

HB462 INTRODUCED



1 SM0655-1
2 By Representatives Moore (M), Morris, Gray, Sellers, Jones,
3 Bracy, England, Drummond, Lawrence, Hollis
4 RFD: Public Safety and Homeland Security
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6
7 2023 Regular Session



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SYNOPSIS:

This bill would prohibit the possession, sale, or transfer of an assault weapon or large-capacity magazine under certain circumstances.

This bill would provide procedures to register an assault weapon and large-capacity magazine.

This bill would provide criminal 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 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 contained in the amendment.



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A BILL
TO BE ENTITLED
AN ACT

Relating to firearms; to prohibit the possession, sale, or transfer of an assault weapon or large-capacity magazine under certain circumstances; to provide procedures for registration; to provide penalties for violations; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

(1) ANTIQUE FIREARM. A firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(2) ASSAULT WEAPON.

a. Any selective-fire firearm capable of fully



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57 automatic, semiautomatic, or burst fire at the option of the
58 user or any of the following specified semiautomatic firearms:

59 1. All AK series, including all of the following: AK,
60 AKM, AKS, AK-47, AK-74, ARM, MAK90, MISR, NHM90, NHM91, SA 85,
61 SA 93, VEPR, WASR-10, WUM, Rock River Arms LAR-47, and Vector
62 Arms AK-47.

63 2. All AR series, including all of the following:
64 AR-10, AR-15, Bushmaster XM15, Armalite AR-180 and M15,
65 Olympic Arms, AR70, DPMS Tactical Rifles, Smith and Wesson M
66 and P15 Rifles, Colt AR-15, Rock River Arms LAR-15, and
67 DoubleStar AR rifles.

68 3. Algimec AGM1.

69 4. Barrett 82A1 and REC7.

70 5. Beretta AR-70 and Beretta Storm.

71 6. Bushmaster Auto Rifle.

72 7. Calico Liberty series.

73 8. Chartered Industries of Singapore SR-88.

74 9. Colt Sporter.

75 10. Daewoo K-1, K-2, Max-1, and Max 2.

76 11. FAMAS MAS 223.

77 12. Federal XC-900 and SC-450.

78 13. Fabrique National FN/FAL, FN/LAR, and FNC.

79 14. FNH PS90, SCAR, and FS2000.

80 15. Goncz High Tech Carbine.

81 16. Hi-Point Carbine.

82 17. HK-91, HK-93, HK-94, SP-89, and HK-PSG-1.

83 18. Kel-Tec Sub-2000, SU series, and RFB.

84 19. M1 Carbine.



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- 85 20. SAR-8, SAR-4800, and SR9.
- 86 21. SIG 57 AMT and 500 Series.
- 87 22. Sig Sauer MCX Rifle.
- 88 23. SKS capable of accepting a detachable magazine.
- 89 24. SLG 95.
- 90 25. SLR 95 and 96.
- 91 26. Spectre Auto Carbine.
- 92 27. Springfield Armory BM59, SAR-48, and G-3.
- 93 28. Sterling MK-6 and MK-7.
- 94 29. Steyr AUG.
- 95 30. Sturm Ruger Mini-14 with folding stock.
- 96 31. TNW M230 and M2HB.
- 97 32. Thompson types, including Thompson T5.
- 98 33. UZI, Galil and UZI Sporter, Galil Sporter, Galil
- 99 Sniper Rifle (Galatz), and Vector Arms UZI.
- 100 34. Weaver Arms Nighthawk.
- 101 b. All of the following handguns, copies, duplicates,
- 102 or altered facsimiles with the capability of any weapon
- 103 thereof:
- 104 1. AK-47 pistol and Mini AK-47 pistol.
- 105 2. AR-15 pistol.
- 106 3. Australian Automatic Arms SAP pistol.
- 107 4. Bushmaster Auto Pistol.
- 108 5. Calico Liberty series pistols.
- 109 6. Encom MK-IV, MP-9, and MP-45.
- 110 7. Feather AT-9 and Mini-AT.
- 111 8. Goncz High Tech Long pistol.
- 112 9. Holmes MP-83.



