

1 HB410  
2 181068-4  
3 By Representatives Butler, Hanes, Henry, Williams (JW),  
4 Pettus, Fridy and Whorton (R)  
5 RFD: Public Safety and Homeland Security  
6 First Read: 14-MAR-17

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SYNOPSIS: Under existing law, a person may not knowingly or openly possess or carry a firearm in certain places or without the express permission of a person or entity with authority over the premises.

This bill would authorize certain persons to carry a firearm in a government building if access is not restricted or screened by security personnel and would provide for the carrying of firearms in places of worship under certain conditions.

This bill would allow local boards of education to adopt policies providing for the carrying of firearms by selected school personnel on school property, at school functions, and on a bus or other transportation furnished by a school.

This bill would allow school personnel to store firearms in designated parking areas on the premises of a school under certain conditions.

This bill would allow a concealed pistol permit holder to carry a concealed pistol upon his

1 or her person while the permit holder is on the  
2 campus of a public institution of higher education  
3 or a private institution of higher education, would  
4 authorize the institutions of higher education to  
5 adopt limited policies restricting the carrying of  
6 firearms under limited conditions, and would  
7 provide criminal penalties for violations.

8 This bill would also require a business  
9 entity who refuses to allow a person to carry a  
10 firearm on the business premises to adopt a policy  
11 providing for the protection of invitees and would  
12 provide that the business entity would be liable  
13 for certain damages to invitees if a policy is not  
14 adopted or if the business entity fails to comply  
15 with the protection policy.

16 This bill would also repeal sections of the  
17 Code of Alabama 1975, that are inconsistent with  
18 the provisions of the bill.

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

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

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

12  
13 A BILL  
14 TO BE ENTITLED  
15 AN ACT  
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17 Relating to firearms; to authorize certain persons  
18 to carry a firearm in a government building if access is not  
19 restricted or screened by security personnel; to provide  
20 criminal penalties for violations; to provide for the carrying  
21 of firearms in places of worship under certain conditions; to  
22 allow local boards of education to adopt policies providing  
23 for the carrying of firearms by selected school personnel on  
24 school property, at school functions, and on a bus or other  
25 transportation furnished by a school; to allow a concealed  
26 pistol permit holder to carry a concealed pistol upon his or  
27 her person while the permit holder is on the campus of a

1 public institution of higher education or a private  
2 institution of higher education; to authorize the institutions  
3 of education to adopt limited policies restricting the  
4 carrying of firearms under limited conditions; to provide  
5 criminal penalties for violations of those policies; to  
6 require business entities prohibiting firearms to adopt  
7 protection policies for invitees under certain conditions; to  
8 provide for liability for damages to invitees under certain  
9 conditions; to amend Section 13A-11-61.2 Code of Alabama 1975,  
10 to make conforming changes; to provide for the carrying or  
11 possession of a firearm on hospital property under certain  
12 conditions; to repeal Section 9-11-304, Code of Alabama 1975,  
13 relating to carrying of firearm in wildlife management area  
14 and Section 13A-11-59, Code of Alabama 1975, relating to the  
15 possession of firearms at demonstrations; and in connection  
16 therewith would have as its purpose or effect the requirement  
17 of a new or increased expenditure of local funds within the  
18 meaning of Amendment 621 of the Constitution of Alabama of  
19 1901, now appearing as Section 111.05 of the Official  
20 Recompilation of the Constitution of Alabama of 1901, as  
21 amended.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. (a) (1) A person with a valid pistol  
24 permit issued under Section 13A-11-75, Code of Alabama 1975,  
25 may carry a firearm in a government building when the building  
26 is open for business and where ingress into the building is  
27 not restricted or screened by security personnel.

1           (2) A pistol permit holder or a person who is not a  
2 pistol permit holder who enters or attempts to enter a  
3 government building carrying a firearm where ingress is  
4 restricted or screened by security personnel is guilty of a  
5 Class C misdemeanor.

6           Section 2. (a) A local board of education may adopt  
7 a policy in writing to allow certain school personnel to  
8 possess or carry a firearm on school property, at a school  
9 function, or on a bus or other transportation furnished by a  
10 school provided that the policy satisfies the following:

11           (1) A person approved to carry a firearm under the  
12 policy is required to have a pistol permit as provided under  
13 Section 13A-11-75, Code of Alabama 1975.

