

1 SB4  
2 196067-2  
3 By Senator Allen  
4 RFD: Judiciary  
5 First Read: 05-MAR-19  
6 PFD: 01/15/2019

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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 repeal Sections 9-11-304,  
14                  13A-11-50, 13A-11-51, 13A-11-52, 13A-11-71, 13A-11-73, and  
15                  13A-11-74, Code of Alabama 1975, relating to the carrying or  
16                  possession of a firearm or pistol, to repeal certain  
17                  restrictions on the carrying or possession of a firearm on  
18                  certain property or in a motor vehicle; to amend Section  
19                  13A-11-61.2, as last amended by Act 2018-529, 2018 Regular  
20                  Session, Code of Alabama 1975, to revise certain restrictions  
21                  on the carrying or possession of firearms at certain  
22                  locations; and in connection therewith would have as its  
23                  purpose or effect the requirement of a new or increased  
24                  expenditure of local funds within the meaning of Amendment 621  
25                  of the Constitution of Alabama of 1901, now appearing as  
26                  Section 111.05 of the Official Recompilation of the  
27                  Constitution of Alabama of 1901, as amended.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. The following sections of the Code of  
3 Alabama 1975, are repealed:

4 (1) Section 9-11-304, Code of Alabama 1975, relating  
5 to the carrying of a firearm in wildlife management areas.

6 (2) Sections 13A-11-50 and 13A-11-51, Code of  
7 Alabama 1975, relating to the carrying of concealed weapons.

8 (3) Section 13A-11-52, Code of Alabama 1975,  
9 relating to the carrying of a pistol on private property.

10 (4) Section 13A-11-71, Code of Alabama 1975,  
11 relating to the commission of a crime when armed.

12 (5) Sections 13A-11-73 and 13A-11-74, Code of  
13 Alabama 1975, relating to pistols and pistol permits.

14 Section 2. Section 13A-11-61.2, as last amended by  
15 Act 2018-529, 2018 Regular Session, Code of Alabama 1975, is  
16 amended to read as follows:

17 "§13A-11-61.2.

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

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

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

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

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

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

21           "(5) Inside any facility hosting an athletic event  
22           not related to or involving firearms which is sponsored by a  
23           private or public elementary or secondary school or any  
24           private or public institution of postsecondary education,  
25           unless the person has a permit issued under Section  
26           13A-11-75(a) (1) or recognized under Section 13A-11-85.

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

5           "(b) Notwithstanding the provisions of subsection  
6 (a), a person, including a person with a permit issued under  
7 Section 13A-11-75(a)(1) or recognized under Section 13A-11-85,  
8 may not, without the express permission of a person or entity  
9 with authority over the premises, knowingly possess or carry a  
10 firearm inside any building or facility to which access of  
11 unauthorized persons and prohibited articles is limited during  
12 normal hours of operation by the continuous on-site posting of  
13 guards who are responsible for the prevention of prohibited  
14 items from entering the facility, and the use of other  
15 security features, including ~~, but not limited to,~~  
16 magnetometers, key cards, biometric screening devices, or  
17 turnstiles or other physical barriers that prevent all persons  
18 entering the facility from bringing prohibited items into the  
19 facility. Nothing in this subsection otherwise restricts the  
20 possession, transportation, or storage of a lawfully possessed  
21 firearm or ammunition in an employee's privately owned motor  
22 vehicle while parked or operated in a public or private  
23 parking area provided the employee complies with the  
24 requirements of Section 13A-11-90.

25           "(c) The person or entity with authority over the  
26 premises set forth in subdivisions (1) to (6), inclusive, of  
27 subsection (a) and subsection (b) shall place a notice at the

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

3 "(d) Except as provided in subdivisions (5) and (6)  
4 of subsection (a), any firearm on the premises of any facility  
5 set forth in subdivisions (1) and (2) of subsection (a), ~~or~~  
6 subdivisions (4) to (6) inclusive, of subsection (a), or  
7 subsection (b) must be kept from ordinary observation and  
8 locked within a compartment or in the interior of the person's  
9 motor vehicle or in a compartment or container securely  
10 affixed to the motor vehicle.

