

1 HB570
2 151578-1
3 By Representatives Henry, Millican, Roberts, McClendon
4 and Baughn
5 RFD: Commerce and Small Business
6 First Read: 09-APR-13

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8 SYNOPSIS: This bill would consolidate certain
9 preemption language regarding the authority of
10 counties and municipalities to regulate certain
11 activity related to firearms and would provide
12 civil remedies for persons adversely affected by
13 unauthorized actions of a county or municipality
14 relating to firearm regulation.

15 This bill would provide for the possession
16 of a pistol in a motor vehicle and would provide
17 that the mere presence of a pistol in a vehicle
18 does not create a presumption that the pistol is
19 concealed.

20 This bill would establish a rebuttable
21 presumption that the carrying of a firearm under
22 certain conditions does not, in and of itself,
23 constitute the crime of disorderly conduct.

24 This bill would provide for the issuance of
25 a lifetime vehicle-only permit authorizing a person
26 to carry a pistol in a vehicle.

1 This bill would require a sheriff to issue
2 or deny a concealed pistol permit within 30 days of
3 receipt of the application and accompanying fees,
4 would specify that the license must be renewed from
5 one to five years from the date of issuance, would
6 provide for the revocation of licenses, and would
7 provide an appeals process for license denials and
8 revocations.

9 This bill would specify certain eligibility
10 requirements for the issuance of pistol permits and
11 would further provide for the permit fee.

12 This bill would provide for the issuance of
13 pistol permits to applicants who are not United
14 States citizens under certain conditions and would
15 authorize employers to restrict employees from
16 carrying concealed pistols under limited
17 circumstances.

18 This bill would require a report from the
19 National Instant Background Check System as part of
20 the investigation process relating to the issuance
21 of a concealed pistol permit.

22 This bill would authorize the Attorney
23 General to enter into reciprocal agreements with
24 other states for the mutual recognition of licenses
25 to carry pistols.

1 This bill would further provide for the
2 carrying of a pistol on certain property, with
3 certain exceptions.

4 This bill would allow employees to transport
5 or store a firearm in the employee's
6 privately-owned motor vehicle under certain
7 conditions and would prohibit an employer from
8 inquiring whether the employee is transporting or
9 storing a firearm in a vehicle and would provide
10 certain remedies for employees.

11 This bill would specify that a person or
12 business entity has no duty to guard against the
13 criminal acts of a third party relating to firearm
14 use or otherwise and would specify that an employer
15 is not liable for the actions of its employees
16 outside the line and scope of employment.

17 This bill would prohibit a business entity
18 or property owner or legal possessor from
19 establishing policies against persons transporting
20 or storing a firearm or ammunition when the person
21 is otherwise in compliance with all other
22 applicable laws under certain conditions and would
23 provide certain remedies for violations.

24 Amendment 621 of the Constitution of Alabama
25 of 1901, now appearing as Section 111.05 of the
26 Official Recompilation of the Constitution of
27 Alabama of 1901, as amended, prohibits a general

1 law whose purpose or effect would be to require a
2 new or increased expenditure of local funds from
3 becoming effective with regard to a local
4 governmental entity without enactment by a 2/3 vote
5 unless: it comes within one of a number of
6 specified exceptions; it is approved by the
7 affected entity; or the Legislature appropriates
8 funds, or provides a local source of revenue, to
9 the entity for the purpose.

10 The purpose or effect of this bill would be
11 to require a new or increased expenditure of local
12 funds within the meaning of the amendment. However,
13 the bill does not require approval of a local
14 governmental entity or enactment by a 2/3 vote to
15 become effective because it comes within one of the
16 specified exceptions contained in the amendment.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

21
22 Relating to firearms; to amend Section 11-80-11,
23 Code of Alabama 1975, to consolidate certain preemption
24 language regarding the authority of counties and
25 municipalities to regulate certain activity related to
26 firearms; to provide civil remedies to persons adversely
27 affected by unauthorized action of a county or municipality

