

1 HB336
2 196402-2
3 By Representatives Sorrell, Hanes, Wadsworth, Mooney, Holmes,
4 Sullivan, Whorton and Dismukes
5 RFD: Public Safety and Homeland Security
6 First Read: 03-APR-19

2
3
4
5
6
7
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 The bill would revise certain restrictions
13 on the carrying or possession of firearms at
14 certain locations.

15 This bill would eliminate the need for a
16 person to obtain a concealed carry permit in order
17 to carry a pistol.

18 This bill would provide for technical
19 revisions.

20 Amendment 621 of the Constitution of Alabama
21 of 1901, now appearing as Section 111.05 of the
22 Official Recompilation of the Constitution of
23 Alabama of 1901, as amended, prohibits a general
24 law whose purpose or effect would be to require a
25 new or increased expenditure of local funds from
26 becoming effective with regard to a local
27 governmental entity without enactment by a 2/3 vote

1 unless: it comes within one of a number of
2 specified exceptions; it is approved by the
3 affected entity; or the Legislature appropriates
4 funds, or provides a local source of revenue, to
5 the entity for the purpose.

6 The purpose or effect of this bill would be
7 to require a new or increased expenditure of local
8 funds within the meaning of the amendment. However,
9 the bill does not require approval of a local
10 governmental entity or enactment by a 2/3 vote to
11 become effective because it comes within one of the
12 specified exceptions contained in the amendment.

13
14 A BILL
15 TO BE ENTITLED
16 AN ACT

17
18 Relating to firearms; to amend Sections 13A-11-7,
19 13A-11-50, 13A-11-55, 13A-11-61.2, as last amended by Act
20 2018-529, 2018 Regular Session, 13A-11-62, 13A-11-75, as last
21 amended by Act 2018-400, 2018 Regular Session, 13A-11-85, and
22 13A-11-90, Code of Alabama 1975, to delete certain language
23 regarding the carrying of a visible pistol; to delete certain
24 language regarding the carrying of a concealed pistol; to
25 provide for technical revisions; to revise certain
26 restrictions on the carrying or possession of firearms at
27 certain locations; to revise certain language regarding

1 carrying or possession of a firearm in a motor vehicle; to
2 revise certain language regarding non-residents carrying a
3 firearm; to revise language regarding an employee storing a
4 firearm in the employee's vehicle; to repeal Sections
5 9-11-304, 13A-11-52, 13A-11-71, 13A-11-73, and 13A-11-74, Code
6 of Alabama 1975, relating to the carrying or possession of a
7 firearm or pistol, to repeal certain restrictions on the
8 carrying or possession of a firearm on certain property or in
9 a motor vehicle; and in connection therewith would have as its
10 purpose or effect the requirement of a new or increased
11 expenditure of local funds within the meaning of Amendment 621
12 of the Constitution of Alabama of 1901, now appearing as
13 Section 111.05 of the Official ReCompilation of the
14 Constitution of Alabama of 1901, as amended.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Sections 13A-11-7, 13A-11-50, and
17 13A-11-55, Code of Alabama 1975, are amended to read as
18 follows:

19 "§13A-11-7.

20 "(a) A person commits the crime of disorderly
21 conduct if, with intent to cause public inconvenience,
22 annoyance or alarm, or recklessly creating a risk thereof, he
23 or she does any of the following:

24 "(1) Engages in fighting or in violent tumultuous or
25 threatening behavior.

26 "(2) Makes unreasonable noise.

1 "(3) In a public place uses abusive or obscene
2 language or makes an obscene gesture.

3 "(4) Without lawful authority, disturbs any lawful
4 assembly or meeting of persons.

5 "(5) Obstructs vehicular or pedestrian traffic, or a
6 transportation facility.

7 "(6) Congregates with other person in a public place
8 and refuses to comply with a lawful order of law enforcement
9 to disperse.

10 "(b) Disorderly conduct is a Class C misdemeanor.

11 "(c) ~~It shall be a rebuttable presumption that the~~
12 The mere carrying of a ~~visible~~ pistol, holstered or secured,
13 in a public place, in and of itself, is not a violation of
14 this section.

15 "(d) Nothing in Act 2013-283 shall be construed to
16 prohibit law enforcement personnel who have reasonable
17 suspicion from acting to prevent a breach of the peace or from
18 taking action to preserve public safety.

