

2  
3 HOUSE PUBLIC SAFETY AND HOMELAND SECURITY COMMITTEE SUBSTITUTE  
4 FOR HB405  
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8  
9 SYNOPSIS: This bill would repeal certain restrictions  
10 on the carrying or possession of a firearm on  
11 certain property or in a motor vehicle by persons  
12 with or without a concealed pistol permit.

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

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

19 This bill would also make nonsubstantive,  
20 technical revisions to update the existing code  
21 language to current style.

22 Amendment 621 of the Constitution of Alabama  
23 of 1901, as amended by Amendment 890, now appearing  
24 as Section 111.05 of the Official ReCompilation of  
25 the Constitution of Alabama of 1901, prohibits a  
26 general law whose purpose or effect would be to  
27 require a new or increased expenditure of local

1 funds from becoming effective with regard to a  
2 local governmental entity without enactment by a  
3 2/3 vote unless: it comes within one of a number of  
4 specified exceptions; it is approved by the  
5 affected entity; or the Legislature appropriates  
6 funds, or provides a local source of revenue, to  
7 the entity for the purpose.

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

15  
16 A BILL  
17 TO BE ENTITLED  
18 AN ACT  
19

20 Relating to firearms; to amend Sections 13A-11-7,  
21 13A-11-50, 13A-11-55, 13A-11-61.2, 13A-11-62, 13A-11-71,  
22 13A-11-85, and 13A-11-90, Code of Alabama 1975, to delete  
23 certain language regarding the carrying of a visible pistol;  
24 to delete certain language regarding the carrying of a  
25 concealed pistol; to revise certain restrictions on the  
26 carrying or possession of firearms at certain locations; to  
27 eliminate the need for a person to obtain a concealed carry

1 permit in order to carry a pistol; to revise language  
2 regarding an employee storing a firearm in the employee's  
3 vehicle; to make nonsubstantive, technical revisions to update  
4 the existing code language to current style; to repeal  
5 Sections 9-11-304, 13A-11-52, 13A-11-73, and 13A-11-74, Code  
6 of Alabama 1975, relating to the carrying or possession of a  
7 firearm or pistol, to repeal certain restrictions on the  
8 carrying or possession of a firearm on certain property or in  
9 a motor vehicle; and in connection therewith would have as its  
10 purpose or effect the requirement of a new or increased  
11 expenditure of local funds within the meaning of Amendment 621  
12 of the Constitution of Alabama of 1901, as amended by  
13 Amendment 890, now appearing as Section 111.05 of the Official  
14 Recompilation of the Constitution of Alabama of 1901.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Sections 13A-11-7, 13A-11-50, 13A-11-55,  
17 13A-11-61.2, 13A-11-62, 13A-11-71, 13A-11-85, and 13A-11-90,  
18 Code of Alabama 1975, are amended to read as follows:

19 "§13A-11-7.

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

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

26 "(2) Makes unreasonable noise.

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

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

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

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

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

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

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

19           "§13A-11-50.

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

1                   "§13A-11-55.

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

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

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 subdivision 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 purposes of this subdivision, "courthouse  
19           annex" means a building which is currently having regularly  
20           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)~~ (4), inclusive,  
27 of subsection (a) and subsection (b) shall place a notice at

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

3 "~~(d) Except as provided in subdivisions (5) and (6)~~  
4 ~~of subsection (a), any~~ Any firearm on the premises of any  
5 facility set forth in subdivision (1) of subsection (a), ~~or~~  
6 subdivisions (3) and (4) ~~to (6) inclusive,~~ of subsection (a),  
7 or 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~~ subdivision (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 "§13A-11-62.

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

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

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

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

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

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

17           "§13A-11-71.

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

27           "§13A-11-85.

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

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

16           "§13A-11-90.

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

23           "(b) A public or private employer may not restrict  
24 or prohibit the transportation or storage of a lawfully  
25 possessed ~~firearm~~ pistol or ammunition in an employee's  
26 privately owned motor vehicle while parked or operated in a  
27 public or private parking area. A public or private employer

1 may not restrict or prohibit the transportation or storage of  
2 a lawfully possessed firearm, if the employee possesses a  
3 firearm, other than a pistol, which may be lawfully used for  
4 hunting in Alabama, and the employee satisfies all of the  
5 following:

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

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

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

10 ~~"i. (1) The employee possesses a valid Alabama~~  
11 ~~hunting license.~~

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

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

16 ~~"iv. (4) The employee has never been convicted of~~  
17 ~~any crime of violence as that term is defined in Section~~  
18 ~~13A-11-70, nor of any crime set forth in Chapter 6 of Title~~  
19 ~~13A, nor is subject to a Domestic Violence Order, as that term~~  
20 ~~is defined in Section 13A-6-141.~~

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

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

26 ~~"(2) (6) The motor vehicle is operated or parked in~~  
27 ~~a location where it is otherwise permitted to be.~~

1           "~~(3)~~ (7) The firearm is either of the following:

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

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

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

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

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

26           "(d) If an employer discovers by other means that an  
27 employee is transporting or storing a firearm in his or her

1 private motor vehicle, the employer may not take any adverse  
2 employment action against the employee based solely on the  
3 possession of that firearm if the employee has complied with  
4 the requirements in subsection (b).

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

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

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

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

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

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

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

1 against the employee. If demand for the recovery has not been  
2 satisfied within 45 calendar days, the employee may file a  
3 civil action in the appropriate court of this state against  
4 the public or private employer. A plaintiff is entitled to  
5 seek an award of all of the following:

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

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

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

23 "(i) Prohibitions regarding the carrying of a  
24 firearm under this section shall not apply to law enforcement  
25 officers engaged in the lawful execution of their official  
26 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 nonresident licenses 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. Section 9-11-304, Code of Alabama 1975,  
10 relating to carrying a pistol on any wildlife management area,  
11 Section 13A-11-52, Code of Alabama 1975, relating to carrying  
12 a pistol on private property, Section 13A-11-73, Code of  
13 Alabama 1975, relating to possession of an unloaded pistol in  
14 motor vehicle, and 13A-11-74, Code of Alabama 1975, relating  
15 to exceptions to requirement of having a license to carry a  
16 pistol in vehicle or concealed on a person, are repealed.

17           Section 4. Although this bill would have as its  
18 purpose or effect the requirement of a new or increased  
19 expenditure of local funds, the bill is excluded from further  
20 requirements and application under Amendment 621, as amended  
21 by Amendment 890, now appearing as Section 111.05 of the  
22 Official Recompilation of the Constitution of Alabama of 1901,  
23 as amended, because the bill defines a new crime or amends the  
24 definition of an existing crime.

25           Section 5. This act shall become effective on the  
26 first day of the third month following its passage and  
27 approval by the Governor, or its otherwise becoming law.

