

HB266 INTRODUCED



1 HB266

2 DEKCTTT-1

3 By Representatives Moore (M), Givan, Sellers, Morris, Jones,

4 Jackson, Hendrix, Boyd, Warren, Drummond, Forte, Clarke,

5 Ensler, Travis, Lawrence, Chestnut, Hollis, Gray, McCampbell,

6 England

7 RFD: Judiciary

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SYNOPSIS:

This bill would prohibit the possession, sale, or transfer of an assault weapon under certain circumstances.

This bill would provide procedures to register an assault weapon.

This bill would provide criminal penalties for violations.

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 section. 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 section.



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A BILL
TO BE ENTITLED
AN ACT

Relating to firearms; to prohibit the possession, sale, or transfer of an assault weapon under certain circumstances; to provide procedures to register an assault weapon; to provide a criminal penalty for a violation; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the purposes of this act, the following terms have the following meanings:

(1) ANTIQUE FIREARM. A firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(2) ASSAULT WEAPON.

a. Any selective-fire firearm capable of fully



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57 automatic, semiautomatic, or burst fire at the option of the
58 user or any of the following specified semiautomatic firearms:

59 1. All AK series, including all of the following: AK,
60 AKM, AKS, AK-47, AK-74, ARM, MAK90, MISR, NHM90, NHM91, SA 85,
61 SA 93, VEPR, WASR-10, WUM, Rock River Arms LAR-47, and Vector
62 Arms AK-47.

63 2. All AR series, including all of the following:
64 AR-10, AR-15, Bushmaster XM15, Armalite AR-180 and M15,
65 Olympic Arms, AR70, DPMS Tactical Rifles, Smith and Wesson M
66 and P15 Rifles, Colt AR-15, Rock River Arms LAR-15, and
67 DoubleStar AR rifles.

68 3. Algimec AGM1.

69 4. Barrett 82A1 and REC7.

70 5. Beretta AR-70 and Beretta Storm.

71 6. Bushmaster Auto Rifle.

72 7. Calico Liberty series.

73 8. Chartered Industries of Singapore SR-88.

74 9. Colt Sporter.

75 10. Daewoo K-1, K-2, Max I, and Max II.

76 11. FAMAS MAS 223.

77 12. Federal XC-900 and SC-450.

78 13. Fabrique National FN/FAL, FN/LAR, and FNC.

79 14. FNH PS90, SCAR, and FS2000.

80 15. Goncz High Tech Carbine.

81 16. Hi-Point Carbine.

82 17. HK-91, HK-93, HK-94, SP-89, and HK-PSG-1.

83 18. Kel-Tec Sub-2000, SU series, and RFB.

84 19. M1 Carbine.



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- 85 20. SAR-8, SAR-4800, and SR9.
- 86 21. SIG 57 AMT and 500 Series.
- 87 22. Sig Sauer MCX Rifle.
- 88 23. SKS capable of accepting a detachable magazine.
- 89 24. SLG 95.
- 90 25. SLR 95 and 96.
- 91 26. Spectre Auto Carbine.
- 92 27. Springfield Armory BM59, SAR-48, and G-3.
- 93 28. Sterling MK-6 and MK-7.
- 94 29. Steyr AUG.
- 95 30. Sturm Ruger Mini-14 with folding stock.
- 96 31. TNW M230 and M2HB.
- 97 32. Thompson types, including Thompson T5.
- 98 33. UZI, Galil and UZI Sporter, Galil Sporter, Galil
- 99 Sniper Rifle (Galatz), and Vector Arms UZI.
- 100 34. Weaver Arms Nighthawk.
- 101 b. All of the following handguns, copies, duplicates,
- 102 or altered facsimiles with the capability of any weapon
- 103 thereof:
- 104 1. AK-47 pistol and Mini AK-47 pistol.
- 105 2. AR-15 pistol.
- 106 3. Australian Automatic Arms SAP pistol.
- 107 4. Bushmaster Auto Pistol.
- 108 5. Calico Liberty series pistols.
- 109 6. Encom MK-IV, MP-9, and MP-45.
- 110 7. Feather AT-9 and Mini-AT.
- 111 8. Goncz High Tech Long pistol.
- 112 9. Holmes MP-83.