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- 113 10. Iver Johnson Enforcer.
- 114 11. MAC-10 and MAC-11, Masterpiece Arms MPA pistol
115 series, and Velocity Arms VMA series.
- 116 12. Intratec TEC-9, TEC-DC9, TEC-22 Scorpion, and
117 AB-10.
- 118 13. UZI pistol and Micro-UZI pistol.
- 119 14. Colefire Magnum.
- 120 15. Scarab Skorpion.
- 121 16. Spectre Auto pistol.
- 122 17. German Sport 522 PK.
- 123 18. Chiappa Firearms Mfour-22.
- 124 19. DSA SA58 PKP FAL.
- 125 20. I.O. Inc. PPS-43C.
- 126 21. Kel-Tec PLR-16 pistol.
- 127 22. Sig Sauer P556 pistol.
- 128 23. Thompson TA5 series pistols.
- 129 24. Wilkinson "Linda" pistol.
- 130 c. All of the following shotguns, copies, duplicates,
131 or altered facsimiles with the capability of any weapon
132 thereof:
- 133 1. Armscor 30 BG.
- 134 2. Franchi SPAS-12 and Law-12.
- 135 3. Remington TAC-2 and TACB3 FS.
- 136 4. SPAS 12 and LAW 12.
- 137 5. Striker 12.
- 138 6. Streetsweeper.
- 139 7. Saiga.
- 140 8. USAS-12.



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141 9. Kel-tec KSG.

142 d. A part or combination of parts that convert a
143 firearm into an assault weapon or any combination of parts
144 from which an assault weapon may be assembled if those parts
145 are in the possession or under the control of the same person.

146 e. Any semiautomatic firearm not listed in paragraphs
147 a. to d., inclusive, that meets the following criteria:

148 1. A semiautomatic rifle that has the ability to accept
149 a detachable magazine and has one or more of the following:

150 (i) A folding or telescoping stock.

151 (ii) A pistol grip that protrudes conspicuously beneath
152 the action of the weapon or any feature functioning as a
153 protruding grip that can be held by the non-trigger hand or a
154 thumbhole stock.

155 (iii) A bayonet mount.

156 (iv) A flash suppressor or threaded barrel designed to
157 accommodate a flash suppressor.

158 (v) A grenade launcher.

159 (vi) A shroud attached to the barrel that partially or
160 completely encircles the barrel allowing the bearer to hold
161 the firearm with the non-trigger hand without being burned,
162 but excluding a slide that encloses the barrel.

163 2. A semiautomatic pistol that has an ability to accept
164 a detachable magazine and has one or more of the following:

165 (i) The capacity to accept an ammunition magazine that
166 attaches to the pistol at any location outside of the pistol
167 grip.

168 (ii) A threaded barrel capable of accepting a barrel



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169 extender, flash suppressor, forward handgrip, or silencer.

170 (iii) A slide that encloses the barrel and that permits
171 the shooter to hold the firearm with the non-trigger hand
172 without being burned.

173 (iv) A manufactured weight of 50 ounces or more when
174 the pistol is unloaded.

175 (v) A semiautomatic version of an automatic firearm.

176 (vi) Any feature capable of functioning as a protruding
177 grip that can be held by the non-trigger hand.

178 (vii) A folding, telescoping, or thumbhole stock.

179 3. A semiautomatic shotgun that has one or more of the
180 following:

181 (i) A folding or telescoping stock.

182 (ii) A pistol grip that protrudes conspicuously beneath
183 the action of the weapon.

184 (iii) A thumbhole stock.

185 (iv) A fixed magazine capacity in excess of five
186 rounds.

187 (v) An ability to accept a detachable magazine.

188 4. Any semiautomatic pistol or centerfire or rimfire
189 rifle with a fixed magazine that has the capacity to accept
190 more than 10 rounds of ammunition.

191 5. A part or combination of parts designed or intended
192 to convert a firearm into an assault weapon or any combination
193 of parts from which an assault weapon may be assembled if
194 those parts are in the possession or under the control of the
195 same person.