14           (2) The policy provides for the training of approved  
15 personnel prior to authorizing such personnel to carry a  
16 firearm. The training shall at a minimum include training on  
17 judgment pistol shooting, marksmanship, and a review of  
18 current laws relating to the use of force for the defense of  
19 self and others; provided, however, that the local board of  
20 education training policy may substitute for certain training  
21 requirements the personnel's prior military or law enforcement  
22 service if the approved personnel has previously served as a  
23 certified law enforcement officer or has had military service  
24 which involved similar firearm training.

25           (3) An approved list of the types of firearms and  
26 ammunition and the quantity of firearms and ammunition

1 authorized to be possessed or carried by the approved school  
2 personnel.

3 (4) The exclusion from approval of any personnel who  
4 has had an employment or other history indicating any type of  
5 mental or emotional instability as determined by the local  
6 board of education.

7 (5) A mandatory method of securing firearms,  
8 including, at a minimum, a requirement that the firearm, if  
9 permitted to be carried concealed by personnel, shall be  
10 carried on the person and not in a purse, briefcase, bag, or  
11 similar other accessory which is not secured on the body of  
12 the person and, if maintained separate from the person, shall  
13 be maintained in a secured lock safe or similar lock box that  
14 cannot be easily accessed by students or others.

15 (6) A requirement for an annual criminal background  
16 check of all school personnel authorized to carry a firearm  
17 under the policy.

18 (b) The selection of approved personnel to possess  
19 or carry a firearm on school property, at a school function,  
20 or on a bus or other transportation furnished by a school  
21 shall be done strictly on a voluntary basis. No personnel  
22 shall be required to possess or carry a firearm on school  
23 property, at a school function, or on a bus or other  
24 transportation furnished by a school and shall not be  
25 terminated or otherwise retaliated against for refusing to  
26 possess or carry a firearm.

1 (c) The local board of education shall be  
2 responsible for any costs associated with approving personnel  
3 to carry or possess firearms on school property, at a school  
4 function, or on a bus or other transportation furnished by a  
5 school; provided, however, that nothing contained in this  
6 section shall prohibit any approved personnel from paying for  
7 part or all of such costs or using any other funding mechanism  
8 available, including donations or grants from private persons  
9 or entities.

10 (d) (1) This section may not be construed to require  
11 or otherwise mandate that any local board of education or  
12 school administrator adopt or implement a practice or program  
13 for the approval of personnel to possess or carry firearms on  
14 school property, at a school function, or on a bus or other  
15 transportation furnished by a school.

16 (2) This section does not create any liability for  
17 adopting or declining to adopt a policy or practice under this  
18 section. Such decision shall be at the discretion of each  
19 individual local board of education.

20 (e) School personnel who have a pistol permit as  
21 provided in Section 13A-11-75, Code of Alabama 1975, may store  
22 a firearm in a motor vehicle in a designated parking area on  
23 school property provided the firearm is locked in a  
24 compartment or container that is in or affixed securely to the  
25 vehicle.

26 Section 3. (a) For the purposes of this act, the  
27 following terms shall have the following meanings:

1           (1) CAMPUS. All land and buildings owned or leased  
2 by an institution of higher education.

3           (2) PRIVATE INSTITUTION OF HIGHER EDUCATION.  
4 Independent colleges or universities incorporated and located  
5 in this state, which by virtue of law or character or license  
6 are educational institutions authorized to grant academic  
7 degrees and which provide a level of education which is  
8 equivalent to the education provided by a public institution  
9 of higher education.

10           (3) PUBLIC INSTITUTION OF HIGHER EDUCATION. Those  
11 public educational institutions in Alabama which provide  
12 formal education, including vocational, technical, collegiate,  
13 professional, or any other form of education, above the  
14 secondary school level.

15           (4) PREMISES. A building or a portion of a building.  
16 The term does not include any public or private driveway,  
17 street, sidewalk or walkway, parking lot, parking garage, or  
18 other parking area.

19           (b) A person who has a permit under Section  
20 13A-11-75, Code of Alabama 1975, may carry a concealed pistol  
21 upon his or her person while the permit holder is on the  
22 campus of a public institution of higher education or, except  
23 as otherwise provided in subsection (f), a private institution  
24 of higher education.