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- 113 10. Iver Johnson Enforcer.
- 114 11. MAC-10 and MAC-11, Masterpiece Arms MPA pistol
115 series, and Velocity Arms VMA series.
- 116 12. Intratec TEC-9, TEC-DC9, TEC-22 Scorpion, and
117 AB-10.
- 118 13. UZI pistol and Micro-UZI pistol.
- 119 14. Colefire Magnum.
- 120 15. Scarab Skorpion.
- 121 16. Spectre Auto pistol.
- 122 17. German Sport 522 PK.
- 123 18. Chiappa Firearms Mfour-22.
- 124 19. DSA SA58 PKP FAL.
- 125 20. I.O. Inc. PPS-43C.
- 126 21. Kel-Tec PLR-16 pistol.
- 127 22. Sig Sauer P556 pistol.
- 128 23. Thompson TA5 series pistols.
- 129 24. Wilkinson "Linda" pistol.
- 130 c. All of the following shotguns, copies, duplicates,
131 or altered facsimiles with the capability of any weapon
132 thereof:
- 133 1. Armscor 30 BG.
- 134 2. Franchi SPAS-12 and Law-12.
- 135 3. Remington TAC-2 and TACB3 FS.
- 136 4. SPAS 12 and LAW 12.
- 137 5. Striker 12.
- 138 6. Streetsweeper.
- 139 7. Saiga.
- 140 8. USAS-12.



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141 9. Kel-Tec KSG.

142 d. A part or combination of parts that converts a
143 firearm into an assault weapon or any combination of parts
144 from which an assault weapon may be assembled if those parts
145 are in the possession or under the control of the same person.

146 e. Any semiautomatic firearm not listed in paragraphs
147 a. through d., inclusive, that meets the following criteria:

148 1. A semiautomatic rifle that has the ability to accept
149 a detachable magazine and has one or more of the following:

150 (i) A folding or telescoping stock.

151 (ii) A pistol grip that protrudes conspicuously beneath
152 the action of the weapon or any feature functioning as a
153 protruding grip that can be held by the non-trigger hand or a
154 thumbhole stock.

155 (iii) A bayonet mount.

156 (iv) A flash suppressor or threaded barrel designed to
157 accommodate a flash suppressor.

158 (v) A grenade launcher.

159 (vi) A shroud attached to the barrel that partially or
160 completely encircles the barrel allowing the bearer to hold
161 the firearm with the non-trigger hand without being burned,
162 but excluding a slide that encloses the barrel.

163 2. A semiautomatic pistol that has the ability to
164 accept a detachable magazine and has one or more of the
165 following:

166 (i) The capacity to accept an ammunition magazine that
167 attaches to the pistol at any location outside of the pistol
168 grip.



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169 (ii) A threaded barrel capable of accepting a barrel
170 extender, flash suppressor, forward handgrip, or silencer.

171 (iii) A slide that encloses the barrel and that permits
172 the shooter to hold the firearm with the non-trigger hand
173 without being burned.

174 (iv) A manufactured weight of 50 ounces or more when
175 the pistol is unloaded.

176 (v) A semiautomatic version of an automatic firearm.

177 (vi) Any feature capable of functioning as a protruding
178 grip that can be held by the non-trigger hand.

179 (vii) A folding, telescoping, or thumbhole stock.

180 3. A semiautomatic shotgun that has one or more of the
181 following:

182 (i) A folding or telescoping stock.

183 (ii) A pistol grip that protrudes conspicuously beneath
184 the action of the weapon.

185 (iii) A thumbhole stock.

186 (iv) A fixed magazine capacity in excess of five
187 rounds.

188 (v) The ability to accept a detachable magazine.

189 4. Any semiautomatic pistol or centerfire or rimfire
190 rifle with a fixed magazine that has the capacity to accept
191 more than 10 rounds of ammunition.

192 5. A part or combination of parts designed or intended
193 to convert a firearm into an assault weapon or any combination
194 of parts from which an assault weapon may be assembled if
195 those parts are in the possession or under the control of the
196 same person.



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197 f. The term does not include antique firearms, any
198 firearm that has been made permanently inoperable, or any
199 firearm that is manually operated by bolt, pump, lever, or
200 slide action.

201 (3) DEALER. A person who has a federal firearm license
202 pursuant to 18 U.S.C. § 923.

203 (4) FIREARM. Has the same meaning as provided in
204 Section 13A-8-1, Code of Alabama 1975.

205 (5) MAGAZINE. Any ammunition feeding device.

206 (6) PERSON. An individual as well as any firm,
207 partnership, association, or corporation.

208 (7) PISTOL. Any firearm with a barrel less than 12
209 inches in length.

210 (8) RIFLE. Any weapon designed or redesigned, made or
211 remade, and intended to be fired from the shoulder and
212 designed or redesigned and made or remade to use the energy of
213 the explosive in a fixed metallic cartridge to fire only a
214 single projectile through a rifled bore for each pull of the
215 trigger.

216 (9) SALE or SELL. The actual approval of the delivery
217 of a firearm in consideration of payment or promise of
218 payment.

