPONDENT. The individual identified in the  
105 petition filed under Section 4, Section 5, or Section 6.

106 (7) TEACHER. A teacher, school administrator, school  
107 counselor, college professor, student teacher, safety or  
108 resource officer, or coach of the respondent.

109 Section 4. (a) A petitioner may seek a gun violence  
110 protective order by filing a verified petition on a form  
111 approved by the Administrative Office of Courts in the court  
112 of the county where the respondent resides.



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113 (b) The petition shall set forth the grounds for the  
114 issuance of the order and shall describe the number, types,  
115 and locations of any firearms or ammunition presently believed  
116 by the petitioner to be possessed or controlled by the  
117 respondent. The petition shall also state whether there is an  
118 existing domestic violence protective order in effect  
119 governing the respondent and whether there is any pending  
120 lawsuit, complaint, petition, or other action between the  
121 parties under the laws of this state. The court administrator  
122 shall verify the terms of any existing order governing the  
123 parties. The court may not delay granting relief because of  
124 the existence of a pending action between the parties or the  
125 necessity of verifying the terms of an existing order. A  
126 petition for a gun violence protective order may be granted  
127 whether or not there is a pending action between the parties.

128 (c) If the respondent is alleged to pose an immediate  
129 and present danger of causing personal injury to a family  
130 member, or a family member is alleged to have been the target  
131 of a threat or act of violence by the respondent, the  
132 petitioner shall make a good faith effort to provide notice to  
133 any and all adult family members of the respondent. The notice  
134 must state that the petitioner intends to petition the court  
135 for a gun violence protective order, and, if the petitioner is  
136 a law enforcement officer, must also include a referral to  
137 relevant domestic violence or stalking advocacy or counseling  
138 resources, if appropriate. The petitioner shall attest to  
139 having provided the notice in the verified petition. If the  
140 petitioner is unable to provide notice to any or all adult



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141 family members of the respondent, the verified petition shall  
142 describe what good faith efforts were made.

143 (d) All health records and other health information  
144 provided in a petition or considered as evidence in a  
145 proceeding under this act shall be protected from public  
146 disclosure to the extent the information identifies a  
147 respondent or petitioner, except that the information may be  
148 provided to law enforcement agencies as set forth in Section  
149 10. Aggregate statistical data about the numbers of gun  
150 violence protective orders issued, renewed, denied, dissolved,  
151 or terminated shall be available to the public upon request.

152 (e) Upon receipt of the petition, the court shall set a  
153 date for a hearing within 14 calendar days, regardless of  
154 whether the court issues an ex parte gun violence protective  
155 order. If the court issues an ex parte gun violence protective  
156 order, notice of the hearing shall be served on the respondent  
157 with the ex parte order. Notice of the hearing shall be  
158 personally served on the respondent by a law enforcement  
159 officer.

160 (f) The Administrative Office of Courts shall prescribe  
161 the form of the petitions, orders, and any other documents and  
162 shall adopt any rules of court necessary for the  
163 implementation of this act.

164 Section 5. (a) A petitioner may request that an ex  
165 parte order be issued prior to a hearing for a one-year gun  
166 violence protective order, without notice to the respondent,  
167 by including in the petition detailed allegations based on  
168 personal knowledge that the respondent poses an immediate and



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169 present danger of causing personal injury to self or others  
170 through his or her ownership, purchase, control, possession,  
171 or receipt of a firearm or ammunition.

172 (b) The court shall issue or deny an ex parte gun  
173 violence protective order on the same day that the petition is  
174 submitted to the court, unless the petition is filed too late  
175 in the day to allow for its effective review, in which case  
176 the order shall be issued or denied on the next business day.

177 (c) Before issuing an ex parte gun violence protective  
178 order, the court shall examine under oath the petitioner and  
179 any witnesses the petitioner may produce. The court may also  
180 do the following:

181 (1) Ensure that a reasonable search has been conducted  
182 of all available records to determine whether the respondent  
183 owns any firearms or ammunition.

184 (2) Ensure that a reasonable search has been conducted  
185 for criminal history records related to the respondent.

186 (d) In determining whether grounds for an ex parte gun  
187 violence protective order exists, the court shall consider all  
188 relevant evidence presented by the petitioner, and may also  
189 consider other relevant evidence, including, but not limited  
190 to, evidence of the occurrence of any of the following events  
191 by the respondent:

192 (1) Unlawful, reckless, or negligent use, display,  
193 storage, possession, or brandishing of a firearm.