25           (c) Except as provided in subsection (d), (e), or  
26 (f), a public institution of higher education or a private  
27 institution of higher education may not adopt any rule

1 prohibiting permit holders from carrying pistols on the campus  
2 of the institution.

3 (d) A public institution of higher education or a  
4 private institution of higher education may establish rules  
5 concerning the storage of pistols in dormitories or other  
6 residential facilities that are owned or leased and operated  
7 by the institution and located on the campus of the  
8 institution.

9 (e) (1) After consulting with students, staff, and  
10 faculty of the institution regarding the nature of the student  
11 population, specific safety considerations, and the uniqueness  
12 of the campus environment, the president or other chief  
13 executive officer of a public institution of higher education  
14 shall adopt reasonable rules regarding the carrying of  
15 concealed pistols by permit holders on the campus of the  
16 institution. The president or officer may not adopt rules that  
17 generally prohibit or have the effect of generally prohibiting  
18 permit holders from carrying concealed pistols on the campus  
19 of the institution. The president or officer may amend the  
20 rules as necessary for campus safety. The rules shall take  
21 effect as determined by the president or officer unless  
22 subsequently amended by the board of trustees or other  
23 governing board under subdivision (2). The institution must  
24 give effective notice as provided in subsection (c) of Section  
25 13A-11-61.2, Code of Alabama 1975, with respect to any portion  
26 of a premises on which permit holders may not carry.

1           (2) Not later than the 90th day after the date that  
2 the rules are adopted as described by subdivision (1), the  
3 board of trustees or other governing board of the public  
4 institution of higher education shall review the rules. The  
5 board of trustees or other governing board, by a vote of not  
6 less than two-thirds of the board, may amend wholly or  
7 partially the rules established under subdivision (1). If  
8 amended under this subdivision, the rules are considered to be  
9 those of the institution as established under subdivision (1).

10           (3) A public institution of higher education shall  
11 widely distribute the rules described by subdivision (1) to  
12 the institution's students, staff, and faculty, including by  
13 prominently publishing the rules on the institution's Internet  
14 website.

15           (f) A private institution of higher education, after  
16 consulting with students, staff, and faculty of the  
17 institution, may establish rules, regulations, or other  
18 provisions prohibiting permit holders from carrying pistols on  
19 the campus of the institution, any grounds or building on  
20 which an activity sponsored by the institution is being  
21 conducted, or a passenger transportation vehicle owned by the  
22 institution.

23           (g) A public institution of higher education, an  
24 officer or employee of a public institution of higher  
25 education, a private institution of higher education that has  
26 not adopted rules under subsection (f), and an officer or  
27 employee of a private institution of higher education that has

1 not adopted rules under subsection (f), is not liable for any  
2 damages caused by an action authorized under this section or  
3 the failure to act under this section, unless:

4 (1) The act or failure to act was arbitrary or  
5 capricious.

6 (2) The basis of the claim for personal injury or  
7 property damage is the conduct of an employee or officer of an  
8 institution who possesses a pistol on the campus of the  
9 institution.

10 (h) A person who has a permit to carry a concealed  
11 pistol under Section 13A-11-75, Code of Alabama 1975, is  
12 guilty of a Class A misdemeanor if he or she carries a  
13 partially or wholly visible pistol, regardless of whether the  
14 pistol is holstered, on or about the permit holder's person  
15 and intentionally or knowingly displays the pistol in plain  
16 view of another person on either of the following locations:

17 (1) The premises of a public institution of higher  
18 education or private institution of higher education.

19 (2) Any public or private driveway, street, sidewalk  
20 or walkway, parking lot, parking garage, or other parking area  
21 of a public institution of higher education or a private  
22 institution of higher education.

23 (i) A person who has a permit to carry a concealed  
24 pistol under Section 13A-11-75, Code of Alabama 1975, is  
25 guilty of a Class A misdemeanor if he or she carries a pistol  
26 on the campus of a private institution of higher education in  
27 violation of established rules prohibiting permit holders from

1 carrying pistols pursuant to subsection (f), regardless of  
2 whether the pistol is concealed, if the institution gave  
3 effective notice that entry on the property by a permit holder  
4 with a concealed pistol is forbidden.

5 (j) It is the intent of the Legislature that the  
6 University of Alabama System and Auburn University comply with  
7 this section.

