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3 SCOFIELD SUBSTITUTE FOR HB272, AS ENGROSSED
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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 on
22 private property, at certain locations, and would
23 revise the definition of a courthouse annex, one of
24 the locations in which carrying or possession of a
25 firearm is 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 in any area not
6 specifically prohibited by law.

7 This bill would revise the definition of
8 shotgun.

9 This bill would repeal restrictions on the
10 carrying of a bowie knife or concealed knife.

11 This bill would allow a private property
12 owner to declare consent or withhold consent to
13 carry a pistol on that property by posting a sign
14 at publicly accessible entrances, and would provide
15 that carrying of a pistol on private property
16 without a pistol permit or consent of owner shall
17 be prosecuted only as a criminal trespass in the
18 third degree.

19 This bill would require any person armed
20 with a concealed pistol or firearm or who has a
21 pistol or firearm in his or her vehicle to declare
22 that pistol or firearm to a law enforcement officer
23 when prompted, under certain conditions.

24 This bill would prohibit the knowing
25 touching of a handgun during an investigative stop
26 by law enforcement.

1 This bill would authorize a law enforcement
2 officer to temporarily take a person's firearm into
3 custody to ensure the firearm should not be
4 detained under law, under limited conditions when
5 the officer has reasonable suspicion that the
6 person is engaging in, or will engage in, criminal
7 conduct or is a danger to the officer or any
8 individual.

9 This bill would establish the Local
10 Government Pistol Permit Revenue Loss Fund, to
11 issue grants to sheriffs to replace pistol permit
12 revenue.

13 This bill would authorize the governing body
14 of each two-year or four-year institution of higher
15 education to adopt policies governing the
16 possession of firearms on its grounds, under
17 certain conditions.

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

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

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

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

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT

18
19 Relating to firearms; to amend Sections 13A-11-7,
20 13A-11-50, 13A-11-52, 13A-11-61.2, 13A-11-62, 13A-11-71,
21 13A-11-74, 13A-11-85, and 13A-11-90, Code of Alabama 1975, to
22 delete certain language regarding the carrying of a visible
23 pistol; to revise certain penalties for carrying weapons
24 unlawfully; to delete certain language regarding the carrying
25 of a concealed pistol; to revise certain restrictions on the
26 carrying or possession of a pistol on private property; to
27 revise certain restrictions on the carrying or possession of

1 firearms at certain locations; to eliminate the requirement
2 for a person to obtain a concealed carry permit to lawfully
3 carry a pistol; to revise the definition of shotgun; to revise
4 language regarding an employee storing a firearm in the
5 employee's vehicle; to require persons to disclose a concealed
6 pistol or firearm to a law enforcement officer under certain
7 conditions; to authorize a law enforcement officer to
8 temporarily take a person's firearm into custody, under
9 certain conditions; to prohibit the knowing touching of a
10 firearm during a law enforcement investigative stop, under
11 certain conditions; to create a program to issue grants to
12 offices of sheriff to replace pistol permit revenue; to make
13 nonsubstantive, technical revisions to update the existing
14 code language to current style; to repeal Sections 13A-11-55
15 and 13A-11-73, Code of Alabama 1975, relating to the carrying
16 or possession of a weapon, to repeal certain restrictions on
17 the carrying or possession of a firearm on certain property or
18 in a motor vehicle; to authorize the temporary taking into
19 custody of a firearm by a law enforcement officer, under
20 certain conditions; to provide further for policies of
21 two-year or four-year institutions of higher education
22 regarding firearm possession on grounds of that institution;
23 and in connection therewith would have as its purpose or
24 effect the requirement of a new or increased expenditure of
25 local funds within the meaning of Amendment 621 of the
26 Constitution of Alabama of 1901, as amended by Amendment 890,

1 now appearing as Section 111.05 of the Official ReCompilation
2 of the Constitution of Alabama of 1901, as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 13A-11-7, 13A-11-50, 13A-11-52,
5 13A-11-61.2, 13A-11-62, 13A-11-71, 13A-11-74, 13A-11-85, and
6 13A-11-90, Code of Alabama 1975, are amended to read as
7 follows:

8 "§13A-11-7.

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

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

15 "(2) Makes unreasonable noise.

