

1 HB405  
2 207798-1  
3 By Representatives Sorrell, Crawford, Kiel, Meadows, Hanes,  
4 Whorton, Stadthagen, Harbison, Fincher, Mooney, Wadsworth,  
5 Estes, Holmes, Carns, Faust, Wood (D), Lipscomb, Dismukes,  
6 Garrett, Greer, Moore (P), Brown (C), Rowe, Sullivan and  
7 Stringer  
8 RFD: Public Safety and Homeland Security  
9 First Read: 11-FEB-21

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

15 This bill would eliminate the need for a  
16 person to obtain a concealed carry permit in order  
17 to carry a pistol.

18 This bill would provide for technical  
19 revisions.

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

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

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

13  
14 A BILL  
15 TO BE ENTITLED  
16 AN ACT

17  
18 Relating to firearms; to amend Sections 13A-11-7,  
19 13A-11-50, 13A-11-55, 13A-11-61.2, 13A-11-62, 13A-11-75, as  
20 last amended by Act 2019-440, 2019 Regular Session, 13A-11-85,  
21 and 13A-11-90, Code of Alabama 1975, to delete certain  
22 language regarding the carrying of a visible pistol; to delete  
23 certain language regarding the carrying of a concealed pistol;  
24 to provide for technical revisions; to revise certain  
25 restrictions on the carrying or possession of firearms at  
26 certain locations; to revise certain language regarding  
27 carrying or possession of a firearm in a motor vehicle; to

1 revise certain language regarding non-residents carrying a  
2 firearm; to revise language regarding an employee storing a  
3 firearm in the employee's vehicle; to repeal Sections  
4 9-11-304, 13A-11-52, 13A-11-71, 13A-11-73, and 13A-11-74, Code  
5 of Alabama 1975, relating to the carrying or possession of a  
6 firearm or pistol, to repeal certain restrictions on the  
7 carrying or possession of a firearm on certain property or in  
8 a motor vehicle; and in connection therewith would have as its  
9 purpose or effect the requirement of a new or increased  
10 expenditure of local funds within the meaning of Amendment 621  
11 of the Constitution of Alabama of 1901, now appearing as  
12 Section 111.05 of the Official Recompilation of the  
13 Constitution of Alabama of 1901, as amended.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Sections 13A-11-7, 13A-11-50, 13A-11-55,  
16 13A-11-61.2, and 16A-11-62, Code of Alabama 1975, are amended  
17 to read as follows:

18 "§13A-11-7.

19 "(a) A person commits the crime of disorderly  
20 conduct if, with intent to cause public inconvenience,  
21 annoyance or alarm, or recklessly creating a risk thereof, he  
22 or she does any of the following:

23 "(1) Engages in fighting or in violent tumultuous or  
24 threatening behavior.

25 "(2) Makes unreasonable noise.

26 "(3) In a public place uses abusive or obscene  
27 language or makes an obscene gesture.

1           "(4) Without lawful authority, disturbs any lawful  
2 assembly or meeting of persons.

3           "(5) Obstructs vehicular or pedestrian traffic, or a  
4 transportation facility.

5           "(6) Congregates with other person in a public place  
6 and refuses to comply with a lawful order of law enforcement  
7 to disperse.

8           "(b) Disorderly conduct is a Class C misdemeanor.

9           "~~It shall be a rebuttable presumption that the~~  
10 The mere carrying of a ~~visible~~ pistol, holstered or secured,  
11 in a public place, in and of itself, is not a violation of  
12 this section.

13           "(d) Nothing in Act 2013-283 shall be construed to  
14 prohibit law enforcement personnel who have reasonable  
15 suspicion from acting to prevent a breach of the peace or from  
16 taking action to preserve public safety.

17           "§13A-11-50.

18           "Except as otherwise provided in this Code, a person  
19 who carries concealed about his person a bowie knife or knife  
20 or instrument of like kind or description ~~or a pistol or~~  
21 ~~firearm of any other kind or an air gun~~ shall, on conviction,  
22 be fined not less than fifty dollars (\$50.00) nor more than  
23 five hundred dollars (\$500.00), and may also be imprisoned in  
24 the county jail or sentenced to hard labor for the county for  
25 not more than six months.