196 The term does not include antique firearms, any firearm



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197 that has been made permanently inoperable, or any firearm that
198 is manually operated by bolt, pump, lever, or slide action.

199 (3) DEALER. A person who has a federal firearm license
200 pursuant to 18 U.S.C. § 923.

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

203 (5) LARGE-CAPACITY MAGAZINE. Any ammunition feeding
204 device with the capacity to accept more than seven rounds, or
205 any conversion kit, part, or combination of parts from which
206 such a device can be assembled if those parts are in the
207 possession or under the control of the same person, but does
208 not include any of the following:

209 a. A feeding device that has been permanently altered
210 so that it cannot accommodate more than seven rounds.

211 b. A .22 caliber tube ammunition feeding device.

212 c. A tubular magazine that is contained in a
213 lever-action firearm.

214 (6) MAGAZINE. Any ammunition feeding device.

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

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

219 (9) RIFLE. Any weapon designed or redesigned, made or
220 remade, and intended to be fired from the shoulder and
221 designed or redesigned and made or remade to use the energy of
222 the explosive in a fixed metallic cartridge to fire only a
223 single projectile through a rifled bore for each pull of the
224 trigger.



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225 (10) SALE or SELL. The actual approval of the delivery
226 of a firearm in consideration of payment or promise of
227 payment.

228 (11) SHOTGUN. A weapon designed or redesigned, made or
229 remade, and intended to be fired from the shoulder and
230 designed or redesigned and made or remade to use the energy of
231 the explosive in a fixed shotgun shell to fire through a
232 smooth bore either a number of ball shot or a single
233 projectile for each single pull of the trigger.

234 (12) TRANSFER. The intended delivery of a firearm to
235 another person without consideration of payment or promise of
236 payment, including gifts and loan.

237 Section 2. (a) Notwithstanding the provisions of
238 Article 3, Chapter 11 of Title 13A, Code of Alabama 1975, a
239 person commits the crime of unlawful sale or transfer of an
240 assault weapon or large-capacity magazine if he or she
241 knowingly sells or transfers an assault weapon or
242 large-capacity magazine.

243 (b) The crime of unlawful sale or transfer of an
244 assault weapon or large-capacity magazine is a Class B felony.
245 The crime of unlawful sale or transfer of an assault weapon or
246 large-capacity magazine to a person under 18 years of age
247 shall be a Class A felony.

248 (c) This section shall not apply to:

249 (1) The sale of an assault weapon or large-capacity
250 magazine to a law enforcement agency, the Department of
251 Corrections, or the military or naval forces of this state or
252 of the United States for use in the discharge of their



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253 official duties.

254 (2) A person who is the executor or administrator of an
255 estate that includes an assault weapon or large-capacity
256 magazine which has been registered pursuant to this act or
257 which is disposed of as authorized by the probate court, if
258 the disposition is otherwise permitted under this section.

259 (3) The transfer by bequest or intestate succession of
260 an assault weapon or large-capacity magazine which has been
261 registered pursuant to this act.

262 Section 3. (a) Notwithstanding the provisions of
263 Article 3, Chapter 11 of Title 13A, Code of Alabama 1975, a
264 person commits the crime of unlawful possession of an assault
265 weapon or large-capacity magazine if he or she knowingly
266 possesses an assault weapon or large-capacity magazine.

267 (b) The crime of unlawful possession of an assault
268 weapon is a Class C felony.

269 (c) This section shall not apply to:

270 (1) The possession of an assault weapon or
271 large-capacity magazine by members or employees of a law
272 enforcement agency, the Department of Corrections, or the
273 military or naval forces of this state or of the United States
274 for use in the discharge of their official duties; nor does
275 this section prohibit the possession or use of assault weapons
276 or large-capacity magazines by sworn members of these agencies
277 when on duty and the use is within the scope of their duties.

278 (2) The possession of an assault weapon or
279 large-capacity magazine by any person prior to the effective
280 date of this act, if all of the following are applicable:



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281 a. The person registers the assault weapon or
282 large-capacity magazine by January 1, 2024, as provided in
283 Section 4.