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

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

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

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

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

26 "(c) ~~It shall be a rebuttable presumption that the~~
27 The mere carrying of a ~~visible~~ pistol, holstered or otherwise

1 secured on or about one's person, without brandishing the
2 weapon, in a public place, in and of itself, is not a
3 violation of this section. For purposes of this subsection,
4 "brandishing" shall mean the waving, flourishing, displaying,
5 or holding of an item in a manner that is threatening or would
6 appear threatening to a reasonable person, with or without
7 explicit verbal threat, or in a wanton or reckless manner.

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

12 "§13A-11-50.

13 ~~"Except as otherwise provided in this Code, a A~~
14 ~~person who, in violation of this article, carries concealed~~
15 ~~about his or her person a ~~bowie knife or knife or instrument~~~~
16 ~~of like kind or description or in a vehicle a pistol or~~
17 ~~firearm of any other kind ~~or an air gun~~ shall, on conviction,~~
18 ~~be ~~fined not less than \$50.00 nor more than \$500.00,~~ and may~~
19 ~~also be imprisoned in the county jail or sentenced to hard~~
20 ~~labor for the county for not more than six months guilty of a~~
21 ~~Class B misdemeanor.~~

22 "§13A-11-52.

23 "(a) Except as otherwise provided in this article,
24 no person shall carry a pistol or firearm about his or her
25 person on private property not his or her own or under his or
26 her control unless the person possesses a valid concealed
27 weapon permit or the person has the consent of the owner or

1 legal possessor of the premises; but this section shall not
2 apply to any law enforcement officer in the lawful discharge
3 of the duties of his or her office, or to a United States
4 marshal or his or her deputies, rural free delivery mail
5 carriers in the discharge of their duties as such, bonded
6 constables in the discharge of their duties as such,
7 conductors, railway mail clerks, and express messengers in the
8 discharge of their duties. Refusal to grant consent to carry a
9 pistol or firearm on private property may be expressed by the
10 owner or legal possessor of the premises by posting
11 conspicuous signage at publicly accessible entrances to the
12 property or by otherwise notifying the person that he or she
13 may not carry a pistol or firearm on the property.

14 "(b) Notwithstanding any other provision of law to
15 the contrary, a violation of this section may only be
16 prosecuted as a criminal trespass in the third degree pursuant
17 to Section 13A-7-4.

18 "(c) Nothing within this article shall be construed
19 to diminish or otherwise affect property rights under state
20 law not within this title.

21 "§13A-11-61.2.

22 "(a) In addition to any other place limited or
23 prohibited by state or federal law, a person, including a
24 person with a permit issued under Section 13A-11-75~~(a)(1)~~ or
25 recognized under Section 13A-11-85, may not knowingly possess
26 or carry a firearm in any of the following places without the

1 express permission of a person or entity with authority over
2 the premises:

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

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

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

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

17 "b. For purposes of this subdivision, "courthouse
18 annex" means either of the following:

19 "1. A building constructed, purchased, or repurposed
20 as part of a courthouse complex, judicial complex, or probate
21 court, for so long as the building is actively and regularly
22 used for that purpose.

23 "2. A building or part of a building that, by order
24 of any judge or probate judge, is having regularly scheduled
25 or specially called judicial proceedings. A building or part
26 of a building that is a courthouse annex pursuant to this
27 subparagraph shall be a courthouse annex only for the duration

1 of the judicial proceedings and any other related activities
2 that the judge orders necessary.

3 "(5) Inside any facility hosting an athletic event
4 not related to or involving firearms which is sponsored by a
5 private or public elementary or secondary school or any
6 private or public institution of postsecondary education,
7 unless the person has a permit issued under Section
8 13A-11-75~~(a)(1)~~ or recognized under Section 13A-11-85.

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

13 "(b) (1) Notwithstanding the provisions of subsection
14 (a), and in addition to any other place where possession of a
15 firearm or a pistol is prohibited by federal or state law or
16 may be prohibited pursuant to federal or state law, including,
17 but not limited to, Section 13A-11-52, a person, including a
18 person with a permit issued under Section 13A-11-75~~(a)(1)~~ or
19 recognized under Section 13A-11-85, ~~may not,~~ without the
20 express permission of a person or entity with authority over
21 the premises, may not knowingly possess or carry a firearm
22 inside any building or facility to which access of
23 unauthorized persons and prohibited articles is limited during
24 normal hours of operation by the continuous posting of guards
25 and the use of other security features, including, but not
26 limited to, magnetometers, key cards, biometric screening
27 devices, or turnstiles or other physical barriers that prevent

1 ~~all~~ persons entering the facility from bringing prohibited
2 items into the facility.