26           "§13A-11-55.

1           "(a) In an indictment for In the prosecution for  
2 carrying weapons unlawfully, it is sufficient for the  
3 complaint to state, with particularity, ~~to charge~~ that the  
4 defendant carried concealed about his or her person a ~~pistol,~~  
5 ~~or other description of firearms, on premises not his own, or~~  
6 ~~a bowie knife, or other knife or instrument of the like kind~~  
7 ~~or description, or other forbidden weapon., describing it, as~~  
8 ~~the case may be;~~

9           "(b) and the excuse, if any, must be proved by the  
10 ~~defendant on the trial, to the satisfaction of the jury; and~~  
11 ~~if the evidence offered to excuse the charge raises a~~  
12 ~~reasonable doubt of the defendant's guilt, the jury must~~  
13 ~~acquit him.~~ The burden of injecting the issue of justification  
14 in subsection (a) is on the defendant, but this does not shift  
15 the burden of proof.

16           "§13A-11-61.2.

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

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

26           "(2) Inside or on the premises of a prison, jail,  
27 halfway house, community corrections facility, or other

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

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

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

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

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

23           "(c) The person or entity with authority over the  
24 premises set forth in subdivisions (1) to ~~(6)~~ (4), inclusive,  
25 of subsection (a) and subsection (b) shall place a notice at  
26 the public entrances of such premises or buildings alerting  
27 those entering that firearms are prohibited.

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

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

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

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

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

24           "(2) Before separation, was authorized by law to  
25 engage in or supervise the prevention, detection,  
26 investigation, or prosecution of, or the incarceration of any

1 person for, any violation of law, and had statutory powers of  
2 arrest.

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

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

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

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

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

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

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

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

1 instructor who is qualified to conduct a firearms  
2 qualification test for active duty officers within that state  
3 to have met either of the following:

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

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

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

13 "§13A-11-62.

14 "For purposes of this division, the following terms  
15 shall have the following meanings, unless the context clearly  
16 indicates otherwise:

17 "(1) FIREARM. Definition is same as provided in  
18 Section 13A-8-1~~(4)~~.

19 "(2) RIFLE. Any weapon designed or redesigned, made  
20 or remade, and intended to be fired from the shoulder and  
21 designed or redesigned and made or remade to use the energy of  
22 the explosive in a fixed metallic cartridge to fire only a  
23 single projectile through a rifled bore for each pull of the  
24 trigger.

25 "(3) SHOTGUN. A weapon designed or redesigned, made  
26 or remade, and intended to be fired from the shoulder and  
27 designed or redesigned and made or remade to use the energy of

1 the explosive in a fixed shotgun shell to fire through a  
2 smooth bore either a number of ball shot or a single  
3 projectile for each single pull of the trigger.

4 "(4) SHORT-BARRELED RIFLE. A rifle having one or  
5 more barrels less than 16 inches in length and any weapon made  
6 from a rifle (whether by alteration, modification, or  
7 otherwise) if such weapon, as modified, has an overall length  
8 of less than 26 inches.

9 "(5) SHORT-BARRELED SHOTGUN. A shotgun having one or  
10 more barrels less than 18 inches in length and any weapon made  
11 from a shotgun (whether by alteration, modification, or  
12 otherwise) if such weapon as modified has an overall length of  
13 less than 26 inches.

14 Section 2. Section 13A-11-75, as last amended by Act  
15 2019-440, 2019 Regular Session, Code of Alabama 1975, is  
16 amended to read as follows:

17 "§13A-11-75.

18 "(a) (1)a. The sheriff of a county, upon the  
19 application of any person residing in that county, within 30  
20 days from receipt of a complete application and accompanying  
21 fee, shall issue or renew a permit for such person to carry a  
22 pistol in a vehicle or concealed on or about his or her person  
23 within this state for one- to five-year increments, as  
24 requested by the person seeking the permit, from date of  
25 issue, unless the sheriff determines that the person is  
26 prohibited from the possession of a pistol or firearm pursuant  
27 to state or federal law, or has a reasonable suspicion that

1 the person may use a weapon unlawfully or in such other manner  
2 that would endanger the person's self or others. In making  
3 such determination, the sheriff may consider whether the  
4 applicant:

5 "1. Was found guilty but mentally ill in a criminal  
6 case.

