

HB64 ENROLLED



1 UT9BDD-3
2 By Representative Bolton
3 RFD: Judiciary
4 First Read: 07-Mar-23
5 2023 Regular Session



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1 Enrolled, An Act,

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4 Relating to firearms; to amend Section 13A-11-72, Code
5 of Alabama 1975, to further provide for persons prohibited
6 from possessing a firearm; to prohibit aliens unlawfully in
7 the United States or aliens admitted under a nonimmigrant visa
8 from possessing a firearm; to provide a penalty for persons in
9 violation of this provision; to make nonsubstantive, technical
10 revisions to update the existing code language to current
11 style; and in connection therewith would have as its purpose
12 or effect the requirement of a new or increased expenditure of
13 local funds within the meaning of Section 111.05 of the
14 Constitution of Alabama of 2022.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Section 13A-11-72, Code of Alabama 1975, is
17 amended to read as follows:

18 "§13A-11-72

19 (a) (1) No person who has been convicted in this state
20 or elsewhere of committing or attempting to commit a crime of
21 violence, misdemeanor offense of domestic violence, violent
22 offense as listed in Section 12-25-32(15), anyone who is
23 subject to a valid protection order for domestic abuse, or
24 anyone of unsound mind shall own a firearm or have one in his
25 or her possession or under his or her control.

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

27 (b) (1) No person who is a minor, except under the
28 circumstances provided in this section, ~~a drug addict, or an~~



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29 habitual drunkard, or who has a drug addiction shall own a
30 pistol or have one in his or her possession or under his or
31 her control.

32 (2) A violation of this subsection is a Class A
33 misdemeanor.

34 (c) (1) No person who is an alien and is illegally or
35 unlawfully in the United States or has been admitted to the
36 United States under a nonimmigrant visa as defined in 8 U.S.C
37 § 1101(a) (26), provided no exception to the this subsection as
38 listed in 18 U.S.C § 922(y) (2) applies, shall own a pistol or
39 other firearm or have one in his or her possession or under
40 his or her control.

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

42 ~~(c)~~ (d) (1) Subject to the exceptions provided by Section
43 13A-11-74, no person shall knowingly with intent to do bodily
44 harm carry or possess a deadly weapon on the premises of a
45 public school.

46 ~~(d) (2) Possession of a deadly weapon with the intent to~~
47 ~~do bodily harm on the premises of a public school in~~ A
48 violation of this subsection ~~(c) of this section~~ is a Class C
49 felony.

50 (e) School security personnel and school resource
51 officers qualified under ~~subsection (a) of~~ Section
52 16-1-44.1 (a), employed by a local board of education, and
53 authorized by the employing local board of education to carry
54 a deadly weapon while on duty are exempt from subsection (d)
55 ~~(c) of this section~~. Law enforcement officers are exempt from
56 this section, and persons with ~~pistol~~ permits issued pursuant



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57 to Section 13A-11-75, are exempt from subsection (d) ~~-(e)-of~~
58 ~~this section.~~

59 (f) A person shall not be in violation of Section
60 13A-11-57 or 13A-11-76 and a minor shall not be in violation
61 of this section if the minor has permission to possess a
62 pistol from a parent or legal guardian who is not prohibited
63 from possessing a firearm under state or federal law, and any
64 of the following are satisfied:

65 (1) The minor is attending a hunter education course or
66 a firearms safety course under the supervision of an adult who
67 is not prohibited from possessing a firearm under state or
68 federal law.

69 (2) The minor is engaging in practice in the use of a
70 firearm or target shooting at an established range under the
71 supervision of an adult who is not prohibited from possessing
72 a firearm under state or federal law.

73 (3) The minor is engaging in an organized competition
74 involving the use of a firearm or participating in or
75 practicing for a performance by an organized group under 26
76 U.S.C. § 501(c)(3) which uses firearms as part of the
77 performance.

78 (4) The minor is hunting or fishing pursuant to a valid
79 license, if required, and the person has the license in his or
80 her possession; has written permission of the owner or legal
81 possessor of the land on which the activities are being
82 conducted; and the pistol, when loaded, is carried only in a
83 manner discernible by ordinary observation.

84 (5) The minor is on real property under the control of



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85 the minor's parent, legal guardian, or grandparent.

86 (6) The minor is a member of the armed services or
87 National Guard and the minor is acting in the line of duty.

88 (7) The minor is traveling by motor vehicle to any of
89 the locations or activities listed in subdivisions (1) through
90 (6), has written permission to possess the pistol or firearm
91 by his or her parent or legal guardian, and the pistol or
92 firearm is unloaded, locked in a compartment or container that
93 is in or affixed securely to the motor vehicle, and is out of
94 reach of the driver and any passenger in the motor vehicle.

95 (g) This section does not apply to a minor who uses a
96 pistol or other firearm while acting in self-defense of
97 himself, ~~or~~ herself, or other persons against an intruder into
98 the residence of the minor or a residence in which the minor
99 is an invited guest.