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

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

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

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

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

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

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

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

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

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

26 "(4) During the most recent 12-month period, has
27 met, at the expense of the individual, the standards for

1 qualification in firearms training for active law enforcement
2 officers, as determined by the former agency of the
3 individual, the state in which the individual resides or, if
4 the state has not established such standards, either a law
5 enforcement agency within the state in which the individual
6 resides or the standards used by a certified firearms
7 instructor that is qualified to conduct a firearms
8 qualification test for active duty officers within that state.

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

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

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

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

25 "a. A photographic identification issued by the
26 agency from which the individual separated from service as a
27 law enforcement officer that identifies the person as having

1 been employed as a police officer or law enforcement officer
2 and indicates that the individual has, not less recently than
3 one year before the date the individual is carrying the
4 concealed firearm, been tested or otherwise found by the
5 agency to meet the active duty standards for qualification in
6 firearms training as established by the agency to carry a
7 firearm of the same type as the concealed firearm.

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

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

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

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

4 "§13A-11-62.

5 "For purposes of this division, the following terms
6 shall have the following meanings, unless the context clearly
7 indicates otherwise:

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

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

16 "~~(3)~~ (5) SHOTGUN. A weapon designed or redesigned,
17 ~~made or remade, and intended to be fired from the shoulder and~~
18 ~~designed or redesigned~~ and made or remade to use the energy of
19 the explosive in a fixed shotgun shell to fire through a
20 smooth bore either a number of ~~ball~~ shot or a single
21 projectile for each single pull of the trigger.

22 "~~(4)~~ (3) SHORT-BARRELED RIFLE. A rifle having one or
23 more barrels less than 16 inches in length and any weapon made
24 from a rifle (whether by alteration, modification, or
25 otherwise) if such weapon, as modified, has an overall length
26 of less than 26 inches.

1 "~~(5)~~ (4) SHORT-BARRELED SHOTGUN. A shotgun having
2 one or more barrels less than 18 inches in length and any
3 weapon made from a shotgun (whether by alteration,
4 modification, or otherwise) if such weapon as modified has an
5 overall length of less than 26 inches.

6 "§13A-11-71.

7 "Any person who commits or attempts to commit ~~if any~~
8 ~~person shall commit or attempt to commit~~ a crime of violence
9 when armed with a pistol, ~~he may,~~ in addition to the
10 punishment provided for the crime, may additionally be
11 ~~punished also~~ as provided by this division. ~~In the trial of a~~
12 ~~person for committing or attempting to commit a crime of~~
13 ~~violence, the fact that he was armed with a pistol and had no~~
14 ~~license to carry the same shall be prima facie evidence of his~~
15 ~~intention to commit said crime of violence.~~

16 "§13A-11-74.

17 "The provisions of Section ~~13A-11-73~~ 13A-11-72(c)
18 shall not apply to marshals, sheriffs, prison and jail wardens
19 and their regularly employed deputies, ~~policemen~~ police
20 officers and other law enforcement officers of any state or
21 political subdivision thereof, or to the members of the Army,
22 Navy ~~or,~~ Marine Corps, Air Force, or Space Force of the United
23 States or of the National Guard, or to the members of the
24 National Guard organized reserves or state guard organizations
25 when on duty or going to or from duty, or to the regularly
26 enrolled members of any organization duly authorized to
27 purchase or receive ~~such~~ the weapons from the United States or

1 from this state; provided, that ~~such~~ those members are at or
2 are going to or from their places of assembly or target
3 practices, or to officers or employees of the United States
4 duly authorized to carry a pistol, or to any person engaged in
5 manufacturing, repairing, or dealing in pistols, or the agent
6 or representative of ~~such~~ a person possessing, using, or
7 carrying a pistol in the usual or ordinary course of ~~such~~
8 pistol manufacturing, repairing, or dealing business, or to
9 any common carrier, except taxicabs, licensed as a common
10 carrier, or to any person permitted by law to possess a pistol
11 while carrying it unloaded in a secure wrapper, from the place
12 of purchase to his or her home or place of business, or to or
13 from a place of repair or in moving from one place of abode or
14 business to another.

