

HB34 INTRODUCED



1 U97IDD-1
2 By Representative Estes
3 RFD: Judiciary
4 First Read: 07-Mar-23
5 PFD: 23-Feb-23



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SYNOPSIS:

Under existing law, it is unlawful to discharge a firearm into an occupied or unoccupied school building.

This bill would provide that it is unlawful to discharge a firearm on school property.

This bill would provide for criminal penalties for discharging a firearm on school property.

This bill would also provide for exceptions.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

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



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29 contained in the amendment.

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A BILL

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TO BE ENTITLED

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AN ACT

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36 Relating to crimes and offenses; to amend Section
37 13A-11-61.1, Code of Alabama 1975; to provide that it is
38 unlawful to discharge a firearm on school property; to provide
39 criminal penalties; to provide for exceptions; and in
40 connection therewith would have as its purpose or effect the
41 requirement of a new or increased expenditure of local funds
42 within the meaning of Section 111.05 of the Constitution of
43 Alabama of 2022.

44 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

45 Section 1. Section 13A-11-61.1, Code of Alabama 1975,
46 is amended to read as follows:

47 "§13A-11-61.1

48 (a) No person shall shoot or discharge a firearm into
49 an occupied or unoccupied school bus or school building.

50 ~~(b)~~ (1) A person who shoots or discharges a firearm into
51 an occupied school bus or school building shall be guilty of a
52 Class B felony.

53 ~~(c)~~ (2) A person who shoots or discharges a firearm into
54 an unoccupied school bus or school building shall be guilty of
55 a Class C felony.

56 (b) No person shall shoot or discharge a firearm on



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57 school property.

58 (1) A person who shoots or discharges a firearm on
59 school property during school hours or during school
60 activities after school hours, shall be guilty of a Class B
61 felony.

62 (2) In circumstances other than those provided in
63 subdivision (1), a person who shoots or discharges a firearm
64 on school property shall be guilty of a Class C felony.

65 (c) A person shall not be in violation of this section
66 if the person is justified in using physical force pursuant to
67 Section 13A-3-23.

68 (d) A person shall not be in violation of this section
69 if he or she is engaging in an organized competition or school
70 system sanctioned event involving the use of a firearm or
71 participating in or practicing for a performance by an
72 organized group under 26 U.S.C. § 501(c) (3) which uses
73 firearms as part of the performance or is on land leased from
74 a school system.

75 ~~(d)~~ (e) This section shall not be construed to repeal
76 other criminal laws. Whenever conduct prescribed by any
77 provision of this section is also prescribed by any other
78 provision of law, the provision which carries the more serious
79 penalty shall be applied."

80 Section 2. Although this bill would have as its purpose
81 or effect the requirement of a new or increased expenditure of
82 local funds, the bill is excluded from further requirements
83 and application under Section 111.05 of the Constitution of
84 Alabama of 2022, because the bill defines a new crime or



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85 amends the definition of an existing crime.

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