7 "2. Was found not guilty in a criminal case by  
8 reason of insanity or mental disease or defect.

9 "3. Was declared incompetent to stand trial in a  
10 criminal case.

11 "4. Asserted a defense in a criminal case of not  
12 guilty by reason of insanity or mental disease or defect.

13 "5. Was found not guilty only by reason of lack of  
14 mental responsibility under the Uniform Code of Military  
15 Justice.

16 "6. Required involuntary inpatient treatment in a  
17 psychiatric hospital or similar treatment facility.

18 "7. Required involuntary outpatient treatment in a  
19 psychiatric hospital or similar treatment facility based on a  
20 finding that the person is an imminent danger to himself or  
21 herself or to others.

22 "8. Required involuntary commitment to a psychiatric  
23 hospital or similar treatment facility for any reason,  
24 including drug use.

25 "9. Is or was the subject of a prosecution ~~or of a~~  
26 commitment, or incompetency proceeding that could lead to a

1 prohibition on the receipt or possession of a firearm under  
2 the laws of Alabama or the United States.

3 "10. Falsified any portion of the permit  
4 application.

5 "11. Caused justifiable concern for public safety.

6 "b. The sheriff shall take into account how recent  
7 any consideration under paragraph a. is in relation to the  
8 date of the application. The sheriff shall provide a written  
9 statement of the reasons for a denial of a permit and the  
10 evidence upon which it is based must be disclosed to the  
11 applicant, unless disclosure would interfere with a criminal  
12 investigation.

13 "c. Except as otherwise provided by the laws of this  
14 state, a permit issued under this subdivision is valid  
15 throughout the state.

16 "d. Except as expressly provided in this section, a  
17 sheriff may not place conditions or requirements on the  
18 issuance of a pistol permit or limit its scope or  
19 applicability.

20 "(2)a. The sheriff may revoke a permit issued under  
21 subdivision (1) for any reason that could lead to a denial of  
22 a permit under that subdivision.

23 "b. The sheriff shall provide a written statement of  
24 the reasons for the revocation and the evidence upon which it  
25 is based must be disclosed to the applicant, unless disclosure  
26 would interfere with a criminal investigation.

1           "(3) A person who is denied a permit under  
2 subdivision (1), or a person whose permit is revoked under  
3 subdivision (2), within 30 days of notification of the denial  
4 or revocation, may appeal the denial or revocation to the  
5 district court of the county where the denial or revocation  
6 was issued. Upon a review of a denial under this subdivision,  
7 the sheriff shall have the burden of proving by clear and  
8 convincing evidence that the person is prohibited from  
9 possession of a pistol or other firearm pursuant to state or  
10 federal law or, based on any of the considerations enumerated  
11 in ~~subdivision (a)~~ subdivision (1) of subsection (a) that the  
12 person may use a weapon unlawfully or in such other manner as  
13 would endanger the person's self or others if granted a permit  
14 to carry a concealed weapon under this section.

15           "(4) Within 30 days of receipt of the appeal, the  
16 district court shall review the appeal and issue a  
17 determination providing the reasons for the determination.

18           "(5) If the district court issues a determination in  
19 favor of a person whose permit was denied or revoked, the  
20 person shall be issued a permit or the permit must be  
21 reinstated no later than the close of business on the fifth  
22 business day following the district court's transmittal of its  
23 order to the appropriate sheriff.

24           "(6) Nothing in this section shall be construed to  
25 permit a sheriff to disregard any federal law or regulation  
26 pertaining to the purchase or possession of a firearm.