15 "§13A-11-85.

16 "(a) A person licensed to carry a handgun in any
17 state shall be authorized to carry a handgun in this state.
18 This section shall apply to a license holder from another
19 state only while the license holder is not a resident of this
20 state. A license holder from another state shall carry the
21 handgun in compliance with the laws of this state. The
22 issuance of a permit to carry a pistol pursuant to Section
23 13A-11-75 or the recognition of a nonresident license under
24 this section does not impose a general prohibition on the
25 carrying of a pistol without a permit.

26 "(b) The Attorney General ~~is authorized to~~ may enter
27 into reciprocal agreements with other states for the mutual

1 recognition of licenses to carry handguns and shall
2 periodically publish a list of states which recognize licenses
3 issued pursuant to Section 13A-11-75.

4 "§13A-11-90.

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

11 "(b) (1)A public or private employer may not restrict
12 or prohibit the transportation or storage of a lawfully
13 possessed ~~firearm~~ pistol or ammunition for that pistol in an
14 employee's privately owned motor vehicle while parked or
15 operated in a public or private parking area; provided, that
16 the employee satisfies all of the following conditions:

17 "a. The motor vehicle is operated or parked in a
18 location where it is otherwise permitted to be.

19 "b. The pistol is either of the following:

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

23 "2. In a motor vehicle unattended by the employee,
24 kept from ordinary observation and locked within a
25 compartment, container, or in the interior of the person's
26 privately owned motor vehicle or in a compartment or container
27 securely affixed to the motor vehicle.

1 "(2) A public or private employer may not restrict
2 or prohibit the transportation or storage of a lawfully
3 possessed firearm legal for use for hunting in Alabama other
4 than a pistol, or ammunition for that firearm, in an
5 employee's privately owned motor vehicle while parked or
6 operated in a public or private parking area if the employee
7 satisfies all of the following:

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

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

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

12 "~~i. a.~~ The employee possesses a valid Alabama
13 hunting license.

14 "~~ii. b.~~ The weapon is unloaded at all times on the
15 property.

16 "~~iii. c.~~ It is during a season in which hunting is
17 permitted by Alabama law or regulation.

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

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

25 "~~vi. e.~~ The employee has no documented prior
26 workplace incidents involving the threat of physical injury or
27 which resulted in physical injury.

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

3 "~~(3)~~ g. The firearm is either of the following:

4 "~~a.~~ 1. In a motor vehicle attended by the employee,
5 kept from ordinary observation within the person's motor
6 vehicle.

7 "~~b.~~ 2. In a motor vehicle unattended by the
8 employee, kept from ordinary observation and locked within a
9 compartment, container, or in the interior of the person's
10 privately owned motor vehicle or in a compartment or container
11 securely affixed to the motor vehicle.

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

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

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

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

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

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

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

13 "b. Stolen property or a prohibited or illegal item
14 other than a firearm.

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

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

25 "(g) ~~However,~~ Notwithstanding subsection (f), if the
26 employee has fully complied with the requirements of
27 subsection (b) and does not possess a firearm prohibited by

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

8 "(1) Compensation, if applicable, for lost wages or
9 benefits.

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

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

25 "(i) Prohibitions regarding the carrying of a
26 firearm under this section shall not apply to law enforcement

1 officers engaged in the lawful execution of their official
2 duties.

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

6 Section 2. The issuance of a permit to carry a
7 pistol pursuant to Section 13A-11-75, Code of Alabama 1975, or
8 the recognition of a nonresident license pursuant to Section
9 13A-11-85, Code of Alabama 1975, does not impose a general
10 prohibition on the carrying of a pistol without a permit.

11 Section 3. Any person who knowingly possesses a
12 pistol or firearm concealed on or about his or her person or
13 in a vehicle occupied by the person, and who is asked by a law
14 enforcement officer operating in the line or scope of his or
15 her official duties whether he or she is armed with a
16 concealed pistol or firearm, shall immediately inform the law
17 enforcement officer that the person is in possession of a
18 pistol or firearm.