219 (10) SHOTGUN. A weapon designed or redesigned, made or
220 remade, and intended to be fired from the shoulder and
221 designed or redesigned and made or remade to use the energy of
222 the explosive in a fixed shotgun shell to fire through a
223 smooth bore either a number of ball shot or a single
224 projectile for each single pull of the trigger.



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225 (11) TRANSFER. The intended delivery of a firearm to a
226 person without consideration of payment or promise of payment,
227 including a gift and loan.

228 Section 2. (a) Notwithstanding Article 3, Chapter 11 of
229 Title 13A, Code of Alabama 1975, a person commits the crime of
230 unlawful sale or transfer of an assault weapon if he or she
231 knowingly sells or transfers an assault weapon.

232 (b) (1) The crime of unlawful sale or transfer of an
233 assault weapon is a Class B felony.

234 (2) The crime of unlawful sale or transfer of an
235 assault weapon to a person under 18 years of age is a Class A
236 felony.

237 (c) This section shall not apply to any of the
238 following:

239 (1) The sale of an assault weapon to a law enforcement
240 agency, the Department of Corrections, or the military or
241 naval forces of this state or of the United States for use in
242 the discharge of their official duties.

243 (2) A person who is the executor or administrator of an
244 estate that includes an assault weapon that has been
245 registered pursuant to this act or which is disposed of as
246 authorized by the probate court, if the disposition is
247 otherwise permitted under this act.

248 (3) The transfer by bequest or intestate succession of
249 an assault weapon that has been registered pursuant to this
250 act.

251 Section 3. (a) Notwithstanding Article 3, Chapter 11 of
252 Title 13A, Code of Alabama 1975, a person commits the crime of



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253 unlawful possession of an assault weapon if he or she
254 knowingly possesses an assault weapon.

255 (b) The crime of unlawful possession of an assault
256 weapon is a Class C felony.

257 (c) This section shall not apply to any of the
258 following:

259 (1) The possession of an assault weapon by members or
260 employees of a law enforcement agency, the Department of
261 Corrections, or the military or naval forces of this state or
262 of the United States for use in the discharge of their
263 official duties.

264 (2) The possession of an assault weapon by any person
265 prior to October 1, 2024, if all of the following are
266 applicable:

267 a. The person registers the assault weapon by April 1,
268 2025, as provided in Section 4.

269 b. The person lawfully possessed the assault weapon
270 prior to October 1, 2024.

271 c. The person is otherwise in compliance with this act
272 and the applicable requirements for possession of a firearm in
273 this state.

274 (3) A person who is the executor or administrator of an
275 estate that includes an assault weapon that has been
276 registered pursuant to this act or as authorized by the
277 probate court.

278 Section 4. (a) Any person who lawfully possesses an
279 assault weapon prior to October 1, 2024, shall apply on or
280 before April 1, 2025, or, a person that is a member of the



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281 military or naval forces of this state or of the United States
282 and is unable to apply on or before April 1, 2025, because he
283 or she is or was on official duty outside of this state, shall
284 apply within 90 days of returning to the state, to the Alabama
285 State Law Enforcement Agency to register the assault weapon.
286 The registration information shall include all of the
287 following:

288 (1) A description of the assault weapon that identifies
289 it uniquely, including all identification marks.

290 (2) The full name, address, date of birth, and
291 fingerprints of the owner.

292 (3) Any other information the agency may deem
293 appropriate.

294 (b) The Alabama State Law Enforcement Agency shall
295 conduct a fingerprint-based state and national criminal
296 background check of each person registering an assault weapon.

297 (c) The agency may charge a fee not to exceed fifty
298 dollars (\$50) for the registration of an assault weapon.

299 (d) The agency shall adopt rules no later than April 1,
300 2025, to establish procedures with respect to the application
301 for registration pursuant to this section.

302 (e) (1) If a person fails to register an assault weapon
303 on or before April 1, 2025, or within 90 days of their return
304 to this state if the person is a member of the military or
305 naval forces of this state or of the United States that is on
306 official duty outside of this state, the applicant shall
307 arrange to relinquish all assault weapons in his or her
308 possession. An applicant who fails to make an arrangement



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309 within the time period specified in this section shall be
310 guilty of a Class C felony.

311 (2) A person may arrange in advance to relinquish an
312 assault weapon to a law enforcement agency.

313 Section 5. (a) An assault weapon possessed pursuant to
314 this act may not be sold or transferred on or after April 1,
315 2025, to any person within this state other than to a licensed
316 gun dealer or by a bequest or intestate succession. A person
317 who obtains an assault weapon that has been registered under
318 this section by bequest or intestate succession shall do any
319 of the following within 90 days of obtaining possession:

320 (1) Apply to the Alabama State Law Enforcement Agency
321 to register the assault weapon in the person's name as
322 provided in Section 4.