11 "(e) A violation of subsection (a), (b), or (d) is a  
12 Class C misdemeanor.

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

16 "(g) Prohibitions regarding the carrying of a  
17 firearm under this section shall not apply to law enforcement  
18 officers engaged in the lawful execution of their official  
19 duties or a qualified retired law enforcement officer. For  
20 purposes of this section, qualified retired law enforcement  
21 officer shall mean a retired officer who meets all of the  
22 following requirements:

23 "(1) Was separated from service in good standing  
24 from service with a public agency as a law enforcement  
25 officer.

26 "(2) Before separation, was authorized by law to  
27 engage in or supervise the prevention, detection,

1 investigation, or prosecution of, or the incarceration of any  
2 person for, any violation of law, and had statutory powers of  
3 arrest.

4 "(3) Before separation, served as a law enforcement  
5 officer for an aggregate of 10 years or more and separated  
6 from service with such agency, after completing any applicable  
7 probationary period of such service, due to a  
8 service-connected disability, as determined by the agency.

9 "(4) During the most recent 12-month period, has  
10 met, at the expense of the individual, the standards for  
11 qualification in firearms training for active law enforcement  
12 officers, as determined by the former agency of the  
13 individual, the state in which the individual resides or, if  
14 the state has not established such standards, either a law  
15 enforcement agency within the state in which the individual  
16 resides or the standards used by a certified firearms  
17 instructor that is qualified to conduct a firearms  
18 qualification test for active duty officers within that state.

19 "(5) Has not been officially found by a qualified  
20 medical professional employed by the agency to be unqualified  
21 for reasons relating to mental health, and as a result, will  
22 not be issued the photographic identification described in  
23 subdivision (8) and has not entered into an agreement with the  
24 agency from which the individual is separating from service in  
25 which that individual acknowledges he or she is not qualified  
26 under this section for reasons relating to mental health and

1 for those reasons will not receive or accept the photographic  
2 identification as described in subsection (8).

3 "(6) Is not under the influence of alcohol or  
4 another intoxicating or hallucinatory drug or substance.

5 "(7) Is not prohibited by state or federal law from  
6 receiving a firearm.

7 "(8) Is carrying any of the following identification  
8 documents:

9 "a. A photographic identification issued by the  
10 agency from which the individual separated from service as a  
11 law enforcement officer that identifies the person as having  
12 been employed as a police officer or law enforcement officer  
13 and indicates that the individual has, not less recently than  
14 one year before the date the individual is carrying the  
15 concealed firearm, been tested or otherwise found by the  
16 agency to meet the active duty standards for qualification in  
17 firearms training as established by the agency to carry a  
18 firearm of the same type as the concealed firearm.

19 "b. A photographic identification issued by the  
20 agency from which the individual separated from service as a  
21 law enforcement officer that identifies the person as having  
22 been employed as a police officer or law enforcement officer,  
23 and a certification issued by the state in which the  
24 individual resides or by a certified firearms instructor who  
25 is qualified to conduct a firearms qualification test for  
26 active duty officers within that state that indicates that the  
27 individual, not less than one year before the date the

1 individual is carrying the concealed firearm, has been tested  
2 or otherwise found by the state or a certified firearms  
3 instructor who is qualified to conduct a firearms  
4 qualification test for active duty officers within that state  
5 to have met either of the following:

6 "1. The active duty standards for qualification in  
7 firearms training, as established by the state, to carry a  
8 firearm of the same type as the concealed firearm.

9 "2. If the state has not established such standards,  
10 standards set by any law enforcement agency within that state  
11 to carry a firearm of the same type as the concealed firearm.

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

15 Section 3. 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, now  
19 appearing as Section 111.05 of the Official Recompilation of  
20 the Constitution of Alabama of 1901, as amended, because the  
21 bill defines a new crime or amends the definition of an  
22 existing crime.

23 Section 4. This act shall become effective on the  
24 first day of the third month following its passage and  
25 approval by the Governor, or its otherwise becoming law.