19 Section 4. (a) A person who is the driver or
20 occupant of any motor vehicle that is stopped as a result of a
21 traffic stop or as a result of a stop for another law
22 enforcement purpose and who is transporting or has a loaded
23 handgun in the motor vehicle or commercial motor vehicle shall
24 not knowingly touch the handgun with his or her hands or
25 fingers at any time after a person known to be a law
26 enforcement officer begins approaching and before the law
27 enforcement officer terminates contact with the person, unless

1 the person has contact with the loaded handgun pursuant to,
2 and in accordance with, directions given by the law
3 enforcement officer.

4 (b) A violation of this section is a Class A
5 misdemeanor.

6 Section 5. (a) If at any time during an
7 investigation a law enforcement officer acting in the lawful
8 discharge of the officer's official duties has a reasonable
9 suspicion that an individual is engaged or is about to be
10 engaged in criminal conduct, or the officer otherwise
11 reasonably believes it is necessary for the protection of the
12 officer, individual, or any other individual, the officer may
13 temporarily take into custody any firearm possessed by the
14 individual.

15 (b) While the firearm is in the law enforcement
16 officer's possession, and if the officer has a reasonable
17 suspicion that an individual is engaged or is about to be
18 engaged in criminal conduct, the law enforcement officer may
19 conduct a search of any available local, state, or federal
20 criminal history and weapons databases to determine whether
21 the individual is prohibited from possessing the firearm or
22 whether the firearm should not be returned to the individual
23 pursuant to state or federal law.

24 (c) The law enforcement officer shall return the
25 firearm to the individual before discharging the individual
26 from the scene if the officer determines that both of the
27 following are fulfilled:

1 (1) The individual is not an immediate threat to the
2 officer, individual, or any other individual.

3 (2) The individual has not committed a violation
4 that results in the arrest of the individual.

5 (d) Notwithstanding subsection (c), the law
6 enforcement officer shall retain the firearm if the officer
7 has a reasonable suspicion that an individual is engaged or is
8 about to be engaged in criminal conduct and the officer
9 determines that any of the following apply:

10 (1) The firearm has been used in the commission of
11 another state or federal criminal offense, or is otherwise
12 connected to a state or federal criminal offense.

13 (2) The firearm is the subject of a court order
14 directing seizure of the pistol.

15 (3) The firearm has obliterated serial numbers or no
16 serial number.

17 Section 6. (a) There is created in the State
18 Treasury a fund to be known as the Local Government Pistol
19 Permit Revenue Loss Fund, into which there is automatically
20 appropriated five million dollars (\$5,000,000) annually or so
21 much as necessary to maintain a balance of two million dollars
22 (\$2,000,000) in the fund, at the beginning of each fiscal year
23 for the three fiscal years following the effective date of
24 this section. The fund shall consist of both of the following:

25 (1) All appropriations made to the fund.

26 (2) Any gifts, grants, or donations made to the fund
27 from any source.

1 (b) The Alabama Department of Economic and Community
2 Affairs shall use and expend the fund pursuant to subsection
3 (c). Any necessary expenses of the department in implementing
4 the provisions of this section shall also be paid out of the
5 fund.

6 (c) The Alabama Department of Economic and Community
7 Affairs may make quarterly grants to any county in which the
8 sheriff has provided the required reports as set out in the
9 Minimum Accounting Requirements for the Office of Sheriff
10 established by the Department of Examiners of Public Accounts,
11 specifically regarding the number of pistol permits purchased
12 in that county and the revenue received from pistol permit
13 fees issued pursuant to Section 13A-11-75, Code of Alabama
14 1975, for fiscal years 2022 and 2023. Any grants awarded to a
15 county pursuant to this subsection may not exceed the amount
16 of revenue received from pistol permit fees by that county in
17 fiscal year 2022, as indicated within the reports to the
18 Department of Examiners of Public Accounts. Any amounts
19 exceeding these revenues shall be remitted back to the Local
20 Government Pistol Permit Revenue Loss fund at the end of each
21 fiscal year. Grant funds shall be used by a county only for
22 the same purposes for which pistol permit fees were authorized
23 to be expended within that county on the effective date of
24 this section.

