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3 BARFOOT SUBSTITUTE FOR SB301
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8 SYNOPSIS: This bill would establish certain sentence
9 enhancements for firearm-related offenders and
10 would exclude any convicted firearm-related
11 offender from being eligible for certain
12 correctional programs under certain conditions.

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

26 The purpose or effect of this bill would be
27 to require a new or increased expenditure of local

1 funds within the meaning of the amendment. However,
2 the bill does not require approval of a local
3 governmental entity or enactment by a 2/3 vote to
4 become effective because it comes within one of the
5 specified exceptions contained in the amendment.

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to firearms; to add Section 13A-11-72.2 to
12 the Code of Alabama 1975; to establish certain sentencing
13 requirements; to exclude certain offenders from being eligible
14 for certain correctional programs; and in connection therewith
15 would have as its purpose or effect the requirement of a new
16 or increased expenditure of local funds within the meaning of
17 Amendment 621 of the Constitution of Alabama of 1901, as
18 amended by Amendment 890, now appearing as Section 111.05 of
19 the Official Recompilation of the Constitution of Alabama of
20 1901, as amended.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Section 13A-11-72.2 is added to the Code
23 of Alabama 1975, to read as follows:

24 §13A-11-72.2.

25 (a) In addition to any sentence provided by law,
26 upon conviction, any person who possesses a firearm during the
27 commission of a crime of violence as defined in Section

1 13A-11-70, a Class A felony or Class B felony violent offense
2 as defined in Section 12-25-32, or assault in the second
3 degree pursuant to 13A-6-21, in which a firearm was used,
4 shall be sentenced as follows:

5 (1) A term of imprisonment not less than five years.

6 (2) If the firearm was brandished, a term of
7 imprisonment of not less than seven years.

8 (3) If the firearm was discharged, a term of
9 imprisonment of not less than 10 years.

10 (4) If a person was in possession of or discharged a
11 fully-automatic weapon, a term of imprisonment of not less
12 than 15 years.

13 (5) Upon a second or subsequent violation of this
14 subsection, he or she shall be sentenced to a term of
15 imprisonment of not less than 20 years.

16 (b) Notwithstanding any other provision of law, the
17 term of imprisonment shall run consecutive with any other term
18 of imprisonment for any other offense and shall not be
19 eligible for any of the following:

20 (1) Probation.

21 (2) Community corrections on the portion of the
22 sentence that is enhanced by this section.

23 (3) Any type of early release program, work release
24 program, correctional incentive time, or any other program
25 that changes the overall time or location of incarceration.

26 (4) Any sentencing structure pursuant to Chapter 25
27 of Title 12 of the Code of Alabama 1975.

1 Section 2. Although this bill would have as its
2 purpose or effect the requirement of a new or increased
3 expenditure of local funds, the bill is excluded from further
4 requirements and application under Amendment 621, as amended
5 by Amendment 890, now appearing as Section 111.05 of the
6 Official Recompilation of the Constitution of Alabama of 1901,
7 as amended, because the bill defines a new crime or amends the
8 definition of an existing crime.

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