19 "§13A-11-50.

20 "Except as otherwise provided in this Code, a person
21 who carries concealed about his person a bowie knife or knife
22 or instrument of like kind or description ~~or a pistol or~~
23 ~~firearm of any other kind or an air gun~~ shall, on conviction,
24 be fined not less than fifty dollars (\$50.00) nor more than
25 five hundred dollars (\$500.00), and may also be imprisoned in
26 the county jail or sentenced to hard labor for the county for
27 not more than six months.

1 "§13A-11-55.

2 "(a) In an indictment for In the prosecution for
3 carrying weapons unlawfully, it is sufficient for the
4 complaint to state, with particularity, to charge that the
5 defendant carried concealed about his or her person a pistol,
6 or other description of firearms, on premises not his own, or
7 a bowie knife, or other knife or instrument of the like kind
8 or description, or other forbidden weapon., describing it, as
9 the case may be;

10 "(b) and the excuse, if any, must be proved by the
11 defendant on the trial, to the satisfaction of the jury; and
12 if the evidence offered to excuse the charge raises a
13 reasonable doubt of the defendant's guilt, the jury must
14 acquit him. The burden of injecting the issue of justification
15 in subsection (a) is on the defendant, but this does not shift
16 the burden of proof.

17 Section 2. Section 13A-11-61.2, as last amended by
18 Act 2018-529, 2018 Regular Session, Code of Alabama 1975, is
19 amended to read as follows:

20 "§13A-11-61.2.

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

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

3 "(2) Inside or on the premises of a prison, jail,
4 halfway house, community corrections facility, or other
5 detention facility for those who have been charged with or
6 convicted of a criminal or juvenile offense. It is not a
7 violation of this subdivision to knowingly possess or carry a
8 firearm at a location described in this subdivision if the
9 location is also a sheriff's office that issues pistol permits
10 and the pistol remains inside of a locked vehicle at all times
11 while the person is on the premises.

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

15 "(4)a. Inside a courthouse, courthouse annex, a
16 building in which a district attorney's office is located, or
17 a building in which a county commission or city council is
18 currently having a regularly scheduled or specially called
19 meeting.

20 "b. For purposes of this subdivision, "courthouse
21 annex" means a building which is currently having regularly
22 scheduled or specially called court hearings.

23 ~~"(5) Inside any facility hosting an athletic event~~
24 ~~not related to or involving firearms which is sponsored by a~~
25 ~~private or public elementary or secondary school or any~~
26 ~~private or public institution of postsecondary education,~~

1 ~~unless the person has a permit issued under Section~~
2 ~~13A-11-75(a)(1) or recognized under Section 13A-11-85.~~

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

7 "(b) Notwithstanding the provisions of subsection
8 (a), a person, including a person with a permit issued under
9 Section 13A-11-75(a)(1) or recognized under Section 13A-11-85,
10 may not, without the express permission of a person or entity
11 with authority over the premises, knowingly possess or carry a
12 firearm inside any building or facility to which access of
13 unauthorized persons and prohibited articles is limited during
14 normal hours of operation by the continuous on-site posting of
15 guards who are responsible for the prevention of prohibited
16 items from entering the facility, and the use of other
17 security features, including ~~, but not limited to,~~
18 magnetometers, key cards, biometric screening devices, or
19 turnstiles or other physical barriers that prevent all persons
20 entering the facility from bringing prohibited items into the
21 facility. Nothing in this subsection otherwise restricts the
22 possession, transportation, or storage of a lawfully possessed
23 firearm or ammunition in an employee's privately owned motor
24 vehicle while parked or operated in a public or private
25 parking area provided the employee complies with the
26 requirements of Section 13A-11-90.

1 "(c) The person or entity with authority over the
2 premises set forth in subdivisions (1) to ~~(6)~~ (4), inclusive,
3 of subsection (a) and subsection (b) shall place a notice at
4 the public entrances of such premises or buildings alerting
5 those entering that firearms are prohibited.

