

1 SB1
2 207740-2
3 By Senator Allen
4 RFD: Judiciary
5 First Read: 11-JAN-22
6 PFD: 05/18/2021

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.
8

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

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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2 Alabama 1975, are repealed:

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

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

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

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

11 Section 2. Section 13A-11-61.2, Code of Alabama
12 1975, is amended to read as follows:

13 "§13A-11-61.2.

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

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

23 "(2) Inside or on the premises of a prison, jail,
24 halfway house, community corrections facility, or other
25 detention facility for those who have been charged with or
26 convicted of a criminal or juvenile offense. It is not a
27 violation of this subsection to knowingly possess or carry a

1 firearm at a location described in this subdivision if the
2 location is also a sheriff's office that issues pistol permits
3 and the pistol remains inside a locked vehicle at all times
4 while the person is on the premises.

5 "(3) Inside a facility which provides inpatient or
6 custodial care of those with psychiatric, mental, or emotional
7 disorders.

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

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

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

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

26 "(b) Notwithstanding the provisions of subsection
27 (a), a person, including a person with a permit issued under

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

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

24 "(d) Except as provided in subdivisions (5) and (6)
25 of subsection (a), any firearm on the premises of any facility
26 set forth in ~~subdivision~~ subdivisions (1) and (2) of
27 subsection (a), ~~or~~ subdivisions (4) to (6) inclusive, of

1 subsection (a), or subsection (b) must be kept from ordinary
2 observation and locked within a compartment or in the interior
3 of the person's motor vehicle or in a compartment or container
4 securely affixed to the motor vehicle.

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

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

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

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

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

25 "(3) Before separation, served as a law enforcement
26 officer for an aggregate of 10 years or more and separated
27 from service with such agency, after completing any applicable

1 probationary period of such service, due to a
2 service-connected disability, as determined by the agency.

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

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

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

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

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

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

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

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

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

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

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

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