1 relating to firearm regulation; to amend Section 13A-11-7,
2 Code of Alabama 1975, to establish a rebuttable presumption
3 that the carrying of a firearm under certain conditions does
4 not constitute the crime of disorderly conduct; to amend
5 Section 13A-11-59, Code of Alabama 1975, to clarify the
6 prohibition of carrying a firearm while attending a
7 demonstration at a public place; to amend Section 13A-11-73,
8 Code of Alabama 1975, to further provide for the possession of
9 a pistol in a motor vehicle; to provide that the mere presence
10 of a pistol in a vehicle does not create a presumption that
11 the pistol is concealed; to amend Section 13A-11-75, Code of
12 Alabama 1975, to provide for the issuance of a lifetime
13 vehicle-only permit authorizing a person to carry a pistol in
14 a vehicle; to require a sheriff to issue a lifetime
15 vehicle-only permit and concealed pistol permit within a
16 certain time frame; to increase the renewal period; to provide
17 certain eligibility requirements for the issuance of permits;
18 to provide for the revocation of a permit; to provide an
19 appeals process for denials and revocations of permits; to
20 further provide for the permit fee; to provide for the
21 issuance of permits to applicants who are not United States
22 citizens under certain conditions; to require a report from
23 the National Instant Background Check System as part of the
24 investigation process relating to the issuance of a concealed
25 pistol permit; to amend Section 13A-11-85, Code of Alabama
26 1975, to authorize the Attorney General to enter into
27 reciprocal agreements with other states for the mutual

1 recognition of licenses to carry pistols; to amend Section
2 40-12-143, Code of Alabama 1975, relating to the levy of
3 business license taxes on persons participating in gun shows;
4 to allow employees to transport or store a firearm in the
5 employee's privately-owned motor vehicle under certain
6 conditions; to prohibit an employer from inquiring whether the
7 employee is transporting or storing a firearm in a private
8 vehicle; to prohibit a business entity or property owner or
9 legal possessor from establishing policies against persons
10 transporting or storing a firearm or ammunition when the
11 person is otherwise in compliance with all other applicable
12 laws under certain conditions; to further provide for the
13 carrying of pistols on private and public property; to provide
14 a list of prohibited places where a person may not knowingly
15 possess a firearm without permission; to specify that a person
16 or business entity has no duty to guard against the criminal
17 acts of a third party; to provide that an employer is not
18 liable for the actions of its employees outside the line and
19 scope of employment; to repeal Section 11-45-1.1, Code of
20 Alabama 1975, relating to the authority of a municipality to
21 enact ordinances relating to handguns, Section 13A-11-52, Code
22 of Alabama 1975, relating to the carrying of a pistol on the
23 property of another; and in connection therewith would have as
24 its purpose or effect the requirement of a new or increased
25 expenditure of local funds within the meaning of Amendment 621
26 of the Constitution of Alabama of 1901, now appearing as

1 Section 111.05 of the Official ReCompilation of the
2 Constitution of Alabama of 1901, as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 11-80-11, Code of Alabama 1975,
5 is amended to read as follows:

6 "§11-80-11.

7 ~~"(a) No county or municipal corporation,~~
8 ~~instrumentality, or political subdivision thereof, by~~
9 ~~ordinance, resolution, or other enactment, shall regulate in~~
10 ~~any manner gun shows, the possession, ownership, transport,~~
11 ~~carrying, transfer, sale, purchase, licensing, registration or~~
12 ~~use of firearms, ammunition, components of firearms, firearms~~
13 ~~dealers, or dealers in firearm components.~~

14 ~~"(b) (1) Subsection (a) does not affect the authority~~
15 ~~a municipality has under law to regulate the discharge of~~
16 ~~firearms within the limits of the municipality or the~~
17 ~~authority a county has under law enacted prior to August 1,~~
18 ~~2000, to regulate the discharge of firearms within the~~
19 ~~jurisdiction of the county.~~