6 "~~(d) Except as provided in subdivisions (5) and (6)~~
7 ~~of subsection (a), any~~ Any firearm on the premises of any
8 facility set forth in subdivisions (1) and (2) of subsection
9 ~~(a) , or subdivisions (4) to (6) inclusive, of subsection (a),~~
10 or subsection (b) must be kept from ordinary observation and
11 locked within a compartment or in the interior of the person's
12 motor vehicle or in a compartment or container securely
13 affixed to the motor vehicle.

14 "(e) A violation of subsection (a), (b), or (d) is a
15 Class C misdemeanor.

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

19 "(g) Prohibitions regarding the carrying of a
20 firearm under this section shall not apply to law enforcement
21 officers engaged in the lawful execution of their official
22 duties or a qualified retired law enforcement officer. For
23 purposes of this section, qualified retired law enforcement
24 officer shall mean a retired officer who meets all of the
25 following requirements:

1 "(1) Was separated from service in good standing
2 from service with a public agency as a law enforcement
3 officer.

4 "(2) Before separation, was authorized by law to
5 engage in or supervise the prevention, detection,
6 investigation, or prosecution of, or the incarceration of any
7 person for, any violation of law, and had statutory powers of
8 arrest.

9 "(3) Before separation, served as a law enforcement
10 officer for an aggregate of 10 years or more and separated
11 from service with such agency, after completing any applicable
12 probationary period of such service, due to a
13 service-connected disability, as determined by the agency.

14 "(4) During the most recent 12-month period, has
15 met, at the expense of the individual, the standards for
16 qualification in firearms training for active law enforcement
17 officers, as determined by the former agency of the
18 individual, the state in which the individual resides or, if
19 the state has not established such standards, either a law
20 enforcement agency within the state in which the individual
21 resides or the standards used by a certified firearms
22 instructor that is qualified to conduct a firearms
23 qualification test for active duty officers within that state.

24 "(5) Has not been officially found by a qualified
25 medical professional employed by the agency to be unqualified
26 for reasons relating to mental health, and as a result, will
27 not be issued the photographic identification described in

1 subdivision (8) and has not entered into an agreement with the
2 agency from which the individual is separating from service in
3 which that individual acknowledges he or she is not qualified
4 under this section for reasons relating to mental health and
5 for those reasons will not receive or accept the photographic
6 identification as described in ~~subsection~~ subdivision (8).

7 "(6) Is not under the influence of alcohol or
8 another intoxicating or hallucinatory drug or substance.

9 "(7) Is not prohibited by state or federal law from
10 receiving a firearm.

11 "(8) Is carrying any of the following identification
12 documents:

13 "a. A photographic identification issued by the
14 agency from which the individual separated from service as a
15 law enforcement officer that identifies the person as having
16 been employed as a police officer or law enforcement officer
17 and indicates that the individual has, not less recently than
18 one year before the date the individual is carrying the
19 concealed firearm, been tested or otherwise found by the
20 agency to meet the active duty standards for qualification in
21 firearms training as established by the agency to carry a
22 firearm of the same type as the concealed firearm.

23 "b. A photographic identification issued by the
24 agency from which the individual separated from service as a
25 law enforcement officer that identifies the person as having
26 been employed as a police officer or law enforcement officer,
27 and a certification issued by the state in which the

1 individual resides or by a certified firearms instructor who
2 is qualified to conduct a firearms qualification test for
3 active duty officers within that state that indicates that the
4 individual, not less than one year before the date the
5 individual is carrying the concealed firearm, has been tested
6 or otherwise found by the state or a certified firearms
7 instructor who is qualified to conduct a firearms
8 qualification test for active duty officers within that state
9 to have met either of the following:

10 "1. The active duty standards for qualification in
11 firearms training, as established by the state, to carry a
12 firearm of the same type as the concealed firearm.

13 "2. If the state has not established such standards,
14 standards set by any law enforcement agency within that state
15 to carry a firearm of the same type as the concealed firearm.

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

19 Section 3. Section 13A-11-62, Code of Alabama 1975,
20 is hereby amended to read as follows:

21 "§13A-11-62.

22 For purposes of this division, the following terms
23 shall have the following meanings, unless the context clearly
24 indicates otherwise:

25 (1) FIREARM. Definition is same as provided in
26 Section 13A-8-1~~(4)~~.

1 (2) RIFLE. Any weapon designed or redesigned, made
2 or remade, and intended to be fired from the shoulder and
3 designed or redesigned and made or remade to use the energy of
4 the explosive in a fixed metallic cartridge to fire only a
5 single projectile through a rifled bore for each pull of the
6 trigger.