1           "(b) Each permit shall be written or in an  
2 electronic or digital form to be prescribed by the Secretary  
3 of State in consultation with the Alabama Sheriff's  
4 Association, and shall bear the name, address, description,  
5 and signature of the permittee. The original hard copy of the  
6 permit shall be issued to the permittee, and a duplicate  
7 shall, within seven days, be sent by registered or certified  
8 mail to the Secretary of the Alabama State Law Enforcement  
9 Agency. The application and a copy shall be preserved for six  
10 years by the authority issuing the same. The sheriff may  
11 charge a fee as provided by local law for the issuance of the  
12 permit under subdivision (1) of subsection (a). The amount of  
13 the fee for a period of one year up to five years shall be the  
14 amount of the fee as prescribed by local law multiplied by the  
15 number of years of the permit requested by the applicant. The  
16 fee shall be paid into the county treasury unless otherwise  
17 provided by local law. Prior to issuance or renewal of a  
18 permit, the sheriff shall contact available local, state, and  
19 federal criminal history data banks, including the National  
20 Instant Criminal Background Check System, to determine whether  
21 possession of a firearm by an applicant would be a violation  
22 of state or federal law.

23           "(c) A sheriff may not place a time constraint or  
24 other requirement upon taking possession of a pistol permit by  
25 the applicant after he or she has been notified that his or  
26 her pistol permit has been approved.

1           "(d) For the convenience of the applicant, the  
2 sheriff may provide for application or renewal of a permit  
3 under subdivision (1) of subsection (a) through electronic  
4 means. The sheriff may also accept payment for a permit by  
5 debit or credit card or other consumer electronic payment  
6 method. Any transaction or banking fee charged for the  
7 electronic payment method shall be paid by the applicant.

8           "(e) If a person who is not a United States citizen  
9 applies for a permit under this section, the sheriff shall  
10 conduct an Immigration Alien Query through U.S. Immigration  
11 and Customs Enforcement, or any successor agency, and the  
12 application form shall require information relating to the  
13 applicant's country of citizenship, place of birth, and any  
14 alien or admission number issued by U.S. Immigration and  
15 Customs Enforcement, or any successor agency. The sheriff  
16 shall review the results of these inquiries before making a  
17 determination of whether to issue a permit or renewal permit.  
18 A person who is unlawfully present in this state may not be  
19 issued a permit under this section.

20           "(f) The name, address, signature, photograph, and  
21 any other personally identifying information collected from an  
22 applicant or permittee under this section shall be kept  
23 confidential, shall be exempt from disclosure under Section  
24 36-12-40, and may only be used for law enforcement purposes  
25 except when a current permittee is charged in any state with a  
26 felony involving the use of a pistol. All other information on  
27 permits under this section, including information concerning

1 the annual number of applicants, number of permits issued,  
2 number of permits denied or revoked, revenue from issuance of  
3 permits, and any other fiscal or statistical data otherwise,  
4 shall remain public writings subject to public disclosure.  
5 Except as provided above, the sheriff of a county shall redact  
6 the name, address, signature, photograph, and any other  
7 personally identifying information of a permit holder before  
8 releasing a copy of a permit for a non-law enforcement  
9 purpose. The sheriff may charge one dollar (\$1) per copy of  
10 any redacted permit record requested other than when requested  
11 for law enforcement purposes. To knowingly publish or release  
12 to the public in any form any information or records related  
13 to the licensing process, or the current validity of any  
14 permit, except as authorized in this subsection or in response  
15 to a court order or subpoena, is a Class A misdemeanor.

16 "(g) A concealed pistol permit issued under this  
17 section shall be valid for the carrying of a pistol in a motor  
18 vehicle or concealed on the permittee's person throughout the  
19 state, unless prohibited by this section.

20 "(h) This section shall not be construed to limit or  
21 place any conditions upon a person's right to carry a pistol  
22 ~~that is not in a motor vehicle or not concealed.~~

23 "(i) If a person issued a pistol permit in this  
24 state establishes residence in another state, the pistol  
25 permit shall expire upon the establishment of residence in the  
26 other state.

1           Section 3. Sections 13A-11-85 and 13A-11-90, Code of  
2 Alabama 1975, are amended to read as follows:

3           "§13A-11-85.

