

1 SB12
2 215487-1
3 By Senator Melson
4 RFD: Judiciary
5 First Read: 11-JAN-22
6 PFD: 12/07/2021

8 SYNOPSIS: Under existing law, no person is authorized
9 to carry a concealed weapon or an unsecured firearm
10 in his or her vehicle unless the person has a valid
11 Alabama permit to carry a concealed weapon.

12 Also under existing law, when a person
13 commits a crime of violence, the possession of a
14 pistol without a permit is prima facie evidence of
15 the intent to commit the crime.

16 This bill would repeal certain restrictions
17 on the carrying or possession of a firearm on
18 certain property or in a motor vehicle by persons
19 with or without a concealed pistol permit.

20 The bill would revise certain restrictions
21 on the carrying or possession of firearms at
22 certain locations, and would revise the definition
23 of a courthouse annex, one of the locations in
24 which carrying or possession of a firearm is
25 prohibited.

26 This bill would revise the presumption that
27 a person carrying a pistol without a pistol permit

1 is prima facie evidence of intent to commit a crime
2 of violence.

3 This bill would eliminate the requirement
4 for a person to obtain a concealed carry permit in
5 order to lawfully carry a pistol.

6 This bill would also make nonsubstantive,
7 technical revisions to update the existing code
8 language to current style.

9 Amendment 621 of the Constitution of Alabama
10 of 1901, as amended by Amendment 890, now appearing
11 as Section 111.05 of the Official Recompilation of
12 the Constitution of Alabama of 1901, prohibits a
13 general law whose purpose or effect would be to
14 require a new or increased expenditure of local
15 funds from becoming effective with regard to a
16 local governmental entity without enactment by a
17 2/3 vote unless: it comes within one of a number of
18 specified exceptions; it is approved by the
19 affected entity; or the Legislature appropriates
20 funds, or provides a local source of revenue, to
21 the entity for the purpose.

22 The purpose or effect of this bill would be
23 to require a new or increased expenditure of local
24 funds within the meaning of the amendment. However,
25 the bill does not require approval of a local
26 governmental entity or enactment by a 2/3 vote to

1 become effective because it comes within one of the
2 specified exceptions contained in the amendment.

3
4 A BILL
5 TO BE ENTITLED
6 AN ACT

7
8 Relating to firearms; to amend Sections 13A-11-7,
9 13A-11-50, 13A-11-55, 13A-11-61.2, 13A-11-62, 13A-11-71,
10 13A-11-85, and 13A-11-90, Code of Alabama 1975, to delete
11 certain language regarding the carrying of a visible pistol;
12 to delete certain language regarding the carrying of a
13 concealed pistol; to revise certain restrictions on the
14 carrying or possession of firearms at certain locations; to
15 eliminate the requirement for a person to obtain a concealed
16 carry permit to lawfully carry a pistol; to revise language
17 regarding an employee storing a firearm in the employee's
18 vehicle; to make nonsubstantive, technical revisions to update
19 the existing code language to current style; to repeal
20 Sections 9-11-304, 13A-11-52, 13A-11-73, and 13A-11-74, Code
21 of Alabama 1975, relating to the carrying or possession of a
22 firearm or pistol, to repeal certain restrictions on the
23 carrying or possession of a firearm on certain property or in
24 a motor vehicle; and in connection therewith would have as its
25 purpose or effect the requirement of a new or increased
26 expenditure of local funds within the meaning of Amendment 621
27 of the Constitution of Alabama of 1901, as amended by

1 Amendment 890, now appearing as Section 111.05 of the Official
2 Recompile of the Constitution of Alabama of 1901.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 13A-11-7, 13A-11-50, 13A-11-55,
5 13A-11-61.2, 13A-11-62, 13A-11-71, 13A-11-85, and 13A-11-90,
6 Code of Alabama 1975, are amended to read as follows:

7 "§13A-11-7.

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

12 "(1) Engages in fighting or in violent tumultuous or
13 threatening behavior.

14 "(2) Makes unreasonable noise.

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

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

19 "(5) Obstructs vehicular or pedestrian traffic, or a
20 transportation facility.

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

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

25 "~~It shall be a rebuttable presumption that the~~
26 The mere carrying of a ~~visible~~ pistol, holstered or secured,

1 in a public place, in and of itself, is not a violation of
2 this section.