7 (3) SHOTGUN. A weapon designed or redesigned, made
8 or remade, and intended to be fired from the shoulder and
9 designed or redesigned and made or remade to use the energy of
10 the explosive in a fixed shotgun shell to fire through a
11 smooth bore either a number of ball shot or a single
12 projectile for each single pull of the trigger.

13 (4) SHORT-BARRELED RIFLE. A rifle having one or more
14 barrels less than 16 inches in length and any weapon made from
15 a rifle (whether by alteration, modification, or otherwise) if
16 such weapon, as modified, has an overall length of less than
17 26 inches.

18 (5) SHORT-BARRELED SHOTGUN. A shotgun having one or
19 more barrels less than 18 inches in length and any weapon made
20 from a shotgun (whether by alteration, modification, or
21 otherwise) if such weapon as modified has an overall length of
22 less than 26 inches.

23 Section 4. Section 13A-11-75, as last amended by Act
24 2018-400, 2018 Regular Session, Code of Alabama 1975, is
25 amended to read as follows:

26 "§13A-11-75.

1 "(a) (1)a. The sheriff of a county, upon the
2 application of any person residing in that county, within 30
3 days from receipt of a complete application and accompanying
4 fee, shall issue or renew a permit for such person to carry a
5 pistol in a vehicle or concealed on or about his or her person
6 within this state for one- to five-year increments, as
7 requested by the person seeking the permit, from date of
8 issue, unless the sheriff determines that the person is
9 prohibited from the possession of a pistol or firearm pursuant
10 to state or federal law, or has a reasonable suspicion that
11 the person may use a weapon unlawfully or in such other manner
12 that would endanger the person's self or others. In making
13 such determination, the sheriff may consider whether the
14 applicant:

15 "1. Was found guilty but mentally ill in a criminal
16 case.

17 "2. Was found not guilty in a criminal case by
18 reason of insanity or mental disease or defect.

19 "3. Was declared incompetent to stand trial in a
20 criminal case.

21 "4. Asserted a defense in a criminal case of not
22 guilty by reason of insanity or mental disease or defect.

23 "5. Was found not guilty only by reason of lack of
24 mental responsibility under the Uniform Code of Military
25 Justice.

26 "6. Required involuntary inpatient treatment in a
27 psychiatric hospital or similar treatment facility.

1 "7. Required involuntary outpatient treatment in a
2 psychiatric hospital or similar treatment facility based on a
3 finding that the person is an imminent danger to himself or
4 herself or to others.

5 "8. Required involuntary commitment to a psychiatric
6 hospital or similar treatment facility for any reason,
7 including drug use.

8 "9. Is or was the subject of a prosecution ~~or of a~~
9 commitment, or incompetency proceeding that could lead to a
10 prohibition on the receipt or possession of a firearm under
11 the laws of Alabama or the United States.

12 "10. Falsified any portion of the permit
13 application.

14 "11. Caused justifiable concern for public safety.

15 "b. The sheriff shall take into account how recent
16 any consideration under paragraph a. is in relation to the
17 date of the application. The sheriff shall provide a written
18 statement of the reasons for a denial of a permit and the
19 evidence upon which it is based must be disclosed to the
20 applicant, unless disclosure would interfere with a criminal
21 investigation.

22 "c. Except as otherwise provided by the laws of this
23 state, a permit issued under this subdivision is valid
24 throughout the state.

25 "d. Except as expressly provided in this section, a
26 sheriff may not place conditions or requirements on the

1 issuance of a pistol permit or limit its scope or
2 applicability.

3 "(2)a. The sheriff may revoke a permit issued under
4 subdivision (1) for any reason that could lead to a denial of
5 a permit under that subdivision.

6 "b. The sheriff shall provide a written statement of
7 the reasons for the revocation and the evidence upon which it
8 is based must be disclosed to the applicant, unless disclosure
9 would interfere with a criminal investigation.

