

# HB400 INTRODUCED



1 542T33-1

2 By Representatives Givan, Moore (M), Rogers, Morris, Sellers,  
3 Hassell, Jones, Bracy, Jackson, Plump, Boyd, Clarke, Ensler,  
4 Forte, Drummond, Warren, Lawrence, McClammy, Gray, England,  
5 Daniels

6 RFD: Judiciary

7 First Read: 27-Apr-23

8

9 2023 Regular Session



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SYNOPSIS:

Under existing law, it is a crime to sell, transfer, or otherwise deliver a pistol to a minor under certain circumstances.

This bill would prohibit the sale or transfer of an assault weapon to any person under 18 years of age.

Under existing law, a minor is prohibited from possessing a pistol.

This bill would prohibit any person under 18 years of age from possessing an assault weapon.

This bill would also provide penalties for violations.

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



## HB400 INTRODUCED

29 does not require approval of a local governmental  
30 entity or enactment by a 2/3 vote to become effective  
31 because it comes within one of the specified exceptions  
32 contained in the amendment.

33

34

35

A BILL

36

TO BE ENTITLED

37

AN ACT

38

39 Relating to assault weapons; to prohibit the sale or  
40 delivery of an assault weapon to any person under 18 years of  
41 age; to prohibit any person under 18 years of age from  
42 possessing an assault weapon; to provide penalties for  
43 violations; and in connection therewith would have as its  
44 purpose or effect the requirement of a new or increased  
45 expenditure of local funds within the meaning of Section  
46 111.05 of the Constitution of Alabama of 2022.

47

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

48

Section 1. For the purposes of this act, the following  
49 terms have the following meanings:

50

(1) ANTIQUE FIREARM. A firearm or replica of a firearm  
51 not designed or redesigned for using rim fire or conventional  
52 center fire ignition with fixed ammunition and manufactured in  
53 or before 1898, including any matchlock, flintlock, percussion  
54 cap, or similar type of ignition system and also any firearm  
55 using fixed ammunition manufactured in or before 1898, for  
56 which ammunition is no longer manufactured in the United



## HB400 INTRODUCED

57 States and is not readily available in the ordinary channels  
58 of commercial trade.

59 (2) ASSAULT WEAPON. A weapon that is:

60 a. A semiautomatic rifle that has the capacity to  
61 accept a detachable magazine and has one or more of the  
62 following:

63 1. A pistol grip that protrudes conspicuously beneath  
64 the action of the weapon.

65 2. A thumbhole stock.

66 3. A folding or telescoping stock.

67 4. A second handgrip or a protruding grip that can be  
68 held by the nontrigger hand.

69 5. A flash suppressor, muzzle break, muzzle  
70 compensator, or threaded barrel designed to accommodate a  
71 flash suppressor, muzzle break, or muzzle compensator.

72 6. A grenade launcher or flare launcher.

73 b. A semiautomatic pistol, or a semiautomatic,  
74 centerfire, or rimfire rifle with a fixed magazine that has  
75 the capacity to accept more than 10 rounds of ammunition.

76 c. A semiautomatic pistol that has the capacity to  
77 accept a detachable magazine and has one or more of the  
78 following:

79 1. Any feature capable of functioning as a protruding  
80 grip that can be held by the nontrigger hand.

81 2. A threaded barrel capable of accepting a flash  
82 suppressor, forward handgrip, or silencer.

83 3. A shroud attached to the barrel, or that partially  
84 or completely encircles the barrel, allowing the bearer to



## HB400 INTRODUCED

85 hold the firearm with the nontrigger hand without being  
86 burned, but excluding a slide that encloses the barrel.

87 4. The capacity to accept a detachable magazine at any  
88 location outside of the pistol grip.

89 d. A semiautomatic, centerfire, or rimfire rifle that  
90 has an overall length of less than 30 inches.

91 e. A semiautomatic shotgun that has all of the  
92 following:

93 1. A pistol grip that protrudes conspicuously beneath  
94 the action of the weapon, thumbhole stock, or vertical  
95 handgrip.