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

7 "§13A-11-50.

8 "Except as otherwise provided in this Code, a person
9 who carries concealed about his person a bowie knife or knife
10 or instrument of like kind or description ~~or a pistol or~~
11 ~~firearm of any other kind or an air gun shall~~ , on conviction,
12 shall be fined not less than ~~\$50.00~~ fifty dollars (\$50) nor
13 more than ~~\$500.00~~ five hundred dollars (\$500), and may also be
14 imprisoned in the county jail or sentenced to hard labor for
15 the county for not more than six months.

16 "§13A-11-55.

17 "(a) In the prosecution for ~~In an indictment for~~
18 carrying weapons unlawfully, it is sufficient for the
19 complaint to state, with particularity, ~~to charge~~ that the
20 defendant carried concealed about his or her person a ~~pistol,~~
21 ~~or other description of firearms, on premises not his own, or~~
22 ~~a~~ bowie knife, ~~or~~ other knife or instrument of the like kind
23 or description, or other forbidden weapon, ~~describing it, as~~
24 ~~the case may be;~~

25 "(b) ~~and the excuse, if any, must be proved by the~~
26 ~~defendant on the trial, to the satisfaction of the jury; and~~
27 ~~if the evidence offered to excuse the charge raises a~~

1 ~~reasonable doubt of the defendant's guilt, the jury must~~
2 ~~acquit him.~~ The defendant during a prosecution pursuant to
3 subsection (a) shall bear the burden of injecting the issue of
4 mitigation of punishment or justification for the offense of
5 carrying the weapon, but the burden of proof of guilt beyond a
6 reasonable doubt shall remain with the prosecution.

7 "§13A-11-61.2.

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

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

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

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

24 "(4)a. Inside a courthouse, courthouse annex, a
25 building in which a district attorney's office is located, or
26 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 purposes of this subdivision, "courthouse
4 annex" means a building that is currently having regularly
5 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) (1) 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, may not knowingly possess or
21 carry a firearm inside any building or facility to which
22 access of unauthorized persons and prohibited articles is
23 limited during normal hours of operation by the continuous
24 on-site posting of guards who are responsible for the
25 prevention of prohibited items from entering the facility, and
26 the use of other security features, including, but not limited
27 to, 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.

4 "(2) It is not a violation of this subsection (a) or
5 (b) to knowingly possess or carry a firearm at a location
6 described in subsection (a) or (b) if the location is also a
7 sheriff's office that issues pistol permits and the pistol
8 remains inside of a locked vehicle at all times while the
9 person is on the premises.

10 "(3) Nothing in this subsection otherwise restricts
11 the possession, transportation, or storage of a lawfully
12 possessed firearm or ammunition in an employee's privately
13 owned motor vehicle while parked or operated in a public or
14 private parking area provided the employee complies with the
15 requirements of Section 13A-11-90.

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

21 "~~(d) Except as provided in subdivisions (5) and (6)~~
22 ~~of subsection (a), any~~ Any firearm on the premises of any
23 facility set forth in subdivision (1), (3), or (4) of
24 subsection (a), ~~or subdivisions (4) to (6) inclusive,~~ of
25 subsection (a), or subsection (b) must be kept from ordinary
26 observation and locked within a compartment or in the interior

1 of the person's motor vehicle or in a compartment or container
2 securely affixed to the motor vehicle.

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

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

8 "(g) Prohibitions regarding the carrying of a
9 firearm under this section shall not apply to law enforcement
10 officers engaged in the lawful execution of their official
11 duties or a qualified retired law enforcement officer. For
12 purposes of this section, qualified retired law enforcement
13 officer shall mean a retired officer who meets all of the
14 following requirements:

15 "(1) Was separated from service in good standing
16 from service with a public agency as a law enforcement
17 officer.

18 "(2) Before separation, was authorized by law to
19 engage in or supervise the prevention, detection,
20 investigation, or prosecution of, or the incarceration of any
21 person for, any violation of law, and had statutory powers of
22 arrest.

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

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

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

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

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

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

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

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

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

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

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

7 "§13A-11-62.