10 "(3) A person who is denied a permit under
11 subdivision (1), or a person whose permit is revoked under
12 subdivision (2), within 30 days of notification of the denial
13 or revocation, may appeal the denial or revocation to the
14 district court of the county where the denial or revocation
15 was issued. Upon a review of a denial under this subdivision,
16 the sheriff shall have the burden of proving by clear and
17 convincing evidence that the person is prohibited from
18 possession of a pistol or other firearm pursuant to state or
19 federal law or, based on any of the considerations enumerated
20 in ~~subsection~~ subdivision (a)(1) of subsection (a) that the
21 person may use a weapon unlawfully or in such other manner as
22 would endanger the person's self or others if granted a permit
23 to carry a concealed weapon under this section.

24 "(4) Within 30 days of receipt of the appeal, the
25 district court shall review the appeal and issue a
26 determination providing the reasons for the determination.

1 "(5) If the district court issues a determination in
2 favor of a person whose permit was denied or revoked, the
3 person shall be issued a permit or the permit must be
4 reinstated.

5 "(6) Nothing in this section shall be construed to
6 permit a sheriff to disregard any federal law or regulation
7 pertaining to the purchase or possession of a firearm.

8 "(b) Each permit shall be written or in an
9 electronic or digital form to be prescribed by the Secretary
10 of State in consultation with the Alabama Sheriff's
11 Association, and shall bear the name, address, description,
12 and signature of the permittee. The original hardcopy of the
13 permit shall be issued to the permittee, and a duplicate
14 shall, within seven days, be sent by registered or certified
15 mail to the Secretary of the Alabama State Law Enforcement
16 Agency. The application and a copy shall be preserved for six
17 years by the authority issuing the same. The sheriff may
18 charge a fee as provided by local law for the issuance of the
19 permit under subdivision (1) of subsection (a). The amount of
20 the fee for a period of one year up to five years shall be the
21 amount of the fee as prescribed by local law multiplied by the
22 number of years of the permit requested by the applicant. The
23 fee shall be paid into the county treasury unless otherwise
24 provided by local law. Prior to issuance or renewal of a
25 permit, the sheriff shall contact available local, state, and
26 federal criminal history data banks, including the National
27 Instant Criminal Background Check System, to determine whether

1 possession of a firearm by an applicant would be a violation
2 of state or federal law.

3 "(c) A sheriff may not place a time constraint or
4 other requirement upon taking possession of a pistol permit by
5 the applicant after he or she has been notified that his or
6 her pistol permit has been approved.

7 "(d) For the convenience of the applicant, the
8 sheriff may provide for application or renewal of a permit
9 under subdivision (1) of subsection (a) through electronic
10 means. The sheriff may also accept payment for a permit by
11 debit or credit card or other consumer electronic payment
12 method. Any transaction or banking fee charged for the
13 electronic payment method shall be paid by the applicant.

14 "(e) If a person who is not a United States citizen
15 applies for a permit under this section, the sheriff shall
16 conduct an Immigration Alien Query through U.S. Immigration
17 and Customs Enforcement, or any successor agency, and the
18 application form shall require information relating to the
19 applicant's country of citizenship, place of birth, and any
20 alien or admission number issued by U.S. Immigration and
21 Customs Enforcement, or any successor agency. The sheriff
22 shall review the results of these inquiries before making a
23 determination of whether to issue a permit or renewal permit.
24 A person who is unlawfully present in this state may not be
25 issued a permit under this section.

26 "(f) The name, address, signature, photograph, and
27 any other personally identifying information collected from an

1 applicant or permittee under this section shall be kept
2 confidential, shall be exempt from disclosure under Section
3 36-12-40, and may only be used for law enforcement purposes
4 except when a current permittee is charged in any state with a
5 felony involving the use of a pistol. All other information on
6 permits under this section, including information concerning
7 the annual number of applicants, number of permits issued,
8 number of permits denied or revoked, revenue from issuance of
9 permits, and any other fiscal or statistical data otherwise,
10 shall remain public writings subject to public disclosure.
11 Except as provided above, the sheriff of a county shall redact
12 the name, address, signature, photograph, and any other
13 personally identifying information of a permit holder before
14 releasing a copy of a permit for a non-law enforcement
15 purpose. The sheriff may charge one dollar (\$1) per copy of
16 any redacted permit record requested other than when requested
17 for law enforcement purposes. To knowingly publish or release
18 to the public in any form any information or records related
19 to the licensing process, or the current validity of any
20 permit, except as authorized in this subsection or in response
21 to a court order or subpoena, is a Class A misdemeanor.