194 (2) Act or threat of violence against self or another,  
195 whether or not the violence involved a firearm.

196 (3) Violation of a protective order issued under





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197 Chapter 5 or Chapter 5B of Title 30 of the Code of Alabama  
198 1975, or a similar law in another state.

199 (4) Abuse of controlled substances or alcohol or any  
200 criminal offense that involves controlled substances or  
201 alcohol.

202 (5) The recent acquisition of firearms, ammunition, or  
203 other deadly weapons.

204 (e) The court shall also consider the time that has  
205 elapsed since the occurrence of any event described in  
206 subsection (d).

207 (f) If a court finds reasonable cause to believe that  
208 the respondent poses an immediate and present danger of  
209 causing personal injury to self or others by owning,  
210 purchasing, controlling, possessing, or receiving a firearm or  
211 ammunition, the court shall issue an ex parte gun violence  
212 protective order.

213 (g) An ex parte gun violence protective order shall  
214 include all of the following:

215 (1) A statement that the respondent may not own,  
216 purchase, control, possess, or receive, or attempt to purchase  
217 or receive, a firearm or ammunition while the order is in  
218 effect.

219 (2) A description of the requirements for  
220 relinquishment of firearms and ammunition under Section 8.

221 (3) A statement of the grounds asserted for the order.

222 (4) A notice of the hearing under Section 4(e) to  
223 determine whether to issue a one-year gun violence protective  
224 order, including the address of the court and the date and



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225 time for when the hearing is scheduled.

226 (5) A statement that the court may extend the order by  
227 one year at the hearing.

228 (6) A statement that the respondent may seek the advice  
229 of an attorney as to any matter connected with the order, and  
230 that the attorney should be consulted promptly so that the  
231 attorney may assist the individual in any matter connected  
232 with the order.

233 (h) An ex parte gun violence protective order shall be  
234 personally served on the respondent by a law enforcement  
235 officer.

236 (i) In accordance with Section 4(e), the court shall  
237 schedule a hearing within 14 calendar days of the issuance of  
238 an ex parte gun violence protective order to determine if a  
239 one-year gun violence protective order shall be issued;  
240 provided, however, that a respondent may seek an extension of  
241 time before the hearing. The court shall dissolve any ex parte  
242 gun violence protective order in effect against the respondent  
243 when the court holds the hearing.

244 Section 6. (a) A petitioner requesting a one-year gun  
245 violence protective order shall include in the petition  
246 detailed allegations based on personal knowledge that the  
247 respondent poses a substantial danger of causing personal  
248 injury to self or others through his or her ownership,  
249 purchase, control, possession, or receipt of a firearm or  
250 ammunition.

251 (b) Prior to a hearing for a one-year gun violence  
252 protective order, the court shall do both of the following:



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253           (1) Ensure that a reasonable search has been conducted  
254 of all available records to determine whether the respondent  
255 owns any firearms or ammunition.

256           (2) Ensure that a reasonable search has been conducted  
257 for criminal history records related to the respondent.

258           (c) In determining whether to issue a one-year gun  
259 violence protective order under this section, the court shall  
260 consider all relevant evidence presented by the petitioner and  
261 may also consider other relevant evidence, including, but not  
262 limited to, evidence of events identified in subsection (d) of  
263 Section 5.

264           (d) If the court finds by a preponderance of the  
265 evidence at the hearing that the respondent poses a  
266 substantial danger of personal injury to self or others  
267 through his or her ownership, purchase, control, possession,  
268 or receipt of a firearm or ammunition, the court shall issue a  
269 one-year gun violence protective order.

270           (e) A one-year gun violence protective order issued  
271 under this section shall include all of the following:

272           (1) A statement that the respondent may not own,  
273 possess, control, purchase, or receive, or attempt to purchase  
274 or receive, a firearm or ammunition while the order is in  
275 effect.

276           (2) A description of the requirements for  
277 relinquishment of firearms and ammunition under Section 8.

278           (3) A statement of the grounds supporting the issuance  
279 of the order.

280           (4) The date and time the order expires.



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281 (5) The address of the court that issued the order.

282 (6) A statement that the respondent shall have the  
283 right to request one hearing to terminate the order at any  
284 time during its effective period.

285 (7) A statement that the respondent may seek the advice  
286 of an attorney as to any matter connected with the order.

287 (f) If the respondent fails to appear at the hearing  
288 and the court determines that a one-year gun violence  
289 protective order shall be issued, the order shall be  
290 personally served on the respondent by a law enforcement  
291 officer.