8 "For purposes of this division, the following terms
9 shall have the following meanings, unless the context clearly
10 indicates otherwise:

11 "(1) FIREARM. ~~Definition is same as provided in~~ As
12 defined under Section 13A-8-1(4).

13 "(2) RIFLE. Any weapon designed or redesigned, made
14 or remade, and intended to be fired from the shoulder and
15 designed or redesigned and made or remade to use the energy of
16 the explosive in a fixed metallic cartridge to fire only a
17 single projectile through a rifled bore for each pull of the
18 trigger.

19 "~~(3) SHOTGUN. A 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 shotgun shell to fire through a~~
23 ~~smooth bore either a number of ball shot or a single~~
24 ~~projectile for each single pull of the trigger.~~

25 "~~(4)~~ (3) SHORT-BARRELED RIFLE. A rifle having one or
26 more barrels less than 16 inches in length and any weapon made
27 from a rifle (whether by alteration, modification, or

1 otherwise) if such weapon, as modified, has an overall length
2 of less than 26 inches.

3 "~~(5)~~ (4) SHORT-BARRELED SHOTGUN. A shotgun having
4 one or more barrels less than 18 inches in length and any
5 weapon made from a shotgun (whether by alteration,
6 modification, or otherwise) if such weapon as modified has an
7 overall length of less than 26 inches.

8 "(5) SHOTGUN. A weapon designed or redesigned, made
9 or remade, and intended to be fired from the shoulder and
10 designed or redesigned and made or remade to use the energy of
11 the explosive in a fixed shotgun shell to fire through a
12 smooth bore either a number of ball shot or a single
13 projectile for each single pull of the trigger.

14 "§13A-11-71.

15 "Any person who commits or attempts to commit ~~if any~~
16 ~~person shall commit or attempt to commit~~ a crime of violence
17 when armed with a pistol, ~~he may,~~ in addition to the
18 punishment provided for the crime, may additionally be
19 ~~punished also~~ as provided by this division. ~~In the trial of a~~
20 ~~person for committing or attempting to commit a crime of~~
21 ~~violence, the fact that he was armed with a pistol and had no~~
22 ~~license to carry the same shall be prima facie evidence of his~~
23 ~~intention to commit said crime of violence.~~

24 "§13A-11-85.

25 "(a) A person licensed to carry a handgun in any
26 state shall be authorized to carry a handgun in this state.
27 This section shall apply to a license holder from another

1 state only while the license holder is not a resident of this
2 state. A license holder from another state shall carry the
3 handgun in compliance with the laws of this state. The
4 issuance of a permit to carry a pistol pursuant to Section
5 13A-11-75 or the recognition of a nonresident license under
6 this section does not impose a general prohibition on the
7 carrying of a pistol without a permit.

8 "(b) The Attorney General ~~is authorized to~~ may enter
9 into reciprocal agreements with other states for the mutual
10 recognition of licenses to carry handguns and shall
11 periodically publish a list of states which recognize licenses
12 issued pursuant to Section 13A-11-75.

13 "§13A-11-90.

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

20 "(b) A public or private employer may not restrict
21 or prohibit the transportation or storage of a lawfully
22 possessed ~~firearm~~ pistol or ammunition in an employee's
23 privately owned motor vehicle while parked or operated in a
24 public or private parking area. A public or private employer
25 may not restrict or prohibit the transportation or storage of
26 a lawfully possessed firearm, if the employee possesses a
27 firearm, other than a pistol, which may be lawfully used for

1 hunting in Alabama, and the employee satisfies all of the
2 following:

3 ~~"(1) The employee either:~~

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

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

7 ~~"i. (1) The employee possesses a valid Alabama~~
8 ~~hunting license.~~

9 ~~"ii. (2) The weapon is unloaded at all times on the~~
10 ~~property.~~

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

13 ~~"iv. (4) The employee has never been convicted of~~
14 ~~any crime of violence as that term is defined in Section~~
15 ~~13A-11-70, nor of any crime set forth in Chapter 6 of Title~~
16 ~~13A, nor is subject to a Domestic Violence Order, as that term~~
17 ~~is defined in Section 13A-6-141.~~

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

20 ~~"vi. (5) The employee has no documented prior~~
21 ~~workplace incidents involving the threat of physical injury or~~
22 ~~which resulted in physical injury.~~

23 ~~"(2) (6) The motor vehicle is operated or parked in~~
24 ~~a location where it is otherwise permitted to be.~~

25 ~~"(3) (7) The firearm is either of the following:~~

1 "a. In a motor vehicle attended by the employee,
2 kept from ordinary observation within the person's motor
3 vehicle.

