

1 HB47  
2 164567-2  
3 By Representative England  
4 RFD: Public Safety and Homeland Security  
5 First Read: 03-MAR-15  
6 PFD: 02/23/2015

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8 SYNOPSIS: Under existing law, a person is prohibited  
9 from carrying a pistol on his or her person or on  
10 private property not under his or her control  
11 without a pistol permit or consent of the owner or  
12 legal possessor of the premises.

13 This bill would make a violation of this  
14 provision a Class C misdemeanor.

15 Under existing law, a person may not  
16 knowingly possess or carry a firearm in certain  
17 locations.

18 This bill would prohibit a person from  
19 knowingly possessing or carrying a firearm at a  
20 polling place and would create criminal penalties  
21 for carrying a firearm in certain buildings and  
22 facilities with limited access.

23 Under existing law, a person convicted of a  
24 crime of violence may not own a pistol or have one  
25 in his or her possession.

26 This bill would expand this prohibition to  
27 include all firearms and would also prohibit a

1 person convicted of domestic violence or who is  
2 restricted from having contact with another  
3 individual pursuant to a court order from owning or  
4 possessing a firearm.

5 Under existing law, a person who is a drug  
6 addict or a habitual drunkard may not own or  
7 possess a pistol.

8 This bill would expand this prohibition to  
9 include all firearms and would prohibit a person of  
10 unsound mind, as defined by this bill, from owning  
11 or possessing a firearm.

12 Amendment 621 of the Constitution of Alabama  
13 of 1901, now appearing as Section 111.05 of the  
14 Official Recompilation of the Constitution of  
15 Alabama of 1901, as amended, prohibits a general  
16 law whose purpose or effect would be to require a  
17 new or increased expenditure of local funds from  
18 becoming effective with regard to a local  
19 governmental entity without enactment by a 2/3 vote  
20 unless: it comes within one of a number of  
21 specified exceptions; it is approved by the  
22 affected entity; or the Legislature appropriates  
23 funds, or provides a local source of revenue, to  
24 the entity for the purpose.

25 The purpose or effect of this bill would be  
26 to require a new or increased expenditure of local  
27 funds within the meaning of the amendment. However,

1 the bill does not require approval of a local  
2 governmental entity or enactment by a 2/3 vote to  
3 become effective because it comes within one of the  
4 specified exceptions contained in the amendment.

5  
6 A BILL  
7 TO BE ENTITLED  
8 AN ACT

9  
10 Relating to firearms; to amend Sections 13A-11-52,  
11 13A-11-61.2, and 13A-11-72, Code of Alabama 1975, to provide  
12 criminal penalties for carrying a pistol on private property  
13 without a permit or the consent of the owner or legal  
14 possessor of the property; to prohibit a person from knowingly  
15 possessing or carrying a firearm at a polling place; to impose  
16 criminal penalties for carrying a firearm in certain buildings  
17 and facilities with limited access; to prohibit a person  
18 convicted of domestic violence or who is restricted from  
19 having contact with another individual pursuant to a court  
20 order from owning or possessing a firearm; to prohibit a  
21 person of unsound mind, as defined by this bill, from owning  
22 or possessing a firearm; and in connection therewith would  
23 have as its purpose or effect the requirement of a new or  
24 increased expenditure of local funds within the meaning of  
25 Amendment 621 of the Constitution of Alabama of 1901, now  
26 appearing as Section 111.05 of the Official Recompilation of  
27 the Constitution of Alabama of 1901, as amended.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Sections 13A-11-52, 13A-11-61.2, and  
3 13A-11-72, Code of Alabama 1975, are amended to read as  
4 follows:

5 "§13A-11-52.

6 "(a) Except as otherwise provided in this article,  
7 no person shall carry a pistol about his or her person on  
8 private property not his or her own or under his control  
9 unless the person possesses a valid concealed weapon permit or  
10 the person has the consent of the owner or legal possessor of  
11 the premises; ~~but this section shall.~~ This section does not  
12 apply to any law enforcement officer in the lawful discharge  
13 of the duties of his or her office, or to a United States  
14 marshal or his or her deputies, rural free delivery mail  
15 carriers in the discharge of their duties as such, bonded  
16 constables in the discharge of their duties as such,  
17 conductors, railway mail clerks, and express messengers in the  
18 discharge of their duties.

19 "(b) A violation of subsection (a) is a Class C  
20 misdemeanor.

21 "§13A-11-61.2.

22 "(a) In addition to any other place limited or  
23 prohibited by state or federal law, a person, including a  
24 person with a permit issued under Section 13A-11-75(a) (1) or  
25 recognized under Section 13A-11-85, may not knowingly possess  
26 or carry a firearm in any of the following places without the

1 express permission of a person or entity with authority over  
2 the premises:

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

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

9 "(3) Inside or on the premises of a facility which  
10 provides inpatient or custodial care of those with  
11 psychiatric, mental, or emotional disorders.

12 "(4) Inside a courthouse, courthouse annex, a  
13 building in which a District Attorney's office is located, or  
14 a building in which a county commission or city council is  
15 currently having a regularly scheduled or specially called  
16 meeting.