20 ~~"(2) Subsection (a) does not affect the authority of~~
21 ~~the state, a county, or a municipality to assess, enforce, and~~
22 ~~collect sales taxes, use taxes, and gross receipts taxes in~~
23 ~~the nature of sales taxes as defined by Section 40-2A-3(8), on~~
24 ~~the retail sale of firearms and ammunition or to assess,~~
25 ~~enforce, and collect business licenses from firearms or~~
26 ~~ammunition manufacturers, trade associations, distributors, or~~
27 ~~dealers for the privilege of engaging in business.~~

1 ~~"Further, nothing herein shall exempt any business~~
2 ~~which uses firearms or ammunition in the conduct of its~~
3 ~~business or any business which leases or sells firearms or~~
4 ~~ammunition from the provisions of county and municipal~~
5 ~~planning and zoning laws, as long as the code, ordinance, or~~
6 ~~regulations are not used to circumvent the intent of~~
7 ~~subsection (a).~~

8 ~~"This section shall not be construed to limit or~~
9 ~~restrict the power of a municipality to adopt or enforce~~
10 ~~ordinances which make the violation of a state firearm law a~~
11 ~~violation of a municipal ordinance to the same extent as other~~
12 ~~state law violations.~~

13 ~~"(c) The authority to bring or settle any lawsuit in~~
14 ~~which the state has an exclusive interest or right to recover~~
15 ~~against any firearm or ammunition manufacturer, trade~~
16 ~~association, or dealer, and the authority to bring or settle~~
17 ~~any lawsuit on behalf of any governmental unit created by or~~
18 ~~pursuant to an act of the Legislature or the Constitution of~~
19 ~~Alabama of 1901, or any department, agency, or authority~~
20 ~~thereof, for damages, abatement, injunctive relief, or other~~
21 ~~equitable relief resulting from or relating to the design,~~
22 ~~manufacture, marketing, or lawful sale of firearms or~~
23 ~~ammunition, or both, shall be reserved exclusively to the~~
24 ~~Attorney General, by and with the consent of the Governor.~~
25 ~~This section shall not prohibit a county or municipal~~
26 ~~corporation from bringing an action against a firearms or~~
27 ~~ammunition manufacturer or dealer for breach of contract or~~

1 warranty as to firearms or ammunition purchased by the
2 political subdivision or local governmental authority."

3 Section 2. Sections 13A-11-7, 13A-11-59, 13A-11-73,
4 13A-11-75, and 13A-11-85, Code of Alabama 1975, are amended to
5 read as follows:

6 "§13A-11-7.

7 "(a) A person commits the crime of disorderly
8 conduct if, with intent to cause public inconvenience,
9 annoyance or alarm, or recklessly creating a risk thereof, he
10 or she does any of the following:

11 "(1) Engages in fighting or in violent tumultuous or
12 threatening behavior;~~or.~~

13 "(2) Makes unreasonable noise;~~or.~~

14 "(3) In a public place uses abusive or obscene
15 language or makes an obscene gesture;~~or.~~

16 "(4) Without lawful authority, disturbs any lawful
17 assembly or meeting of persons;~~or.~~

18 "(5) Obstructs vehicular or pedestrian traffic, or a
19 transportation facility;~~or.~~

20 "(6) Congregates with other person in a public place
21 and refuses to comply with a lawful order of ~~the police~~ law
22 enforcement to disperse.

23 "(b) Disorderly conduct is a Class C misdemeanor.

24 "(c) It shall be a rebuttable presumption that the
25 mere carrying of a visible, holstered firearm in a public
26 place, in and of itself, is not a violation of this section.

27 "§13A-11-59.

1 "(a) For the purposes of this section, the following
2 words and phrases shall have the meanings respectively
3 ascribed to them in this subsection, except in those instances
4 where the context clearly indicates a different meaning:

5 "(1) DEMONSTRATION. Demonstrating, picketing,
6 speechmaking or marching, holding of vigils and all other like
7 forms of conduct for which a permit has been issued and which
8 involve the communication or expression of views or grievances
9 engaged in by ~~one~~ ten or more persons, the conduct of which
10 has the effect, intent or propensity to draw a crowd or
11 onlookers. Such term shall not include casual use of property
12 by visitors or tourists which does not have an intent or
13 propensity to attract a crowd or onlookers.

