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SYNOPSIS:

Under existing law, a person may not lawfully possess a firearm if the person has been convicted of a crime of violence, a misdemeanor offense of domestic violence, or a violent offense, or if the person is subject to a valid protection order for domestic abuse or is of unsound mind.

This bill would further provide for the list of persons prohibited from possessing a firearm by including persons convicted of a felony offense, persons dishonorably discharged from the Armed Forces, persons who have renounced their United States citizenship, and certain aliens unlawfully present in the United States.

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



29 require a new or increased expenditure of local funds
30 within the meaning of the amendment. However, the bill
31 does not require approval of a local governmental
32 entity or enactment by a 2/3 vote to become effective
33 because it comes within one of the specified exceptions
34 contained in the amendment.

35

36

37

A BILL

38

TO BE ENTITLED

39

AN ACT

40

41

Relating to firearms; to amend Section 13A-11-72, Code
42 of Alabama 1975, to further provide for the list of persons
43 prohibited from possessing a firearm; and in connection
44 therewith would have as its purpose or effect the requirement
45 of a new or increased expenditure of local funds within the
46 meaning of Section 111.05 of the Constitution of Alabama of
47 2022.

48

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

49

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

51

"§13A-11-72

52

(a) ~~No person who has been~~ A person may not own a
53 firearm or have a firearm in his or her possession or under
54 his or her control if any of the following apply:

55

(1) The person has been convicted in this state or
56 elsewhere of committing a felony offense, or committing or



57 attempting to commit a crime of violence, a misdemeanor
58 offense of domestic violence, or a violent offense as ~~listed~~
59 defined in Section ~~12-25-32(15)~~ 12-25-32, ~~anyone who~~.

60 (2) The person is subject to a valid protection order
61 for domestic abuse, ~~or anyone~~.

62 (3) The person is of unsound mind ~~shall own a firearm~~
63 ~~or have one in his or her possession or under his or her~~
64 ~~control~~.

65 (4) The person is a fugitive from justice as provided
66 under 8 U.S.C. § 921(a) (15).

67 (5) The person has been discharged from the Armed
68 Forces under dishonorable conditions.

69 (6) The person, having been a citizen of the United
70 States, has renounced his or her citizenship.

71 (7)a. Except as provided in paragraph b., the person is
72 an alien and is illegally or unlawfully present in the United
73 States or has been admitted to the United States under a
74 nonimmigrant visa as defined under 8 U.S.C. § 1101(a) (26).

75 b. An alien is not in violation of paragraph a. if the
76 alien has been lawfully admitted to the United States under a
77 nonimmigrant visa and any of the following apply:

78 1. The alien was admitted to the United States for
79 lawful hunting or sporting purposes or is in possession of a
80 hunting license or permit lawfully issued in the United
81 States.

82 2. The alien is an official representative of a foreign
83 government who is accredited to the United States Government
84 or the government's mission to an international organization



85 having its headquarters in the United States or is en route to
86 or from another country to which that alien is accredited.

87 3. The alien is an official of a foreign government or
88 a distinguished foreign visitor who has been so designated by
89 the Department of State.

90 4. The alien is a foreign law enforcement officer of a
91 friendly foreign government entering the United States on
92 official law enforcement business.

93 (b) No person who is a minor, except under the
94 circumstances provided in this section, a drug addict, or an
95 habitual drunkard shall own a pistol or have one in his or her
96 possession or under his or her control.

97 (c) Subject to the exceptions provided by Section
98 13A-11-74, no person shall knowingly with intent to do bodily
99 harm carry or possess a deadly weapon on the premises of a
100 public school.

101 (d) Possession of a deadly weapon with the intent to do
102 bodily harm on the premises of a public school in violation of
103 subsection (c) of this section is a Class C felony.

104 (e) School security personnel and school resource
105 officers qualified under subsection (a) of Section 16-1-44.1,
106 employed by a local board of education, and authorized by the
107 employing local board of education to carry a deadly weapon
108 while on duty are exempt from subsection (c) of this section.
109 Law enforcement officers are exempt from this section, and
110 persons with pistol permits issued pursuant to Section
111 13A-11-75, are exempt from subsection (c) of this section.

112 (f) A person shall not be in violation of Section



113 13A-11-57 or 13A-11-76 and a minor shall not be in violation
114 of this section if the minor has permission to possess a
115 pistol from a parent or legal guardian who is not prohibited
116 from possessing a firearm under state or federal law, and any
117 of the following are satisfied:

118 (1) The minor is attending a hunter education course or
119 a firearms safety course under the supervision of an adult who
120 is not prohibited from possessing a firearm under state or
121 federal law.

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

126 (3) The minor is engaging in an organized competition
127 involving the use of a firearm or participating in or
128 practicing for a performance by an organized group under 26
129 U.S.C. § 501(c) (3) which uses firearms as part of the
130 performance.