4           "(a) A person licensed to carry a handgun in any  
5 state shall be authorized to carry a handgun in this state.  
6 This section shall apply to a license holder from another  
7 state only while the license holder is not a resident of this  
8 state. A license holder from another state shall carry the  
9 handgun in compliance with the laws of this state. The  
10 issuance of a permit to carry a pistol pursuant to Section  
11 13A-11-75 or the recognition of non-residence licenses under  
12 this section do not impose a general prohibition on the  
13 carrying of a pistol without a permit.

14           "(b) The Attorney General is authorized to enter  
15 into reciprocal agreements with other states for the mutual  
16 recognition of licenses to carry handguns and shall  
17 periodically publish a list of states which recognize licenses  
18 issued pursuant to Section 13A-11-75."

19           "§13A-11-90.

20           "(a) Except as provided in subdivision (b), a public  
21 or private employer may restrict or prohibit its employees,  
22 including those with a permit issued or recognized under  
23 Section 13A-11-75, from carrying firearms while on the  
24 employer's property or while engaged in the duties of the  
25 person's employment.

26           "(b) A public or private employer may not restrict  
27 or prohibit the transportation or storage of a lawfully

1 possessed ~~firearm~~ pistol or ammunition in an employee's  
2 privately owned motor vehicle while parked or operated in a  
3 public or private parking area. A public or private employer  
4 may not restrict or prohibit the transportation or storage of  
5 a lawfully possessed firearm, if the employee ~~satisfies all of~~  
6 ~~the following~~ possesses a firearm, other than a pistol, which  
7 may be lawfully used for hunting in Alabama, and the employee  
8 satisfies all the following::

9 "~~i.~~ ~~The employee either:~~

10 "~~a.~~ ~~Has a valid concealed weapon permit; or~~

11 "~~b.~~ ~~If the weapon is any firearm legal for use for~~  
12 ~~hunting in Alabama other than a pistol:~~

13 "~~i.~~ (1) The employee possesses a valid Alabama  
14 hunting license;.

15 "~~ii.~~ (2) The ~~weapon~~ firearm is unloaded at all times  
16 on the property;.

17 "~~iii.~~ (3) It is during a season in which hunting is  
18 permitted by Alabama law or regulation;.

19 "~~iv.~~ (4) The employee has never been convicted of  
20 any crime of violence as that term is defined in Section  
21 13A-11-70, nor of any crime set forth in Chapter 6 of Title  
22 13A, nor is subject to a Domestic Violence Order, as that term  
23 is defined in Section 13A-6-141;.

24 "~~v.~~ (5) The employee does not meet any of the  
25 factors set forth in Section 13A-11-75(a) (1) a.1-8; ~~and.~~

1           ~~vi.~~(6) The employee has no documented prior  
2 workplace incidents involving the threat of physical injury or  
3 which resulted in physical injury.

4           ~~(2)~~(7) The motor vehicle is operated or parked in a  
5 location where it is otherwise permitted to be.

6           ~~(3)~~(8) The firearm is either of the following:

7           "a. In a motor vehicle attended by the employee,  
8 kept from ordinary observation within the person's motor  
9 vehicle.

10           "b. In a motor vehicle unattended by the employee,  
11 kept from ordinary observation and locked within a  
12 compartment, container, or in the interior of the person's  
13 privately owned motor vehicle or in a compartment or container  
14 securely affixed to the motor vehicle.

15           "(c) If an employer believes that an employee  
16 presents a risk of harm to himself/herself or to others, the  
17 employer may inquire as to whether the employee possesses a  
18 firearm in his or her private motor vehicle. If the employee  
19 does possess a firearm in his or her private motor vehicle on  
20 the property of the employer, the employer may make any  
21 inquiry necessary to establish that the employee is in  
22 compliance with subsection (b).

23           "(1) If the employee is not in compliance with  
24 subsection (b), the employer may take adverse employment  
25 action against the employee, in the discretion of the  
26 employer.

1           "(2) If the employee has been in compliance with  
2 subsection (b) at all times, the employer may not take adverse  
3 employment action against the employee based solely on the  
4 presence of the firearm.