4 "b. In a motor vehicle unattended by the employee,
5 kept from ordinary observation and locked within a
6 compartment, container, or in the interior of the person's
7 privately owned motor vehicle or in a compartment or container
8 securely affixed to the motor vehicle.

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

17 "(1) If the employee is not in compliance with
18 subsection (b), the employer may take adverse employment
19 action against the employee, in the discretion of the
20 employer.

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

25 "(d) If an employer discovers by other means that an
26 employee is transporting or storing a firearm in his or her
27 private motor vehicle, the employer may not take any adverse

1 employment action against the employee based solely on the
2 possession of that firearm if the employee has complied with
3 the requirements in subsection (b).

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

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

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

10 "b. Stolen property or a prohibited or illegal item
11 other than a firearm.

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

14 "(f) If law enforcement officers, pursuant to a
15 valid search warrant or valid warrantless search based upon
16 probable cause, exigent circumstances, or other lawful
17 exception to the search warrant requirement, discover a
18 firearm prohibited by state or federal law, stolen property,
19 or a prohibited or illegal item other than a firearm, the
20 employer may take adverse employment action against the
21 employee.

22 "(g) ~~However,~~ Notwithstanding subsection (f), if the
23 employee has fully complied with the requirements of
24 subsection (b) and does not possess a firearm prohibited by
25 state or federal law, that employee is entitled to recovery as
26 specified in this subsection for any adverse employment action
27 against the employee. If demand for the recovery has not been

1 satisfied within 45 calendar days, the employee may file a
2 civil action in the appropriate court of this state against
3 the public or private employer. A plaintiff is entitled to
4 seek an award of all of the following:

5 "(1) Compensation, if applicable, for lost wages or
6 benefits.

7 "(2) Compensation, if applicable, for other lost
8 remuneration caused by the termination, demotion, or other
9 adverse action.

10 "(h) The license requirements set forth in ~~sections~~
11 ~~(b)(1)a. and (b)(1)b.i.~~ subdivision (b)(1) are for the
12 purposes of this section only in order to determine whether an
13 employee may transport or store a lawfully possessed firearm
14 or ammunition in an employee's privately owned motor vehicle
15 while parked or operated in a public or private parking area
16 owned by the employer and shall not be construed to otherwise
17 expand the requirements for the lawful possession of a
18 firearm. These requirements shall not be interpreted to mean
19 that the laws of the State of Alabama create any new
20 connection between the possession of a hunting license and the
21 right of a citizen to keep and bear arms.

22 "(i) Prohibitions regarding the carrying of a
23 firearm under this section shall not apply to law enforcement
24 officers engaged in the lawful execution of their official
25 duties.

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

4 Section 2. The issuance of a permit to carry a
5 pistol pursuant to Section 13A-11-75, Code of Alabama 1975, or
6 the recognition of a nonresident license pursuant to Section
7 13A-11-85, Code of Alabama 1975, does not impose a general
8 prohibition on the carrying of a pistol without a permit.

9 Section 3. The following sections are hereby
10 repealed:

11 (1) Section 9-11-304, Code of Alabama 1975, relating
12 to carrying a pistol on any wildlife management area.

13 (2) Section 13A-11-52, Code of Alabama 1975,
14 relating to carrying a pistol on private property.

15 (3) Section 13A-11-73, Code of Alabama 1975,
16 relating to possession of an unloaded pistol in motor vehicle.

17 (4) Section 13A-11-74, Code of Alabama 1975,
18 relating to exceptions to requirement of having a license to
19 carry a pistol in vehicle or concealed on a person.

20 Section 4. 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, as amended
24 by Amendment 890, now appearing as Section 111.05 of the
25 Official Recompilation of the Constitution of Alabama of 1901,
26 as amended, because the bill defines a new crime or amends the
27 definition of an existing crime.

1 Section 5. This act shall become effective on
2 January 1, 2023, following its passage and approval by the
3 Governor, or its otherwise becoming law.