284 b. The person lawfully possessed the assault weapon or
285 large-capacity ammunition magazine prior to the effective date
286 of this act.

287 c. The person is otherwise in compliance with this
288 section and the applicable requirements of this chapter for
289 possession of a firearm.

290 (3) A person who is the executor or administrator of an
291 estate that includes an assault weapon or large-capacity
292 magazine which has been registered pursuant to this act or as
293 authorized by the probate court.

294 Section 4. (a) Any person who lawfully possesses an
295 assault weapon or large-capacity magazine prior to the
296 effective date of this act, shall apply by January 1, 2024,
297 or, if the person is a member of the military or naval forces
298 of this state or of the United States and is unable to apply
299 by January 1, 2024, because he or she is or was on official
300 duty outside of this state, shall apply within 90 days of
301 returning to the state, to the Alabama State Law Enforcement
302 Agency to register the assault weapon or large-capacity
303 magazine. The registration information shall include all of
304 the following:

305 (1) A description of the assault weapon or
306 large-capacity magazine that identifies it uniquely, including
307 all identification marks.

308 (2) The full name, address, date of birth, and



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309 fingerprints of the owner.

310 (3) Any other information the agency may deem
311 appropriate.

312 (b) The Alabama State Law Enforcement Agency shall
313 conduct a fingerprint-based state and national criminal
314 background check.

315 (c) The agency may charge a fee not to exceed fifty
316 dollars (\$50) for the registration of an assault weapon or
317 large-capacity magazine.

318 (d) The agency shall adopt rules no later than January
319 1, 2024, to establish procedures with respect to the
320 application for registration pursuant to this section.

321 (e) (1) If a person fails to register an assault weapon
322 or large-capacity magazine pursuant to this section within 90
323 days after January 1, 2024, the applicant shall arrange to
324 relinquish all assault weapons or large-capacity magazines in
325 his or her possession. An applicant who fails to make an
326 arrangement within the time specified shall be guilty of a
327 Class C felony.

328 (2) An individual may arrange in advance to relinquish
329 an assault weapon or large-capacity ammunition magazine to a
330 law enforcement agency.

331 Section 5. (a) An assault weapon or large-capacity
332 magazine possessed pursuant to this act may not be sold or
333 transferred on or after January 1, 2024, to any person within
334 this state other than to a licensed gun dealer or by a bequest
335 or intestate succession. A person who obtains an assault
336 weapon or large-capacity magazine which has been registered



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337 under this section by bequest or intestate succession shall do
338 one of the following within 90 days of obtaining possession:

339 (1) Apply to the Alabama State Law Enforcement Agency
340 to register the assault weapon or large-capacity magazine in
341 the person's name as provided in Section 4.

342 (2) Render the weapon or large-capacity magazine
343 permanently inoperable.

344 (3) Sell the weapon or large-capacity magazine to a
345 licensed gun dealer.

346 (4) Remove the weapon or large-capacity magazine from
347 this state.

348 (b) Any person who moves into this state in lawful
349 possession of an assault weapon or large-capacity magazine,
350 within 90 days, shall do one of the following:

351 (1) Apply to the Alabama State Law Enforcement Agency
352 to register the assault weapon or large-capacity magazine in
353 the person's name as provided in Section 4.

354 (2) Render the weapon or large-capacity ammunition
355 magazine permanently inoperable.

356 (3) Sell the weapon or large-capacity magazine to a
357 licensed gun dealer.

358 (4) Remove the weapon or large-capacity magazine from
359 this state.

360 (c) Subsection (b) shall not apply to a member of the
361 military or naval forces of this state or of the United States
362 who is in lawful possession of an assault weapon or
363 large-capacity magazine and has been transferred into this
364 state after the effective date of this act.



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365 Section 6. (a) A person who has registered an assault
366 weapon or large-capacity magazine pursuant to Section 4 may
367 possess it only under the following conditions:

368 (1) At that person's residence, place of business, or
369 other property owned by that person, or on property owned by
370 another person with the owner's express permission.

371 (2) While on the premises of a target range of a public
372 or private club or organization organized for the purpose of
373 practicing shooting at targets.