22 "(g) A concealed pistol permit issued under this
23 section shall be valid for the carrying of a pistol in a motor
24 vehicle or concealed on the permittee's person throughout the
25 state, unless prohibited by this section.

1 "(h) This section shall not be construed to limit or
2 place any conditions upon a person's right to carry a pistol
3 ~~that is not in a motor vehicle or not concealed.~~

4 "(i) If a person issued a pistol permit in this
5 state establishes residence in another state, the pistol
6 permit shall expire upon the establishment of residence in the
7 other state."

8 Section 5. Sections 13A-11-85 and 13A-11-90, Code of
9 Alabama 1975, are amended to read as follows:

10 "§13A-11-85.

11 "(a) A person licensed to carry a handgun in any
12 state shall be authorized to carry a handgun in this state.
13 This section shall apply to a license holder from another
14 state only while the license holder is not a resident of this
15 state. A license holder from another state shall carry the
16 handgun in compliance with the laws of this state. The
17 issuance of a permit to carry a pistol pursuant to Section
18 13A-11-75 or the recognition of non-residence licenses under
19 this section do not impose a general prohibition on the
20 carrying of a pistol without a permit.

21 "(b) The Attorney General is authorized to enter
22 into reciprocal agreements with other states for the mutual
23 recognition of licenses to carry handguns and shall
24 periodically publish a list of states which recognize licenses
25 issued pursuant to Section 13A-11-75."

26 "§13A-11-90.

1 "(a) Except as provided in subdivision (b), a public
2 or private employer may restrict or prohibit its employees,
3 including those with a permit issued or recognized under
4 Section 13A-11-75, from carrying firearms while on the
5 employer's property or while engaged in the duties of the
6 person's employment.

7 "(b) A public or private employer may not restrict
8 or prohibit the transportation or storage of a lawfully
9 possessed ~~firearm~~ pistol or ammunition in an employee's
10 privately owned motor vehicle while parked or operated in a
11 public or private parking area. A public or private employer
12 may not restrict or prohibit the transportation or storage of
13 a lawfully possessed firearm, if the employee ~~satisfies all of~~
14 ~~the following~~ possesses a firearm, other than a pistol, which
15 may be lawfully used for hunting in Alabama, and the employee
16 satisfies all the following::

17 ~~"(1) The employee either:~~

18 ~~"a. Has a valid concealed weapon permit; or~~

19 ~~"b. If the weapon is any firearm legal for use for~~
20 ~~hunting in Alabama other than a pistol:~~

21 ~~"i. (1) The employee possesses a valid Alabama~~
22 ~~hunting license.~~

23 ~~"ii. (2) The ~~weapon~~ firearm is unloaded at all times~~
24 ~~on the property.~~

25 ~~"iii. (3) It is during a season in which hunting is~~
26 ~~permitted by Alabama law or regulation.~~

1 ~~"iv.~~ (4) The employee has never been convicted of
2 any crime of violence as that term is defined in Section
3 13A-11-70, nor of any crime set forth in Chapter 6 of Title
4 13A, nor is subject to a Domestic Violence Order, as that term
5 is defined in Section 13A-6-1417.

6 ~~"v.~~ (5) The employee does not meet any of the
7 factors set forth in Section 13A-11-75(a) (1) a.1-8~~7~~ and.

8 ~~"vi.~~ (6) The employee has no documented prior
9 workplace incidents involving the threat of physical injury or
10 which resulted in physical injury.

11 ~~"(2)~~ (7) The motor vehicle is operated or parked in a
12 location where it is otherwise permitted to be.

13 ~~"(3)~~ (8) The firearm is either of the following:

14 "a. In a motor vehicle attended by the employee,
15 kept from ordinary observation within the person's motor
16 vehicle.

17 "b. In a motor vehicle unattended by the employee,
18 kept from ordinary observation and locked within a
19 compartment, container, or in the interior of the person's
20 privately owned motor vehicle or in a compartment or container
21 securely affixed to the motor vehicle.

22 "(c) If an employer believes that an employee
23 presents a risk of harm to himself/herself or to others, the
24 employer may inquire as to whether the employee possesses a
25 firearm in his or her private motor vehicle. If the employee
26 does possess a firearm in his or her private motor vehicle on
27 the property of the employer, the employer may make any

1 inquiry necessary to establish that the employee is in
2 compliance with subsection (b).

