

HB48 INTRODUCED



1 HB48
2 YTRU222-1
3 By Representative Ensler
4 RFD: Judiciary
5 First Read: 06-Feb-24
6 PFD: 12-Jan-24



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SYNOPSIS:

This bill would prohibit persons from possessing any part or combination of parts designed or intended to convert a firearm into a machine gun, with exceptions.

This bill would also provide penalties for violating this prohibition.

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 section. 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 section.



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A BILL

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TO BE ENTITLED

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AN ACT

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34 Relating to firearms; to prohibit persons from
35 possessing any part or combination of parts designed or
36 intended to convert a firearm into a machine gun; to provide
37 penalties for violations; to provide for exceptions; and in
38 connection therewith would have as its purpose or effect the
39 requirement of a new or increased expenditure of local funds
40 within the meaning of Section 111.05 of the Constitution of
41 Alabama of 2022.

42 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

43 Section 1. (a) For purposes of this section, the term
44 "machine gun" means any firearm that shoots, is designed or
45 intended to shoot, or can be readily restored to shoot more
46 than one shot automatically without manual reloading and by a
47 single function of the trigger.

48 (b) (1) No person shall knowingly own or have in his or
49 her possession, control, care, or custody any part or
50 combination of parts designed or intended to convert a firearm
51 into a machine gun.

52 (2) A first violation of this subsection is punishable
53 by the completion of not less than 100 hours of community
54 service. A second or subsequent violation of this subsection
55 is a Class C felony.

56 (c) This section does not apply to either of the



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57 following:

58 (1) A state or local law enforcement officer while
59 acting in an official capacity.

60 (2) A person who owns or has in his or her possession,
61 control, care, or custody any part or combination of parts
62 designed or intended to convert a firearm into a machine gun
63 that is lawfully owned or possessed under federal law.

64 Section 2. Although this bill would have as its purpose
65 or effect the requirement of a new or increased expenditure of
66 local funds, the bill is excluded from further requirements
67 and application under Section 111.05 of the Constitution of
68 Alabama of 2022, because the bill defines a new crime or
69 amends the definition of an existing crime.

70 Section 3. This act shall become effective on October
71 1, 2024.