

1 SB70
2 179424-1
3 By Senator Holley
4 RFD: Judiciary
5 First Read: 07-FEB-17

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8 SYNOPSIS: Under existing law, a person, including a
9 person with a valid pistol permit, is prohibited
10 from possessing a firearm in certain designated
11 places, including law enforcement stations, jails,
12 mental health facilities, courthouses, and athletic
13 facilities. A person, including a person with a
14 valid pistol permit, is prohibited from possessing
15 a firearm in a building or facility to which access
16 is limited by security measures. These prohibitions
17 do not apply to a law enforcement officer in the
18 lawful execution of his or her duties.

19 This bill would also provide that the
20 prohibitions would not apply to a qualified retired
21 law enforcement officer as defined in the federal
22 Law Enforcement Officer Safety Act of 2004. Under
23 the federal definition, a qualified retired law
24 enforcement officer among other requirements has to
25 be honorably retired with 15 or more years of
26 service and meet the qualification for active law
27 enforcement officers to carry firearms.

1
2 A BILL
3 TO BE ENTITLED
4 AN ACT
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6 To amend Section 13A-11-61.2 of the Code of Alabama
7 1975, prohibiting the possession of firearms in certain
8 places; to specify that a qualified retired law enforcement
9 officer would be exempt from the prohibition in that section.
10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Section 13A-11-61.2 of the Code of
12 Alabama 1975, is amended to read as follows:

13 "§13A-11-61.2.

14 "(a) In addition to any other place limited or
15 prohibited by state or federal law, a person, including a
16 person with a permit issued under Section 13A-11-75(a) (1) or
17 recognized under Section 13A-11-85, may not knowingly possess
18 or carry a firearm in any of the following places without the
19 express permission of a person or entity with authority over
20 the premises:

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

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

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

4 "(4) Inside a courthouse, courthouse annex, a
5 building in which a district attorney's office is located, or
6 a building in which a county commission or city council is
7 currently having a regularly scheduled or specially called
8 meeting.

9 "(5) Inside any facility hosting an athletic event
10 not related to or involving firearms which is sponsored by a
11 private or public elementary or secondary school or any
12 private or public institution of postsecondary education,
13 unless the person has a permit issued under Section
14 13A-11-75(a) (1) or recognized under Section 13A-11-85.

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

19 "(b) Notwithstanding the provisions of subsection
20 (a), a person, including a person with a permit issued under
21 Section 13A-11-75(a) (1) or recognized under Section 13A-11-85,
22 may not, without the express permission of a person or entity
23 with authority over the premises, knowingly possess or carry a
24 firearm inside any building or facility to which access of
25 unauthorized persons and prohibited articles is limited during
26 normal hours of operation by the continuous posting of guards
27 and the use of other security features, including, but not

1 limited to, magnetometers, key cards, biometric screening
2 devices, or turnstiles or other physical barriers. Nothing in
3 this subsection otherwise restricts the possession,
4 transportation, or storage of a lawfully possessed firearm or
5 ammunition in an employee's privately owned motor vehicle
6 while parked or operated in a public or private parking area
7 provided the employee complies with the requirements of
8 Section 13A-11-90.

9 "(c) The person or entity with authority over the
10 premises set forth in subsection (a)(1)-(6) and subsection (b)
11 shall place a notice at the public entrances of such premises
12 or buildings alerting those entering that firearms are
13 prohibited.

14 "(d) Except as provided in subsections (a)(5) and
15 (a)(6), any firearm on the premises of any facility set forth
16 in subsection (a)(1), or subsection (a)(4)-(6), or subsection
17 (b) must be kept from ordinary observation and locked within a
18 compartment or in the interior of the person's motor vehicle
19 or in a compartment or container securely affixed to the motor
20 vehicle.

21 "(e) A violation of subsections (a), (b), or (d) is
22 a Class C misdemeanor.

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

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 or a qualified retired law enforcement officer as
3 defined in the federal Law Enforcement Officer Safety Act of
4 2004, 18 U.S.C § 926B.

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

8 Section 2. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.