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

137 (5) The minor is on real property under the control of
138 the minor's parent, legal guardian, or grandparent.

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



141 (7) The minor is traveling by motor vehicle to any of
142 the locations or activities listed in subdivisions (1) through
143 (6), has written permission to possess the pistol by his or
144 her parent or legal guardian, and the pistol is unloaded,
145 locked in a compartment or container that is in or affixed
146 securely to the motor vehicle and is out of reach of the
147 driver and any passenger in the motor vehicle.

148 (g) This section does not apply to a minor who uses a
149 pistol while acting in self-defense of himself or herself or
150 other persons against an intruder into the residence of the
151 minor or a residence in which the minor is an invited guest.

152 (h) The term "school resource officer" as used in this
153 section means an Alabama Peace Officers' Standards and
154 Training Commissioner-certified law enforcement officer
155 employed by a law enforcement agency who is specifically
156 selected and specially trained for the school setting.

157 (i) The term "public school" as used in this section
158 applies only to a school composed of grades K-12 and shall
159 include a school bus used for grades K-12.

160 (j) The term "deadly weapon" as used in this section
161 means a firearm or anything manifestly designed, made, or
162 adapted for the purposes of inflicting death or serious
163 physical injury, and such term includes, but is not limited
164 to, a bazooka, hand grenade, missile, or explosive or
165 incendiary device; a pistol, rifle, or shotgun; or a
166 switch-blade knife, gravity knife, stiletto, sword, or dagger;
167 or any club, baton, billy, black-jack, bludgeon, or metal
168 knuckles.



169 (k) (1) The term "convicted" as used in this section
170 requires that the person was represented by counsel in the
171 case, or knowingly and intelligently waived the right to
172 counsel in the case if required by law, and either the case
173 was tried before a judge, tried by a jury, or the person
174 knowingly and intelligently waived the right to have the case
175 tried, by guilty plea or otherwise.

176 (2) A person may not be considered to have been
177 convicted for the purposes of this section if the person is
178 not considered to have been convicted in the jurisdiction in
179 which the proceedings were held or the conviction has been
180 expunged, set aside, or is of an offense for which the person
181 has been pardoned or has had civil rights restored, unless the
182 pardon, expungement, or restoration of civil rights expressly
183 provides that the person may not ship, transport, possess, or
184 receive firearms.

185 (1) The term "misdemeanor offense of domestic violence"
186 as used in this section means a misdemeanor offense that has,
187 as its elements, the use or attempted use of physical force or
188 the threatened use of a dangerous instrument or deadly weapon,
189 and the victim is a current or former spouse, parent, child,
190 person with whom the defendant has a child in common, or a
191 present or former household member.

192 (m) The term "valid protection order" as used in this
193 section means an order issued after a hearing of which the
194 person received actual notice, and at which the person had an
195 opportunity to participate, that does any of the following:

196 (1) Restrains the person from harassing, stalking, or



197 threatening a qualified individual or child of the qualified
198 individual or person or engaging in other conduct that would
199 place a qualified individual in reasonable fear of bodily
200 injury to the individual or child and that includes a finding
201 that the person represents a credible threat to the physical
202 safety of the qualified individual or child.

203 (2) By its terms, explicitly prohibits the use,
204 attempted use, or threatened use of physical force against the
205 qualified individual or child that would reasonably be
206 expected to cause bodily injury.

207 (n) The term "qualified individual" as used in
208 subsection (m), means a spouse or former spouse of the person,
209 an individual who is a parent of a child of the person, or an
210 individual who cohabitates or has cohabited with the person.

211 (o) The term "unsound mind" as used in this section
212 includes any person who is subject to any of the findings
213 listed below, and who has not had his or her rights to possess
214 a firearm reinstated by operation of law or legal process:

215 (1) Found by a court, board, commission, or other
216 lawful authority that, as a result of marked subnormal
217 intelligence, mental illness, incompetency, condition, or
218 disease, is a danger to himself or herself or others or lacks
219 the mental capacity to contract or manage his or her own
220 affairs.

221 (2) Found to be insane, not guilty by reason of mental
222 disease or defect, found mentally incompetent to stand trial,
223 or found not guilty by a reason of lack of mental
224 responsibility by a court in a criminal case, to include



225 state, federal and military courts.

226 (3) Involuntarily committed for a final commitment for
227 inpatient treatment to the Department of Mental Health or a
228 Veterans' Administration hospital by a court after a hearing."

229 Section 2. Although this bill would have as its purpose
230 or effect the requirement of a new or increased expenditure of
231 local funds, the bill is excluded from further requirements
232 and application under Section 111.05 of the Constitution of
233 Alabama of 2022, because the bill defines a new crime or
234 amends the definition of an existing crime.

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