

HB72 INTRODUCED



1 HB72
2 M759WHH-1
3 By Representative Givan
4 RFD: Public Safety and Homeland Security
5 First Read: 06-Feb-24
6 PFD: 30-Jan-24



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SYNOPSIS:

Under existing law, it is a crime to sell, transfer, or otherwise deliver certain firearms 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.

Also under existing law, a minor is prohibited from possessing certain firearms.

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 section. However, the bill



HB72 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 section.

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A BILL

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TO BE ENTITLED

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AN ACT

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

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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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(1) ANTIQUE FIREARM. A firearm or replica of a firearm
52 not designed or redesigned for using rim fire or conventional
53 center fire ignition with fixed ammunition and manufactured in
54 or before 1898, including any matchlock, flintlock, percussion
55 cap, or similar type of ignition system and also any firearm
56 using fixed ammunition manufactured in or before 1898, for



HB72 INTRODUCED

57 which ammunition is no longer manufactured in the United
58 States and is not readily available in the ordinary channels
59 of commercial trade.

60 (2) ASSAULT WEAPON. a. A weapon that is:

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

64 (i) A pistol grip that protrudes conspicuously beneath
65 the action of the weapon.

66 (ii) A thumbhole stock.

67 (iii) A folding or telescoping stock.

68 (iv) A second handgrip or a protruding grip that can be
69 held by the nontrigger hand.

70 (v) A flash suppressor, muzzle break, muzzle
71 compensator, or threaded barrel designed to accommodate a
72 flash suppressor, muzzle break, or muzzle compensator.

73 (vi) A grenade launcher or flare launcher.

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

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

80 (i) Any feature capable of functioning as a protruding
81 grip that can be held by the nontrigger hand.

82 (ii) A threaded barrel capable of accepting a flash
83 suppressor, forward handgrip, or silencer.

84 (iii) A shroud attached to the barrel, or that



HB72 INTRODUCED

85 partially or completely encircles the barrel, allowing the
86 bearer to hold the firearm with the nontrigger hand without
87 being burned, but excluding a slide that encloses the barrel.

88 (iv) The capacity to accept a detachable magazine at
89 any location outside of the pistol grip.

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

92 5. A semiautomatic shotgun that has all of the
93 following:

94 (i) A pistol grip that protrudes conspicuously beneath
95 the action of the weapon, thumbhole stock, or vertical
96 handgrip.

97 (ii) A folding or telescoping stock.

98 (iii) An ability to accept a detachable magazine.

99 6. A shotgun with a revolving cylinder.

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

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

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

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



HB72 INTRODUCED

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

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

119 (6) MAGAZINE. Any ammunition feeding device.

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

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

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

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

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

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



HB72 INTRODUCED

141 Section 2. (a) Notwithstanding the provisions of
142 Article 3, Chapter 11 of Title 13A, Code of Alabama 1975, a
143 person commits the crime of sale or transfer of an assault
144 weapon to any person under 18 years of age when he or she
145 sells or transfers an assault weapon to a person under 18
146 years of age. The crime of sale or transfer of an assault
147 weapon to any person under 18 years of age is a Class B
148 felony.

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

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

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

166 Section 5. This act shall become effective on October
167 1, 2024.