292 Section 7. (a) A respondent subject to a one-year gun  
293 violence protective order may submit one written request at  
294 any time during the effective period of the order for a  
295 hearing to terminate the order.

296 (1) Upon receipt of the request for termination, the  
297 court shall set a date for a hearing. Notice of the request  
298 shall be served on the petitioner in accordance with the  
299 Alabama Rules of Civil Procedure. The hearing shall occur no  
300 sooner than 14 calendar days from the date of service of the  
301 request upon the petitioner.

302 (2) The respondent seeking termination of the order  
303 shall have the burden of proving by a preponderance of the  
304 evidence that the respondent does not pose a substantial  
305 danger of causing personal injury to self or others through  
306 his or her ownership, purchase, control, possession, or  
307 receipt of a firearm or ammunition.

308 (3) If the court finds that the respondent has met his



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309 or her burden, the court shall terminate the order.

310 (b) A petitioner may request a renewal of a one-year  
311 gun violence protective order at any time within the three  
312 months before the expiration of the order.

313 (1) A court, after notice and a hearing, may renew the  
314 one-year gun violence protective order if the court, by a  
315 preponderance of the evidence, finds that the respondent  
316 continues to pose a substantial danger of causing personal  
317 injury to self or another through his or her ownership,  
318 purchase, control, possession, or receipt of a firearm or  
319 ammunition.

320 (2) In determining whether to renew a one-year gun  
321 violence protective order, the court shall consider all  
322 relevant evidence presented by the petitioner, and may also  
323 consider other relevant evidence, including, but not limited  
324 to, evidence of the events identified in Section 5(d).

325 (3) A one-year gun violence protective order renewed  
326 under this subsection shall expire after one year, subject to  
327 termination by further order of the court at a hearing held  
328 under subsection (a) and further renewal by order of the court  
329 under this subsection.

330 Section 8. (a) Upon issuance of an ex parte or one-year  
331 gun violence protective order, the court shall order the  
332 respondent to surrender to the local law enforcement agency  
333 all firearms and ammunition of which the respondent has  
334 custody, control, or ownership.

335 (b) A law enforcement officer serving a gun violence  
336 protective order shall request that all firearms and



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337 ammunition belonging to or in the custody or control of the  
338 respondent be immediately surrendered and shall take  
339 possession of the firearms and ammunition that are  
340 surrendered. A law enforcement officer serving a gun violence  
341 protective order may conduct a lawful search for firearms and  
342 ammunition.

343 (c) At the time of surrender or removal, a law  
344 enforcement officer taking possession of a firearm or  
345 ammunition pursuant to a gun violence protective order shall  
346 issue a receipt identifying all firearms and ammunition that  
347 have been surrendered or removed and provide a copy of the  
348 receipt to the respondent. Within 72 hours after serving the  
349 order, the officer who served the order shall file the  
350 original receipt with the court that issued the gun violence  
351 protective order, and shall ensure that the law enforcement  
352 agency retains a copy of the receipt.

353 (d) If a petitioner has probable cause to believe a  
354 respondent to a gun violence protective order owns, controls,  
355 or possesses a firearm or ammunition that the respondent has  
356 failed to surrender pursuant to this section, or has received  
357 or purchased a firearm or ammunition while subject to the  
358 order, the petitioner may petition the court to issue a  
359 warrant. The petition shall describe the firearm or ammunition  
360 and where the firearm or ammunition is reasonably believed to  
361 be located. The court may issue the warrant upon a finding of  
362 probable cause.

363 (e) A law enforcement agency may charge the respondent  
364 a fee not to exceed the reasonable and actual costs incurred



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365 by the law enforcement agency for storing a firearm or  
366 ammunition surrendered pursuant to this section for the  
367 duration of the gun violence protective order and any  
368 additional periods necessary under Section 7.

369       Section 9. (a) As used in this section, dispose means  
370 to sell or transfer a firearm or ammunition to a federally  
371 licensed dealer, defined under 18 U.S.C. § 921 et seq., or to  
372 destroy the firearm or ammunition.

373       (b) Thirty days before a one-year gun violence  
374 protective order is set to expire, a law enforcement agency  
375 holding a firearm or ammunition that has been surrendered  
376 pursuant to the order shall notify the petitioner that the  
377 order is set to expire. The notice shall advise the petitioner  
378 of the procedures for seeking a renewal of the order pursuant  
379 to Section 7.

