

1 HB231
2 188704-1
3 By Representatives Whorton (I), Hanes, Whorton (R), Ainsworth,
4 Shedd, Moore (B) and Crawford
5 RFD: Public Safety and Homeland Security
6 First Read: 16-JAN-18

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8 SYNOPSIS: This bill would repeal certain restrictions
9 on the carrying or possession of a firearm on
10 certain property or in a motor vehicle by persons
11 with or without a concealed pistol permit.

12 This bill would also revise certain
13 restrictions on the carrying or possession of
14 firearms at certain locations.

15 Amendment 621 of the Constitution of Alabama
16 of 1901, now appearing as Section 111.05 of the
17 Official Recompilation of the Constitution of
18 Alabama of 1901, as amended, prohibits a general
19 law whose purpose or effect would be to require a
20 new or increased expenditure of local funds from
21 becoming effective with regard to a local
22 governmental entity without enactment by a 2/3 vote
23 unless: it comes within one of a number of
24 specified exceptions; it is approved by the
25 affected entity; or the Legislature appropriates
26 funds, or provides a local source of revenue, to
27 the entity for the purpose.

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

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9 A BILL
10 TO BE ENTITLED
11 AN ACT

12
13 Relating to firearms; to amend Section 13A-11-61.2,
14 Code of Alabama 1975, to revise certain restrictions on the
15 carrying or possession of firearms at certain locations; to
16 repeal Sections 9-11-304, 13A-11-50, 13A-11-51, 13A-11-71,
17 13A-11-73, and 13A-11-74, Code of Alabama 1975, relating to
18 the carrying or possession of a firearm or pistol; to repeal
19 certain restrictions on the carrying or possession of a
20 firearm on certain property or in a motor vehicle; and in
21 connection therewith would have as its purpose or effect the
22 requirement of a new or increased expenditure of local funds
23 within the meaning of Amendment 621 of the Constitution of
24 Alabama of 1901, now appearing as Section 111.05 of the
25 Official Recompilation of the Constitution of Alabama of 1901,
26 as amended.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 13A-11-61.2, Code of Alabama
2 1975, is amended to read as follows:

3 "§13A-11-61.2.

4 "(a) In addition to any other place limited or
5 prohibited by state or federal law, a person, including a
6 person with a permit issued under Section 13A-11-75(a) (1) or
7 recognized under Section 13A-11-85, may not knowingly possess
8 or carry a firearm in any of the following places without the
9 express permission of a person or entity with authority over
10 the premises:

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

13 "(2) Inside or on the premises of a prison, jail,
14 halfway house, community corrections facility, or other
15 detention facility for those who have been charged with or
16 convicted of a criminal or juvenile offense. It is not a
17 violation of this subsection to knowingly possess or carry a
18 firearm at a location described in this subdivision if the
19 location is also a sheriff's office that issues pistol permits
20 and the pistol remains inside of a locked vehicle at all times
21 while the person is on the premises.

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

25 "(4)a. Inside a courthouse, courthouse annex, a
26 building in which a district attorney's office is located, or
27 a building in which a county commission or city council is

1 currently having a regularly scheduled or specially called
2 meeting.

3 "b. For the purposes of this subdivision,
4 "courthouse annex" means a building which is currently having
5 regularly scheduled or specially called court hearings.

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

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

16 "(b) Notwithstanding the provisions of subsection
17 (a), a person, including a person with a permit issued under
18 Section 13A-11-75(a) (1) or recognized under Section 13A-11-85,
19 may not, without the express permission of a person or entity
20 with authority over the premises, knowingly possess or carry a
21 firearm inside any building or facility to which access of
22 unauthorized persons and prohibited articles is limited during
23 normal hours of operation by the continuous on-site posting of
24 guards who are responsible for the prevention of prohibited
25 items from entering the facility, and the use of other
26 security features, including, ~~but not limited to,~~
27 magnetometers, key cards, biometric screening devices, or

1 turnstiles or other physical barriers that prevent all persons
2 entering the facility from bringing prohibited items into the
3 facility. Nothing in this subsection otherwise restricts the
4 possession, transportation, or storage of a lawfully possessed
5 firearm or ammunition in an employee's privately owned motor
6 vehicle while parked or operated in a public or private
7 parking area provided the employee complies with the
8 requirements of 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), (a) (2), or subsection (a) (4)-(6), or
17 subsection (b) must be kept from ordinary observation and
18 locked within a compartment or in the interior of the person's
19 motor vehicle or in a compartment or container securely
20 affixed to the motor 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.

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 2. Section 9-11-304, relating to the
7 carrying of a firearm in wildlife management areas; Sections
8 13A-11-50 and 13A-11-51, relating to the carrying of concealed
9 weapons; Section 13A-11-71, relating to the commission of a
10 crime when armed; and Sections 13A-11-73 and 13A-11-74,
11 relating to pistols and pistol permits, Code of Alabama 1975,
12 are repealed.

13 Section 3. Although this bill would have as its
14 purpose or effect the requirement of a new or increased
15 expenditure of local funds, the bill is excluded from further
16 requirements and application under Amendment 621, now
17 appearing as Section 111.05 of the Official Recompilation of
18 the Constitution of Alabama of 1901, as amended, because the
19 bill defines a new crime or amends the definition of an
20 existing crime.

21 Section 4. 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.