5           "(d) If an employer discovers by other means that an  
6 employee is transporting or storing a firearm in his or her  
7 private motor vehicle, the employer may not take any adverse  
8 employment action against the employee based solely on the  
9 possession of that firearm if the employee has complied with  
10 the requirements in subsection (b).

11           "(e) Nothing in this section shall prohibit an  
12 employer from reporting to law enforcement a complaint based  
13 upon information and belief that there is credible evidence of  
14 any of the following:

15           "(1) That the employee's motor vehicle contains:

16           "a. A firearm prohibited by state or federal law.

17           "b. Stolen property or a prohibited or illegal item  
18 other than a firearm.

19           "(2) A threat made by an employee to cause bodily  
20 harm to themselves or others.

21           "(f) If law enforcement officers, pursuant to a  
22 valid search warrant or valid warrantless search based upon  
23 probable cause, exigent circumstances, or other lawful  
24 exception to the search warrant requirement, discover a  
25 firearm prohibited by state or federal law, stolen property,  
26 or a prohibited or illegal item other than a firearm, the

1 employer may take adverse employment action against the  
2 employee.

3 "(g) ~~However,~~ Notwithstanding subsection (f), if the  
4 employee has fully complied with the requirements of  
5 subsection (b) and does not possess a firearm prohibited by  
6 state or federal law, that employee is entitled to recovery as  
7 specified in this subsection for any adverse employment action  
8 against the employee. If demand for the recovery has not been  
9 satisfied within 45 calendar days, the employee may file a  
10 civil action in the appropriate court of this state against  
11 the public or private employer. A plaintiff is entitled to  
12 seek an award of all of the following:

13 "(1) Compensation, if applicable, for lost wages or  
14 benefits.

15 "(2) Compensation, if applicable, for other lost  
16 remuneration caused by the termination, demotion, or other  
17 adverse action.

18 "(h) The license requirements set forth in ~~section~~  
19 ~~(b)(1)a. and (b)(1)b.i.~~ subdivision (1) of subsection (b) are  
20 for the purposes of this section only in order to determine  
21 whether an employee may transport or store a lawfully  
22 possessed firearm or ammunition in an employee's privately  
23 owned motor vehicle while parked or operated in a public or  
24 private parking area owned by the employer and shall not be  
25 construed to otherwise expand the requirements for the lawful  
26 possession of a firearm. These requirements shall not be  
27 interpreted to mean that the laws of the State of Alabama

1 create any new connection between the possession of a hunting  
2 license and the right of a citizen to keep and bear arms.

3 "(i) Prohibitions regarding the carrying of a  
4 firearm under this section shall not apply to law enforcement  
5 officers engaged in the lawful execution of their official  
6 duties.

7 "(j) Nothing in this section shall be construed to  
8 authorize the transportation, carrying, storing, or possession  
9 of a firearm or ammunition where prohibited by federal law."

10 Section 4. Section 9-11-304, Code of Alabama 1975,  
11 relating to carrying a pistol on any wildlife management area,  
12 Section 13A-11-52, Code of Alabama 1975, relating to carrying  
13 a pistol on private property, Section 13A-11-71, Code of  
14 Alabama 1975, relating to evidence of intent to commit a crime  
15 while armed, Section 13A-11-73, Code of Alabama 1975, relating  
16 to possession of an unloaded pistol in motor vehicle, and  
17 13A-11-74, Code of Alabama 1975, relating to exceptions to  
18 requirement of having a license to carry a pistol in vehicle  
19 or concealed on a person, are repealed.

20 Section 5. Although this bill would have as its  
21 purpose or effect the requirement of a new or increased  
22 expenditure of local funds, the bill is excluded from further  
23 requirements and application under Amendment 621, now  
24 appearing as Section 111.05 of the Official Recompilation of  
25 the Constitution of Alabama of 1901, as amended, because the  
26 bill defines a new crime or amends the definition of an  
27 existing crime.

1                   Section 6. This act shall become effective on the  
2 first day of the third month following its passage and  
3 approval by the Governor, or its otherwise becoming law.