380       (c) If a gun violence protective order is terminated or  
381 expires and is not renewed, a law enforcement agency holding  
382 any firearm or ammunition that has been surrendered pursuant  
383 to Section 8 shall notify the respondent that he or she may  
384 request the return of the firearm or ammunition. The law  
385 enforcement agency shall return any surrendered firearms or  
386 ammunition requested by a respondent only after confirming,  
387 through a background check, that the respondent is currently  
388 eligible to own or possess firearms and ammunition.

389       (d) A respondent who has surrendered a firearm or  
390 ammunition to a law enforcement agency pursuant to Section 8  
391 and who does not wish to have the firearm or ammunition  
392 returned or who is no longer eligible to own or possess a



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393 firearm or ammunition may sell or transfer title of the  
394 firearm or ammunition to a licensed firearms dealer. The law  
395 enforcement agency shall transfer possession of the firearm or  
396 ammunition to a licensed firearms dealer only after the dealer  
397 has displayed written proof of transfer of the firearm or  
398 ammunition from the respondent to the dealer and the law  
399 enforcement agency has verified the transfer.

400 (e) If an individual other than the respondent claims  
401 title to a firearm or ammunition surrendered pursuant to  
402 Section 8, and the individual is determined by the law  
403 enforcement agency to be the lawful owner of the firearm or  
404 ammunition, the gun or ammunition shall be returned to him or  
405 her.

406 (f) A law enforcement agency holding a firearm or  
407 ammunition that was surrendered by a respondent pursuant to  
408 Section 8 may dispose of the firearm or ammunition only after  
409 six months from the date of proper notice to the respondent of  
410 the intent to dispose of the firearm or ammunition, unless the  
411 firearm or ammunition has been claimed by the lawful owner. If  
412 the firearm or ammunition remains unclaimed after six months  
413 from the date of notice, then no party shall have the right to  
414 assert ownership of the firearm or ammunition and the law  
415 enforcement agency may dispose of the firearm or ammunition.

416 Section 10. (a) The court shall notify the Alabama  
417 State Law Enforcement Agency (ALEA) no later than one business  
418 day after issuing, renewing, dissolving, or terminating an ex  
419 parte or one-year gun violence protective order under this  
420 act.





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421 (b) The information required to be submitted to ALEA  
422 pursuant to this section shall include identifying information  
423 about the respondent and the date the order was issued,  
424 renewed, dissolved, or terminated. In the case of a one-year  
425 order, the court shall include the date the order is set to  
426 expire. The court shall also indicate whether the respondent  
427 to the one-year gun violence protective order was present in  
428 court to be advised of the contents of the order or if the  
429 respondent failed to appear. The respondent's presence in  
430 court shall constitute proof of service of notice of the terms  
431 of the order.

432 (c) Within one business day of service, a law  
433 enforcement officer who serves a gun violence protective order  
434 or the clerk of the court shall submit the proof of service  
435 and a copy of the protection order to ALEA for entry into the  
436 appropriate database.

437 (d) The information to be submitted to ALEA under this  
438 section shall be submitted in an electronic format, in a  
439 manner prescribed by ALEA. ALEA shall maintain a searchable  
440 database of this information, available to law enforcement  
441 agencies upon request.

442 (e) Within 30 days of submission of the information  
443 under subsection (d), ALEA shall make information about an ex  
444 parte or one-year gun violence protective order issued,  
445 renewed, or terminated pursuant to this act available to the  
446 National Instant Criminal Background Check System for the  
447 purposes of firearm purchaser background checks.

448 Section 11. (a) A person who files a petition for a gun



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449 violence protective order, knowing the information in the  
450 petition to be materially false or with an intent to harass  
451 the respondent, is guilty of a Class C misdemeanor.

452 (b) A person who owns, purchases, controls, possesses,  
453 or receives a firearm or ammunition with knowledge that he or  
454 she is prohibited from doing so by a gun violence protective  
455 order is guilty of a Class C misdemeanor and shall be  
456 prohibited from owning, purchasing, controlling, possessing,  
457 or receiving, or attempting to purchase or receive, a firearm  
458 or ammunition for a period of five years from the date of  
459 conviction.

460 Section 12. This act shall not affect the ability of a  
461 law enforcement officer to remove firearms or ammunition from  
462 any individual pursuant to other lawful authority.

463 Section 13. This act shall not be construed to impose  
464 criminal or civil liability on any individual who chooses not  
465 to seek a gun violence protective order pursuant to this act.

466 Section 14. This act shall become effective on October  
467 1, 2025.