374 (3) While on a target range that holds a regulatory or
375 business license for the purpose of practicing shooting at
376 that target range.

377 (4) While on the premises of a licensed shooting club.

378 (5) While attending any exhibition, display, or
379 educational project which is about firearms and which is
380 sponsored by, conducted under the auspices of, or approved by
381 a law enforcement agency or a nationally or state recognized
382 entity that fosters proficiency in, or promotes education
383 about, firearms.

384 (6) While transporting the assault weapon or
385 large-capacity magazine between any of the places mentioned in
386 this subsection, or to any licensed gun dealer for servicing
387 or repair, provided the assault weapon or large-capacity
388 magazine is transported as required by this act.

389 (b) (1) No person shall carry a loaded assault weapon
390 concealed from public view or knowingly have in any motor
391 vehicle owned, operated, or occupied by him or her a loaded
392 assault weapon, or an unloaded assault weapon, unless the



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393 weapon is kept in the trunk of the vehicle or in a case or
394 other container which is inaccessible to the operator of or
395 any passenger in the vehicle.

396 (2) A violation of this subsection is a Class C felony.

397 Section 7. (a) If an owner of an assault weapon or
398 large-capacity magazine sells or transfers the weapon or
399 magazine to a licensed gun dealer, he or she, at the time of
400 delivery of the weapon, shall execute a certificate of
401 transfer and cause the certificate to be mailed or delivered
402 to the Alabama State Law Enforcement Agency. The certificate
403 shall contain all of the following:

404 (1) The date of sale or transfer.

405 (2) The name and address of the seller or transferor
406 and the licensed gun dealer and his or her Social Security
407 number or driver license number.

408 (3) The licensed gun dealer's federal firearms license
409 number.

410 (4) A description of the weapon, including the make,
411 model, serial number, and caliber of the weapon.

412 (5) Any other information the Alabama State Law
413 Enforcement Agency prescribes.

414 (b) A licensed gun dealer shall present his or her
415 driver license or Social Security card and federal firearms
416 license to a seller or transferor for inspection at the time
417 of purchase or transfer. The Alabama State Law Enforcement
418 Agency shall maintain a database of all certificates of
419 transfer and make it available for law enforcement purposes.

420 Section 8. (a) A licensed gun dealer who lawfully



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421 purchases an assault weapon or large-capacity magazine outside
422 this state for resale may transport, in accordance with the
423 requirements of Section 6, the assault weapon or
424 large-capacity magazine between dealers or out of the state.
425 Any licensed gun dealer may display the assault weapon or
426 large-capacity magazine at any gun show or sell it to a
427 resident outside this state.

428 (b) Any licensed gun dealer may transfer possession of
429 an assault weapon or large-capacity magazine received pursuant
430 to subsection (a) to a gunsmith for purposes of accomplishing
431 service or repair of the weapon. Transfers are permissible
432 only to the following persons:

433 (1) A gunsmith who is in the dealer's employ.

434 (2) A gunsmith with whom the dealer has contracted for
435 gunsmithing services, provided the gunsmith receiving the
436 assault weapon holds a dealer's license issued pursuant to 18
437 U.S.C. § 923.

438 Section 9. Nothing in this act shall be construed to
439 prohibit any person engaged in the business of manufacturing
440 assault weapons or large-capacity magazines in this state from
441 manufacturing or transporting assault weapons or
442 large-capacity magazines in this state for sale within this
443 state in accordance with this act or for sale outside this
444 state.

445 Section 10. This act shall supersede any provision of
446 Article 3, Chapter 11 of Title 13A, Code of Alabama 1975, to
447 the extent that this act conflicts with that provision.

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449 Section 11. Although this bill would have as its
450 purpose or effect the requirement of a new or increased
451 expenditure of local funds, the bill is excluded from further
452 requirements and application under Section 111.05 of the
453 Constitution of Alabama of 2022, because the bill defines a
454 new crime or amends the definition of an existing crime.

455 Section 12. This act shall become effective on the
456 first day of the third month following its passage and
457 approval by the Governor, or its otherwise becoming law.