14 "(2) FIREARM. Any pistol, rifle, shotgun or firearm
15 of any kind, whether loaded or not.

16 "(3) LAW ENFORCEMENT OFFICER. Any duly appointed and
17 acting federal, state, county or municipal law enforcement
18 officer, peace officer or investigating officer, or any
19 military or militia personnel called out or directed by
20 constituted authority to keep the law and order, and any park
21 ranger while acting as such on the grounds of a public park
22 and who is on regular duty and present to actively police and
23 control the demonstration, and who is assigned this duty by
24 his department or agency. Such term does not include a peace
25 officer on strike or a peace officer not on duty.

26 "(4) PUBLIC PLACE. Any place to which the general
27 public has access and a right to resort for business,

1 entertainment or other lawful purpose, but does not
2 necessarily mean a place devoted solely to the uses of the
3 public. Such term shall include the front or immediate area or
4 parking lot of any store, shop, restaurant, tavern, shopping
5 center or other place of business. Such term shall also
6 include any public building, the grounds of any public
7 building, or within the curtilage of any public building, or
8 in any public parking lot, public street, right-of-way,
9 sidewalk right-of-way, or within any public park or other
10 public grounds.

11 "(b) It shall be unlawful for any person, other than
12 a law enforcement officer, to have in his or her possession or
13 on his or her person or in any vehicle any firearm while
14 participating in or attending any demonstration being held at
15 a public place.

16 "(c) It shall be unlawful for any person, other than
17 a law enforcement officer as defined in subsection (a) of this
18 section, to have in his or her possession or about his or her
19 person or in any vehicle at a point within 1,000 feet of a
20 demonstration at a public place, any firearm after having
21 first been advised by a law enforcement officer that a
22 demonstration was taking place at a public place and after
23 having been ordered by such officer to remove himself or
24 herself from the prescribed area until such time as he or she
25 no longer was in possession of any firearm. This subsection
26 shall not apply to any person in possession of or having on

1 his or her person any firearm within a private dwelling or
2 other private building or structure.

3 "(d) Any person violating any of the provisions of
4 this section shall be guilty of a Class C misdemeanor ~~and~~
5 ~~shall be punished as provided by law.~~

6 "§13A-11-73.

7 ~~"No Except on land under his or her control or in~~
8 ~~his or her own abode or fixed place of business, no person~~
9 ~~shall carry a pistol in any vehicle or concealed on or about~~
10 ~~his or her person except on his land, in his own abode or~~
11 ~~fixed place of business, without a license therefor as~~
12 ~~hereinafter provided issued under subdivision Section~~
13 ~~13A-11-75(a) (1) or (2). The mere presence of a pistol in a~~
14 ~~motor vehicle does not create a presumption that the pistol is~~
15 ~~concealed.~~

16 "§13A-11-75.

17 "(a) (1)a. The sheriff of a county, upon the
18 application of any person residing in that county, ~~may~~ within
19 30 days from receipt of a complete application and
20 accompanying fee, shall issue or renew a ~~qualified or~~
21 unlimited license to ~~for~~ such person to carry a pistol in a
22 vehicle or concealed on or about his or her person within this
23 state for ~~not more than one year~~ one to five year increments,
24 as requested by the person seeking the license, from date of
25 issue, ~~if it appears that the applicant has good reason to~~
26 fear injury to his or her person or property or has any other
27 proper reason for carrying a pistol, and that he or she is a

1 suitable person to be so licensed. unless the sheriff
2 determines, based upon reasonable suspicion, that there is a
3 credible risk that the person will use a weapon unlawfully or
4 in such other manner that would endanger the person's self or
5 others. The sheriff may consider whether the applicant:

6 "1. Was found guilty but mentally ill in a criminal
7 case.

8 "2. Was found not guilty in a criminal case by
9 reason of insanity or mental disease or defect.

10 "3. Was declared incompetent to stand trial in a
11 criminal case.

12 "4. Was found not guilty only by reason of lack of
13 mental responsibility under the Uniform Code of Military
14 Justice.