8 Section 4. (a) A person, business, or other entity  
9 that owns, controls, or manages private property that is open  
10 to the public and adopts a policy prohibiting the possession  
11 or carrying of firearms on the property shall adopt a written  
12 policy including reasonable measures to enhance the protection  
13 of unarmed invitees on the property.

14 (b) A person, business, or other entity that owns,  
15 controls, or manages private property that fails to adopt a  
16 policy under subsection (a) or fails to comply with the  
17 adopted policy, shall be liable for any damages authorized  
18 under law incurred by an invitee with a permit issued under  
19 Section 13A-11-75, Code of Alabama 1975, during an incident on  
20 the premises in which the invitee could have defended himself  
21 or herself had he or she been armed with a firearm.

22 Section 5. Section 13A-11-61.2 of the Code of  
23 Alabama 1975, is amended to read as follows:

24 "§13A-11-61.2.

25 "(a) In addition to any other place limited or  
26 prohibited by state or federal law, a person, including a  
27 person with a permit issued under Section 13A-11-75(a) (1) or

1 recognized under Section 13A-11-85, may not knowingly possess  
2 or carry a firearm in any of the following places without the  
3 express permission of a person or entity with authority over  
4 the premises:

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

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

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

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

19 "(5) Inside any facility hosting an athletic event  
20 not related to or involving firearms which is sponsored by a  
21 private or public elementary or secondary school or any  
22 private or public institution of postsecondary education,  
23 unless the person has a permit issued under Section  
24 13A-11-75(a) (1) or recognized under Section 13A-11-85.

25 "(6) Inside any facility hosting a professional  
26 athletic event not related to or involving firearms, unless

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

3 "(7) In a place of worship, unless the governing  
4 body or authority of the place of worship permits the carrying  
5 of firearms by a person with a pistol permit issued under  
6 Section 13A-11-75.

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 posting of guards~~  
15 ~~and the use of other security features, including, but not~~  
16 ~~limited to, magnetometers, key cards, biometric screening~~  
17 ~~devices, or turnstiles or other physical barriers. Nothing in~~  
18 ~~this subsection otherwise restricts the possession,~~  
19 ~~transportation, or storage of a lawfully possessed firearm or~~  
20 ~~ammunition in an employee's privately owned motor vehicle~~  
21 ~~while parked or operated in a public or private parking area~~  
22 ~~provided the employee complies with the requirements of~~  
23 ~~Section 13A-11-90.~~

24 ~~"(c) (b) The person or entity with authority over the~~  
25 ~~premises set forth in subsection (a)(1)-(6) and subsection (b)~~  
26 ~~subdivisions (a)(1)-(7) shall place a notice at the public~~

1 entrances of such premises or buildings alerting those  
2 entering that firearms are prohibited.

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

10 ~~"(e)(d)~~ A violation of subsections (a), ~~(b)~~, or ~~(d)~~  
11 or (c) is a Class C misdemeanor.

12 ~~"(f)(e)~~ This section shall not prohibit any person  
13 from possessing a firearm within the person's residence or  
14 during ingress or egress thereto.

15 "(f) A person with a valid pistol permit, as  
16 provided in Section 13A-11-75, Code of Alabama 1975, may carry  
17 or possess a firearm on the premises of a hospital, as defined  
18 in Section 40-26B-70, including a designated parking area of a  
19 hospital. The person or entity with authority over the  
20 hospital may prohibit the carrying or possession of a firearm  
21 inside the building of a hospital, provided the hospital  
22 provides availability for an individual to check a firearm  
23 with a security guard at the entrance of the hospital and the  
24 firearm is secured in locked storage while the individual is  
25 in the hospital.

26 "(g) Prohibitions regarding the carrying of a  
27 firearm under this section shall not apply to law enforcement

1 officers ~~engaged in the lawful execution of their official~~  
2 ~~duties.~~

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

6 Section 6. Sections 9-11-304, 13A-11-52, and  
7 13A-11-59 of the Code of Alabama 1975, are repealed.

8 Section 7. Although this bill would have as its  
9 purpose or effect the requirement of a new or increased  
10 expenditure of local funds, the bill is excluded from further  
11 requirements and application under Amendment 621, now  
12 appearing as Section 111.05 of the Official Recompilation of  
13 the Constitution of Alabama of 1901, as amended, because the  
14 bill defines a new crime or amends the definition of an  
15 existing crime.

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