

HB386 INTRODUCED



1 U4QFXD-1
2 By Representative Ensler
3 RFD: Public Safety and Homeland Security
4 First Read: 25-Apr-23
5
6 2023 Regular Session



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SYNOPSIS:

Under existing law, it is unlawful for individuals to possess certain types of firearms.

This bill would provide that no person may possess or sell a firearm that does not have a serial number as required by federal law.

This bill would establish a penalty for a violation.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

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



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A BILL

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TO BE ENTITLED

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AN ACT

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Relating to firearms; to prohibit persons from

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possessing or selling a firearm that does not have a serial

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number as required by federal law; to provide a penalty for

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violation; and in connection therewith would have as its

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purpose or effect the requirement of a new or increased

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expenditure of local funds within the meaning of Section

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111.05 of the Constitution of Alabama of 2022.

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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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Section 1. (a) It shall be unlawful for any person to

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sell or transfer, own, or have in his or her possession,

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control, care, or custody a firearm that has not been

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imprinted with a serial number that conforms to federal law.

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(b) (1) Any person in possession of a firearm without a

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serial number on the effective date of this act shall have a

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serial number placed upon the firearm by a federal firearms

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manufacturer, importer, or dealer that is licensed under 18

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U.S.C. § 923 within 90 days thereafter.

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(2) Any person that manufactures or otherwise builds a

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firearm without a serial number after the effective date of

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this act shall have a serial number placed upon the firearm by

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a federal firearms manufacturer, importer, or dealer that is

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licensed under 18 U.S.C. § 923 within 90 days of building it.



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57 (c) A violation of this section is a Class C felony.

58 (d) This section does not apply to any firearm
59 manufactured prior to October 22, 1968, or that is otherwise
60 an antique firearm. This section also does not apply to any
61 federally licensed firearm manufacturer, importer, or dealer.

62 Section 2. Although this bill would have as its purpose
63 or effect the requirement of a new or increased expenditure of
64 local funds, the bill is excluded from further requirements
65 and application under Section 111.05 of the Constitution of
66 Alabama of 2022, because the bill defines a new crime or
67 amends the definition of an existing crime.

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