

1 HB13  
2 179846-1  
3 By Representative Givan  
4 RFD: Judiciary  
5 First Read: 07-FEB-17  
6 PFD: 10/13/2016

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8 SYNOPSIS: Under existing law, it is a crime for a  
9 person to sell, give, or lend a pistol to a minor  
10 or deliver a pistol to any person who he or she has  
11 reasonable cause to believe is a minor, a drug  
12 addict, or an habitual drunkard, who has been  
13 convicted in this state or elsewhere of committing  
14 or attempting to commit a crime of violence, a  
15 misdemeanor offense of domestic violence, or  
16 certain violent offenses, or anyone who is subject  
17 to a valid protection order for domestic abuse, or  
18 anyone of unsound mind.

19 This bill would make it a crime for a person  
20 to knowingly purchase or attempt to purchase a  
21 firearm with the intent to deliver that firearm to  
22 another person who is prohibited by federal or  
23 state law from possessing a firearm, and would  
24 provide criminal penalties.

25 Amendment 621 of the Constitution of Alabama  
26 of 1901, now appearing as Section 111.05 of the  
27 Official Recompilation of the Constitution of

1 Alabama of 1901, as amended, prohibits a general  
2 law whose purpose or effect would be to require a  
3 new or increased expenditure of local funds from  
4 becoming effective with regard to a local  
5 governmental entity without enactment by a 2/3 vote  
6 unless: it comes within one of a number of  
7 specified exceptions; it is approved by the  
8 affected entity; or the Legislature appropriates  
9 funds, or provides a local source of revenue, to  
10 the entity for the purpose.

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

18  
19 A BILL  
20 TO BE ENTITLED  
21 AN ACT  
22

23 To amend Section 13A-11-58.1, Code of Alabama 1975,  
24 relating to firearms; to make it a crime for a person to  
25 knowingly purchase or attempt to purchase a firearm with the  
26 intent to deliver that firearm to another person who is  
27 prohibited by federal or state law from possessing a firearm;

1 to provide penalties; and in connection therewith would have  
2 as its purpose or effect the requirement of a new or increased  
3 expenditure of local funds within the meaning of Amendment 621  
4 of the Constitution of Alabama of 1901, now appearing as  
5 Section 111.05 of the Official ReCompilation of the  
6 Constitution of Alabama of 1901, as amended.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 13A-11-58.1, Code of Alabama  
9 1975, is amended to read as follows:

10 "§13A-11-58.1.

11 "(a) For the purposes of this section, the following  
12 words have the following meanings:

13 "(1) AMMUNITION. Any cartridge, shell, or projectile  
14 designed for use in a firearm.

15 "(2) LICENSED DEALER. A person who is licensed  
16 pursuant to 18 U.S.C. § 923 or Section 13A-11-79, to engage in  
17 the business of dealing in firearms.

18 "(3) MATERIALLY FALSE INFORMATION. Information that  
19 portrays an illegal transaction as legal or a legal  
20 transaction as illegal.

21 "(4) PRIVATE SELLER. A person who sells or offers  
22 for sale any firearm, as defined in Section 13A-8-1(4), or  
23 ammunition.

24 "(b) A person who knowingly solicits, persuades,  
25 encourages, or entices a licensed dealer or private seller of  
26 a firearm or ammunition to transfer a firearm or ammunition  
27 under circumstances which the person knows would violate the

1 laws of this state or the United States is guilty of a Class C  
2 felony.

3 "(c) A person who provides to a licensed dealer or  
4 private seller of firearms or ammunition what the person knows  
5 to be materially false information with intent to deceive the  
6 dealer or seller about the legality of the transfer of a  
7 firearm or ammunition is guilty of a Class C felony.

8 "(d) A person who knowingly purchases or attempts to  
9 purchase a firearm with the intent to deliver that firearm to  
10 another person who is prohibited by federal or state law from  
11 possessing a firearm is guilty of a Class C felony.

12 "~~(d)~~ (e) This section does not apply to a peace  
13 officer acting in his or her official capacity or to a person  
14 acting at the direction of a peace officer."

15 Section 2. Although this bill would have as its  
16 purpose or effect the requirement of a new or increased  
17 expenditure of local funds, the bill is excluded from further  
18 requirements and application under Amendment 621 because the  
19 bill defines a new crime or amends the definition of an  
20 existing crime.

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