

# HB392 INTRODUCED



1 TO4C19-1

2 By Representatives Almond, Bolton, Treadaway, Lamb, Travis

3 RFD: Judiciary

4 First Read: 27-Apr-23

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6 2023 Regular Session



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SYNOPSIS:

Under existing federal law, a person may not possess a firearm under any of the following conditions: (1) the person has been convicted of a felony; (2) the person is a fugitive from justice; (3) the person is an unlawful user of or addicted to any controlled substance; (4) the person has been adjudicated as having a mental illness or has been committed to a mental institution; (5) the person is an alien and is illegally or unlawfully present in the United States; (6) the person has been discharged from the Armed Forces under dishonorable conditions; (7) the person, having been a citizen of the United States, has renounced citizenship; (8) the person is subject to certain domestic restraining orders and the restraining order includes a finding that the person is a credible threat to the physical safety of the person; or (9) the person has been convicted of domestic violence.

Also, under existing state law, a person may not possess a firearm if the person has committed a crime of violence, a misdemeanor offense of domestic violence, or a violent offense, or the person is subject to a protection order for domestic abuse, or the person is of unsound mind.

This bill would provide that a person prohibited



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29 from possessing a firearm under federal law is  
30 prohibited from possessing a firearm under state law  
31 and would provide criminal penalties for a violation.

32 Section 111.05 of the Constitution of Alabama of  
33 2022, prohibits a general law whose purpose or effect  
34 would be to require a new or increased expenditure of  
35 local funds from becoming effective with regard to a  
36 local governmental entity without enactment by a 2/3  
37 vote unless: it comes within one of a number of  
38 specified exceptions; it is approved by the affected  
39 entity; or the Legislature appropriates funds, or  
40 provides a local source of revenue, to the entity for  
41 the purpose.

42 The purpose or effect of this bill would be to  
43 require a new or increased expenditure of local funds  
44 within the meaning of the amendment. However, the bill  
45 does not require approval of a local governmental  
46 entity or enactment by a 2/3 vote to become effective  
47 because it comes within one of the specified exceptions  
48 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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55 Relating to firearms; to provide prohibitions on the  
56 use, ownership, or possession of a firearm under certain



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57 conditions; and in connection therewith would have as its  
58 purpose or effect the requirement of a new or increased  
59 expenditure of local funds within the meaning of Section  
60 111.05 of the Constitution of Alabama of 2022.

61 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

62 Section 1. (a) A person may not purchase, use, own, or  
63 possess a firearm in this state if the person is otherwise  
64 prohibited from shipping, transporting, possessing, or  
65 receiving a firearm in interstate commerce pursuant to 18  
66 U.S.C. § 922(g), as that provision of law existed on January  
67 1, 2022, relating to the unlawful possession of a firearm.

68 (b) A violation of this section is a Class C felony.

69 (c) The provisions of Section 13A-11-84(b), Code of  
70 Alabama 1975, shall apply to any arrest made under this  
71 section.

72 Section 2. Although this bill would have as its purpose  
73 or effect the requirement of a new or increased expenditure of  
74 local funds, the bill is excluded from further requirements  
75 and application under Section 111.05 of the Constitution of  
76 Alabama of 2022, because the bill defines a new crime or  
77 amends the definition of an existing crime.

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