96 2. A folding or telescoping stock.

97 3. An ability to accept a detachable magazine.

98 f. A shotgun with a revolving cylinder.

99 g. A conversion kit, part, or combination of parts from  
100 which an assault weapon can be assembled if those parts are in  
101 the possession or under the control of the same person.

102 h. A machine gun or any part or combination of parts  
103 designed or intended to convert a firearm into a machine gun.

104 The term does not include antique firearms, any firearm  
105 that has been made permanently inoperable, or any firearm that  
106 is manually operated by bolt, pump, lever, or slide action.

107 (3) CAPACITY TO ACCEPT MORE THAN 10 ROUNDS. Capable of  
108 accommodating more than 10 rounds, but shall not be construed  
109 to include a feeding device that has been permanently altered  
110 so that it cannot accommodate more than 10 rounds.

111 (4) FIREARM. Has the same meaning as provided in  
112 Section 13A-8-1, Code of Alabama 1975.



## HB400 INTRODUCED

113 (5) MACHINE GUN. Any firearm that shoots, is designed  
114 or intended to shoot, or can be readily restored to shoot more  
115 than one shot automatically without manual reloading and by a  
116 single function of the trigger.

117 (6) MAGAZINE. Any ammunition feeding device.

118 (7) PERSON. A natural person as well as any firm,  
119 partnership, association, or corporation.

120 (8) PISTOL. Any firearm with a barrel less than 12  
121 inches in length.

122 (9) RIFLE. Any weapon designed or redesigned, made or  
123 remade, and intended to be fired from the shoulder and  
124 designed or redesigned and made or remade to use the energy of  
125 the explosive in a fixed metallic cartridge to fire only a  
126 single projectile through a rifled bore for each pull of the  
127 trigger.

128 (10) SALE. The actual approval of the delivery of a  
129 firearm in consideration of payment or promise of payment.

130 (11) SHOTGUN. A weapon designed or redesigned, made or  
131 remade, and intended to be fired from the shoulder and  
132 designed or redesigned and made or remade to use the energy of  
133 the explosive in a fixed shotgun shell to fire through a  
134 smooth bore either a number of ball shot or a single  
135 projectile for each single pull of the trigger.

136 (12) TRANSFER. The intended delivery of a firearm to  
137 another person without consideration of payment or promise of  
138 payment including, but not limited to, gifts and loans.

139 Section 2. (a) Notwithstanding the provisions of  
140 Article 3, Chapter 11 of Title 13A, Code of Alabama 1975, a



## HB400 INTRODUCED

141 person commits the crime of sale or transfer of an assault  
142 weapon to any person under 18 years of age when he or she  
143 sells or transfers an assault weapon to a person under 18  
144 years of age. The crime of sale or transfer of an assault  
145 weapon to any person under 18 years of age is a Class B  
146 felony.

147 (b) Notwithstanding the provisions of Article 3,  
148 Chapter 11 of Title 13A, Code of Alabama 1975, a person  
149 commits the crime of underage possession of an assault weapon  
150 if he or she is under 18 years of age and possesses an assault  
151 weapon. The crime of underage possession of an assault weapon  
152 is a Class C felony.

153 Section 3. This act is supplemental to any other law  
154 and the penalties provided in this act are in addition to any  
155 other penalties provided by law. This act shall not be  
156 construed to limit or in any way reduce the minimum and  
157 maximum penalties provided in any other law.

158 Section 4. Although this bill would have as its purpose  
159 or effect the requirement of a new or increased expenditure of  
160 local funds, the bill is excluded from further requirements  
161 and application under Section 111.05 of the Constitution of  
162 Alabama of 2022, because the bill defines a new crime or  
163 amends the definition of an existing crime.

164 Section 5. This act shall become effective on the first  
165 day of the third month following its passage and approval by  
166 the Governor, or its otherwise becoming law.