17 "(5) Inside any facility hosting an athletic event  
18 not related to or involving firearms which is sponsored by a  
19 private or public elementary or secondary school or any  
20 private or public institution of postsecondary education,  
21 unless the person has a permit issued under Section  
22 13A-11-75(a) (1) or recognized under Section 13A-11-85.

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

27 "(7) Inside a polling place.

1           "(b) Notwithstanding the provisions of subsection  
2           (a), a person, including a person with a permit issued under  
3           Section 13A-11-75(a)(1) or recognized under Section 13A-11-85,  
4           may not, without the express permission of a person or entity  
5           with authority over the premises, knowingly possess or carry a  
6           firearm inside any building or facility to which access of  
7           unauthorized persons and prohibited articles is limited during  
8           normal hours of operation by the continuous posting of guards  
9           and the use of other security features, including, but not  
10          limited to, magnetometers, key cards, biometric screening  
11          devices, or turnstiles or other physical barriers.

12          "(c) The person or entity with authority over the  
13          premises set forth in subsections (a)(1)-~~(6)~~(7) and subsection  
14          (b) shall place a notice at the public entrances of such  
15          premises or buildings alerting those entering that firearms  
16          are prohibited.

17          "(d) Except as provided in subsections (a)(5) and  
18          (a)(6), any firearm on the premises of any facility set forth  
19          in subsection (a)(1), or subsections (a)(4)-~~(6)~~(7), or  
20          subsection (b) must be kept from ordinary observation and  
21          locked within a compartment or in the interior of the person's  
22          motor vehicle or in a compartment or container securely  
23          affixed to the motor vehicle.

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

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

4           "(g) Prohibitions regarding the carrying of a  
5 firearm under this section shall not apply to law enforcement  
6 officers engaged in the lawful execution of their official  
7 duties.

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

11           "§13A-11-72.

12           "(a) No person who has been convicted in this state  
13 or elsewhere of committing or attempting to commit a crime of  
14 domestic violence or other crime of violence or who is  
15 restricted from having contact with another individual  
16 pursuant to a court order shall own a ~~pistol~~ firearm or have  
17 one in his or her possession or under his or her control.

18           "(b) No person who is a drug addict, ~~or~~ an habitual  
19 drunkard, or of unsound mind shall own a ~~pistol~~ firearm or  
20 have one in his or her possession or under his or her control.

21           "(c) Subject to the exceptions provided by Section  
22 13A-11-74, no person shall knowingly with intent to do bodily  
23 harm carry or possess a deadly weapon on the premises of a  
24 public school.

25           "(d) Possession of a deadly weapon with the intent  
26 to do bodily harm on the premises of a public school in

1 violation of subsection (c) of this section is a Class C  
2 felony.

3 "(e) School security personnel and school resource  
4 officers qualified under subsection (a) of Section 16-1-44.1,  
5 employed by a local board of education, and authorized by the  
6 employing local board of education to carry a deadly weapon  
7 while on duty are exempt from subsection (c) of this section.  
8 Law enforcement officers are exempt from this section, and  
9 persons with pistol permits issued pursuant to Section  
10 13A-11-75~~7~~ are exempt from subsection (c) of this section.

11 "(f) The term "school resource officer" as used in  
12 this section means an Alabama Peace Officers' Standards and  
13 Training Commissioner-certified law enforcement officer  
14 employed by a law enforcement agency who is specifically  
15 selected and specially trained for the school setting.

16 "(g) The term "public school" as used in this  
17 section applies only to a school composed of grades K-12 and  
18 shall include a school bus used for grades K-12.

19 "(h) The term "deadly weapon" as used in this  
20 section means a firearm or anything manifestly designed, made,  
21 or adapted for the purposes of inflicting death or serious  
22 physical injury, and such term includes, but is not limited  
23 to, a bazooka, hand grenade, missile, or explosive or  
24 incendiary device; a pistol, rifle, or shotgun; or a  
25 switch-blade knife, gravity knife, stiletto, sword, or dagger;  
26 or any club, baton, billy, black-jack, bludgeon, or metal  
27 knuckles.

1           "(i) The term "unsound mind" as used in this section  
2 means an individual who satisfies any of the following:

3           "(1) Has been found by a court, as a result of  
4 marked subnormal intelligence, mental illness, incompetency,  
5 condition, or disease, to be a danger to himself or herself or  
6 others or lack the mental capacity to conduct or manage his or  
7 her own affairs.

8           "(2) Has been found to be insane, not guilty by  
9 reason of mental disease or defect, found incompetent to stand  
10 trial, or found not guilty by reason of lack of mental  
11 responsibility by a court in a criminal case, including state,  
12 federal, and military courts.

13           "(3) Has been involuntarily committed to a mental  
14 institution by a court.

15           "(4) Has been determined to be an incapacitated  
16 person as defined in Section 26-2A-20(8).

17           "(5) Is a party to a pending court proceeding in any  
18 state or jurisdiction in which it is alleged that he or she is  
19 of unsound mind."

20           Section 2. Although this bill would have as its  
21 purpose or effect the requirement of a new or increased  
22 expenditure of local funds, the bill is excluded from further  
23 requirements and application under Amendment 621, now  
24 appearing as Section 111.05 of the Official Recompilation of  
25 the Constitution of Alabama of 1901, as amended, because the  
26 bill defines a new crime or amends the definition of an  
27 existing crime.

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