323 (2) Render the weapon permanently inoperable.

324 (3) Sell the weapon to a licensed gun dealer.

325 (4) Remove the weapon from this state.

326 (b) Any person who moves into this state in lawful
327 possession of an assault weapon, within 90 days, shall do any
328 of the following:

329 (1) Apply to the Alabama State Law Enforcement Agency
330 to register the assault weapon in the person's name as
331 provided in Section 4.

332 (2) Render the weapon permanently inoperable.

333 (3) Sell the weapon to a licensed gun dealer.

334 (4) Remove the weapon from this state.

335 (c) Subsection (b) shall not apply to a member of the
336 military or naval forces of this state or of the United States



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337 who is in lawful possession of an assault weapon and has been
338 transferred into this state after October 1, 2024.

339 Section 6. (a) A person who has registered an assault
340 weapon pursuant to Section 4 may possess it only under the
341 following conditions:

342 (1) At that person's residence, place of business, or
343 other property owned by that person, or on property owned by
344 another person with the owner's express permission.

345 (2) While on the premises of a target range of a public
346 or private club or organization organized for the purpose of
347 practicing shooting at targets.

348 (3) While on a target range that holds a regulatory or
349 business license for the purpose of practicing shooting at
350 that target range.

351 (4) While on the premises of a licensed shooting club.

352 (5) While attending any exhibition, display, or
353 educational project that is about firearms and which is
354 sponsored by, conducted under the auspices of, or approved by
355 a law enforcement agency or a nationally or state recognized
356 entity that fosters proficiency in, or promotes education
357 about, firearms.

358 (6) While transporting the assault weapon between any
359 of the places mentioned in this subsection, or to any licensed
360 gun dealer for servicing or repair, provided the assault
361 weapon is transported as required by this section.

362 (b) (1) No person shall carry a loaded assault weapon
363 concealed from public view or knowingly have in any motor
364 vehicle owned, operated, or occupied by him or her a loaded or



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365 unloaded assault weapon unless the weapon is kept in the trunk
366 of the vehicle or in a case or other container that is
367 inaccessible to the operator of or any passenger in the
368 vehicle.

369 (2) A violation of this subsection is a Class C felony.

370 Section 7. (a) If an owner of an assault weapon sells
371 or transfers the weapon to a licensed gun dealer, he or she,
372 at the time of delivery of the weapon, shall execute a
373 certificate of transfer and cause the certificate to be mailed
374 or delivered to the Alabama State Law Enforcement Agency. The
375 certificate shall contain all of the following:

376 (1) The date of sale or transfer.

377 (2) The name and address of the seller or transferor
378 and the licensed gun dealer and his or her Social Security
379 number or driver license number.

380 (3) The licensed gun dealer's federal firearms license
381 number.

382 (4) A description of the weapon, including the make,
383 model, serial number, and caliber of the weapon.

384 (5) Any other information the Alabama State Law
385 Enforcement Agency prescribes.

386 (b) A licensed gun dealer shall present his or her
387 driver license or Social Security card and federal firearms
388 license to a seller or transferor for inspection at the time
389 of purchase or transfer.

390 (c) The Alabama State Law Enforcement Agency shall
391 maintain a database of all certificates of transfer and make
392 it available for law enforcement purposes.



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393 Section 8. (a) A licensed gun dealer who lawfully
394 purchases an assault weapon outside this state for resale may
395 transport, in accordance with the requirements of Section 6,
396 the assault weapon between dealers or out of this state. Any
397 licensed gun dealer may display the assault weapon at any gun
398 show or sell it to a resident outside of this state.

399 (b) Any licensed gun dealer may transfer possession of
400 an assault weapon received pursuant to subsection (a) to a
401 gunsmith for purposes of accomplishing service or repair of
402 the weapon. These transfers are permissible only to the
403 following persons:

404 (1) A gunsmith who is in the dealer's employ.

405 (2) A gunsmith with whom the dealer has contracted for
406 gunsmithing services, provided the gunsmith receiving the
407 assault weapon holds a dealer's license issued pursuant to 18
408 U.S.C. § 923.

409 Section 9. Nothing in this act shall be construed to
410 prohibit any person engaged in the business of manufacturing
411 assault weapons in this state from manufacturing or
412 transporting assault weapons in this state for sale within
413 this state in accordance with this act or for sale outside
414 this state.

415 Section 10. Although this bill would have as its
416 purpose or effect the requirement of a new or increased
417 expenditure of local funds, the bill is excluded from further
418 requirements and application under Section 111.05 of the
419 Constitution of Alabama of 2022, because the bill defines a
420 new crime or amends the definition of an existing crime.



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421 Section 11. This act shall become effective on October
422 1, 2024.