3 "(1) If the employee is not in compliance with
4 subsection (b), the employer may take adverse employment
5 action against the employee, in the discretion of the
6 employer.

7 "(2) If the employee has been in compliance with
8 subsection (b) at all times, the employer may not take adverse
9 employment action against the employee based solely on the
10 presence of the firearm.

11 "(d) If an employer discovers by other means that an
12 employee is transporting or storing a firearm in his or her
13 private motor vehicle, the employer may not take any adverse
14 employment action against the employee based solely on the
15 possession of that firearm if the employee has complied with
16 the requirements in subsection (b).

17 "(e) Nothing in this section shall prohibit an
18 employer from reporting to law enforcement a complaint based
19 upon information and belief that there is credible evidence of
20 any of the following:

21 "(1) That the employee's motor vehicle contains:

22 "a. A firearm prohibited by state or federal law.

23 "b. Stolen property or a prohibited or illegal item
24 other than a firearm.

25 "(2) A threat made by an employee to cause bodily
26 harm to themselves or others.

1 "(f) If law enforcement officers, pursuant to a
2 valid search warrant or valid warrantless search based upon
3 probable cause, exigent circumstances, or other lawful
4 exception to the search warrant requirement, discover a
5 firearm prohibited by state or federal law, stolen property,
6 or a prohibited or illegal item other than a firearm, the
7 employer may take adverse employment action against the
8 employee.

9 "(g) ~~However,~~ Notwithstanding subsection (f), if the
10 employee has fully complied with the requirements of
11 subsection (b) and does not possess a firearm prohibited by
12 state or federal law, that employee is entitled to recovery as
13 specified in this subsection for any adverse employment action
14 against the employee. If demand for the recovery has not been
15 satisfied within 45 calendar days, the employee may file a
16 civil action in the appropriate court of this state against
17 the public or private employer. A plaintiff is entitled to
18 seek an award of all of the following:

19 "(1) Compensation, if applicable, for lost wages or
20 benefits.

21 "(2) Compensation, if applicable, for other lost
22 remuneration caused by the termination, demotion, or other
23 adverse action.

24 "(h) The license requirements set forth in ~~section~~
25 ~~(b)(1)a. and (b)(1)b.i.~~ subdivision (1) of subsection (b) are
26 for the purposes of this section only in order to determine
27 whether an employee may transport or store a lawfully

1 possessed firearm or ammunition in an employee's privately
2 owned motor vehicle while parked or operated in a public or
3 private parking area owned by the employer and shall not be
4 construed to otherwise expand the requirements for the lawful
5 possession of a firearm. These requirements shall not be
6 interpreted to mean that the laws of the State of Alabama
7 create any new connection between the possession of a hunting
8 license and the right of a citizen to keep and bear arms.

9 "(i) Prohibitions regarding the carrying of a
10 firearm under this section shall not apply to law enforcement
11 officers engaged in the lawful execution of their official
12 duties.

13 "(j) Nothing in this section shall be construed to
14 authorize the transportation, carrying, storing, or possession
15 of a firearm or ammunition where prohibited by federal law.

16 Section 6. Section 9-11-304, Code of Alabama 1975,
17 relating to carrying a pistol on any wildlife management area,
18 Section 13A-11-52, Code of Alabama 1975, relating to carrying
19 a pistol on private property, Section 13A-11-71, Code of
20 Alabama 1975, relating to evidence of intent with committing a
21 crime while armed, Section 13A-11-73, Code of Alabama 1975,
22 relating to possession of an unloaded pistol in motor vehicle,
23 and 13A-11-74, Code of Alabama 1975, relating to exceptions to
24 requirement of having a license to carry a pistol in vehicle
25 or concealed on a person, are repealed.

26 Section 7. Although this bill would have as its
27 purpose or effect the requirement of a new or increased

1 expenditure of local funds, the bill is excluded from further
2 requirements and application under Amendment 621, now
3 appearing as Section 111.05 of the Official ReCompilation of
4 the Constitution of Alabama of 1901, as amended, because the
5 bill defines a new crime or amends the definition of an
6 existing crime.

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