25 (d) No later than January 15, 2023, and thereafter
26 on a quarterly basis, the Department of Examiners of Public

1 Accounts shall provide all reports referenced in subsection
2 (c) to the Department of Economic and Community Affairs.

3 (e) This section shall be repealed four years
4 following the effective date of this section. At that time,
5 any monies remaining in the fund that are not committed for
6 the purpose of this section shall be transferred to the State
7 General Fund.

8 (f) No monies may be withdrawn or expended from the
9 fund for any purpose unless the monies have been appropriated
10 by the Legislature. Any monies appropriated shall be budgeted
11 and allotted pursuant to the Budget Management Act in
12 accordance with Article 4 of Chapter 4 of Title 41, and only
13 in the amounts provided by the Legislature in the general
14 appropriations act or other appropriations act, and only for
15 the purposes of this act.

16 (g) Each county receiving grant funds pursuant (c)
17 shall establish a separate fund in the county treasury to
18 account for the grant funds and expenditure of the funds.

19 Section 7. (a) Notwithstanding any provision of
20 state law to the contrary, the governing body of each two-year
21 or four-year institution of higher education may adopt
22 policies governing the possession of firearms or other weapons
23 on grounds owned or controlled by the institution. The
24 governing body may not adopt a policy in conflict with federal
25 law.

26 (b) A policy adopted under subsection (a) shall
27 allow for individuals not otherwise prohibited from possession

1 of a firearm by state or federal law to possess a firearm and
2 ammunition for that firearm in the individual's privately
3 owned motor vehicle while parked or operated on the grounds of
4 the institution; provided, that the individual satisfies all
5 of the following conditions:

6 (1) If the firearm is a pistol, the individual is
7 not generally prohibited from possession of a pistol by state
8 or federal law.

9 (2) If the firearm is any firearm legal for use for
10 hunting in Alabama other than a pistol:

11 a. The individual possesses a valid Alabama hunting
12 license.

13 b. The firearm is unloaded at all times on the
14 grounds.

15 c. It is during a season in which hunting is
16 permitted by Alabama law or regulation.

17 d. The individual has never been convicted of any
18 crime of violence as that term is defined in Section
19 13A-11-70, Code of Alabama 1975, nor of any crime set forth in
20 Chapter 6 of Title 13A, Code of Alabama 1975, nor is subject
21 to a domestic violence order, as that term is defined in
22 Section 13A-6-141, Code of Alabama 1975.

23 e. The individual has no documented prior incidents
24 on the grounds of the institution involving the threat of
25 physical injury or which resulted in physical injury to
26 another.

1 (3) The motor vehicle is operated or parked in a
2 location where it is otherwise permitted to be.

3 (4) The firearm is either of the following:

4 a. In a motor vehicle attended by the individual,
5 kept from ordinary observation within the individual's motor
6 vehicle.

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

12 (c) It is the intent of the Legislature that
13 constitutionally created boards of trustees of institutions of
14 higher education comply with this section.

15 Section 8. The following sections are hereby
16 repealed:

17 (1) Section 13A-11-55, Code of Alabama 1975,
18 relating to indictments for carrying weapons unlawfully.

19 (2) Section 13A-11-73, Code of Alabama 1975,
20 relating to possession of an unloaded pistol in motor vehicle.

21 Section 9. This act shall not be construed to
22 diminish or otherwise limit the power of a law enforcement
23 officer under existing law to detain, investigate, or arrest a
24 person for a violation of law.

25 Section 10. Although this bill would have as its
26 purpose or effect the requirement of a new or increased
27 expenditure of local funds, the bill is excluded from further

1 requirements and application under Amendment 621, as amended
2 by Amendment 890, now appearing as Section 111.05 of the
3 Official Recompilation of the Constitution of Alabama of 1901,
4 as amended, because the bill defines a new crime or amends the
5 definition of an existing crime.

6 Section 11. Section 6 of this act, relating to the
7 Local Government Pistol Permit Revenue Loss Fund, shall become
8 effective immediately following the passage and approval of
9 this act by the Governor, or its otherwise becoming law; the
10 remainder of this act shall become effective on January 1,
11 2023, following its passage and approval by the Governor, or
12 its otherwise becoming law.