100 (h) For the purposes of this section, the following
101 terms have the following meanings:

102 ~~(h) The term "school resource officer" as used in this~~
103 ~~section~~ (6) SCHOOL RESOURCE OFFICER. ~~means an~~ An Alabama Peace
104 Officers' Standards and Training Commissioner-certified law
105 enforcement officer employed by a law enforcement agency who
106 is specifically selected and specially trained for the school
107 setting.

108 ~~(i) The term "public school" as used in this section~~
109 ~~applies only to~~ (4) PUBLIC SCHOOL. ~~a~~ A school composed of
110 grades K-12 and shall include a school bus used for grades
111 K-12.

112 ~~(j) The term "deadly weapon" as used in this section~~



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113 ~~means a~~ (2) DEADLY WEAPON. A firearm or anything manifestly
114 designed, made, or adapted for the purposes of inflicting
115 death or serious physical injury, and ~~such~~ the term includes,
116 but is not limited to, a bazooka, hand grenade, missile, or
117 explosive or incendiary device; a pistol, rifle, or shotgun;
118 or a switch-blade knife, gravity knife, stiletto, sword, or
119 dagger; or any club, baton, billy, black-jack, bludgeon, or
120 metal knuckles.

121 ~~(k) (1) The term "convicted" as used in this section~~
122 ~~requires that the~~ (1) CONVICTED. a. Means a person was
123 represented by counsel in the case, or knowingly and
124 intelligently waived the right to counsel in the case if
125 required by law, and either the case was tried before a judge,
126 tried by a jury, or the person knowingly and intelligently
127 waived the right to have the case tried, by guilty plea or
128 otherwise.

129 ~~(2) b.~~ A person ~~may~~ is not ~~be~~ considered to have been
130 convicted for the purposes of this section if the person is
131 not considered to have been convicted in the jurisdiction in
132 which the proceedings were held or the conviction has been
133 expunged, set aside, or is of an offense for which the person
134 has been pardoned or has had his or her civil rights restored,
135 unless the pardon, expungement, or restoration of civil rights
136 expressly provides that the person may not ship, transport,
137 possess, or receive firearms.

138 ~~(1) The term "misdemeanor offense of domestic violence"~~
139 ~~as used in this section means a~~ (3) MISDEMEANOR OFFENSE OF
140 DOMESTIC VIOLENCE. A misdemeanor offense that has, as its



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141 elements, the use or attempted use of physical force or the
142 threatened use of a dangerous instrument or deadly weapon, and
143 the victim is a current or former spouse, parent, child,
144 person with whom the defendant has a child in common, or a
145 present or former household member.

146 ~~(m) The term "valid protection order" as used in this~~
147 ~~section means an.~~ (8) VALID PROTECTION ORDER. An order issued
148 after a hearing of which the person received actual notice,
149 and at which the person had an opportunity to participate,
150 that does ~~any~~ either of the following:

151 ~~(1)~~ a. Restrains the person from harassing, stalking, or
152 threatening a qualified individual or child of the qualified
153 individual or person or engaging in other conduct that would
154 place a qualified individual in reasonable fear of bodily
155 injury to the individual or child and that includes a finding
156 that the person represents a credible threat to the physical
157 safety of the qualified individual or child.

158 ~~(2)~~ b. By its terms, explicitly prohibits the use,
159 attempted use, or threatened use of physical force against the
160 qualified individual or child that would reasonably be
161 expected to cause bodily injury.

162 ~~(n) The term "qualified individual" as used in~~
163 ~~subsection (m),~~ (5) QUALIFIED INDIVIDUAL. ~~As used in~~
164 ~~subdivision (6) of this subsection,~~ means a A spouse or former
165 spouse of the person, an individual who is a parent of a child
166 of the person, or an individual who cohabitates or has
167 cohabited with the person.

168 ~~(o) The term "unsound mind" as used in this section~~



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169 ~~includes~~ (7) UNSOUND MIND. Includes any person who is subject
170 to any of the findings listed below, and who has not had his
171 or her rights to possess a firearm reinstated by operation of
172 law or legal process:

173 ~~(1)~~ a. Found by a court, board, commission, or other
174 lawful authority that, as a result of marked subnormal
175 intelligence, mental illness, incompetency, condition, or
176 disease, is a danger to himself, ~~or~~ herself, or others or
177 lacks the mental capacity to contract or manage his or her own
178 affairs.

179 ~~(2)~~ b. Found to be insane, not guilty by reason of
180 mental disease or defect, found mentally incompetent to stand
181 trial, or found not guilty by a reason of lack of mental
182 responsibility by a court in a criminal case, to include
183 state, federal, and military courts.

184 ~~(3)~~ c. Involuntarily committed for a final commitment
185 for inpatient treatment to the Department of Mental Health or
186 a Veterans' Administration hospital by a court after a
187 hearing."

188 Section 2. Although this bill would have as its purpose
189 or effect the requirement of a new or increased expenditure of
190 local funds, the bill is excluded from further requirements
191 and application under Section 111.05 of the Constitution of
192 Alabama of 2022, because the bill defines a new crime or
193 amends the definition of an existing crime.

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



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 24-May-23, as amended.

John Treadwell
Clerk

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Senate	<hr/> 06-Jun-23 <hr/>	Passed
House	<hr/> 06-Jun-23 <hr/>	Concurred in Senate Amendment