15 "5. Required involuntary inpatient treatment in a
16 psychiatric hospital.

17 "6. Required involuntary outpatient treatment in a
18 psychiatric hospital based on a finding that the person is an
19 imminent danger to himself or herself or to others.

20 "7. Required involuntary commitment to a psychiatric
21 hospital for any reason, including drug use.

22 "8. Is prohibited from the possession of a pistol or
23 firearm pursuant to state or federal law.

24 "9. Falsified any portion of the license
25 application.

26 "10. Caused legitimate concern for public safety.

1 "b. The sheriff shall take into account how recent
2 any consideration under paragraph a. is in relation to the
3 date of the application. The sheriff shall provide a written
4 statement of the reasons for a denial of a license and the
5 evidence upon which it is based must be disclosed to the
6 applicant, unless disclosure would interfere with a criminal
7 investigation or the person is otherwise prohibited under the
8 laws of this state or the United States from possessing or
9 receiving a firearm.

10 "c.1. Except as provided in subparagraph 2., a
11 license issued under this subdivision shall cover a person who
12 has the express authorization of the licensee to, for a
13 limited purpose, drive a motor vehicle owned, rented, or
14 leased by the licensee, provided that the following conditions
15 are satisfied:

16 "(i) The person does not have a felony conviction.

17 "(ii) The person does not routinely drive the motor
18 vehicle.

19 "(iii) The person is not driving the vehicle in the
20 course of committing a felony.

21 "2. This paragraph shall not authorize a person
22 driving a motor vehicle owned, leased, or rented by a licensee
23 to carry a concealed pistol on or about his or her person
24 without a concealed pistol permit.

25 "d. Except as otherwise provided by the laws of this
26 state, a license issued under this subdivision is valid
27 throughout the state, and a sheriff may not place conditions

1 or requirements on the issuance of the license or limit its
2 scope or applicability.

3 "(2)a. The sheriff of a county, upon the application
4 of any person residing in that county, within 30 days from
5 receipt of a complete application, shall issue a lifetime
6 vehicle-only license for the person to carry a pistol in a
7 vehicle within this state unless the sheriff determines, based
8 upon reasonable suspicion, that the person is likely to use a
9 weapon unlawfully or in such other manner that would endanger
10 the person's self or others. The sheriff may consider the
11 factors contained in subparagraphs 1. through 10. of paragraph
12 (1)a. regarding the issuance of a lifetime vehicle-only
13 license.

14 "b. The sheriff shall take into account how recent
15 any consideration under paragraph a. is in relation to the
16 date of the application. The sheriff shall provide a written
17 statement of the reasons for a denial of a license and the
18 evidence upon which it is based must be disclosed to the
19 applicant, unless disclosure would interfere with a criminal
20 investigation or the person is otherwise prohibited under the
21 laws of this state or the United States from possessing or
22 receiving a firearm.

23 "c. A lifetime vehicle-only permit issued under this
24 subdivision shall be valid for the carrying of a pistol open
25 or concealed in a motor vehicle.

26 "d. A license issued under this subdivision shall
27 cover a person who has the express authorization of the

1 licensee to, for a limited purpose, drive a motor vehicle
2 owned, rented, or leased by the licensee, provided that the
3 following conditions are satisfied:

4 "1. The person does not have a felony conviction.

5 "2. The person does not routinely drive the motor
6 vehicle.

7 "(3)a. The sheriff may revoke a license issued under
8 subdivision (1) or subdivision (2) if he or she determines,
9 based upon reasonable suspicion, that the person is likely to
10 use a weapon unlawfully or in such other manner that would
11 endanger the person's self or others. The sheriff may consider
12 whether the license holder:

13 "1. Has been found guilty but mentally ill in a
14 criminal case.

15 "2. Has been found not guilty in a criminal case by
16 reason of insanity or mental disease or defect.

17 "3. Has been declared incompetent to stand trial in
18 a criminal case.

19 "4. Has been found not guilty only by reason of lack
20 of mental responsibility under the Uniform Code of Military
21 Justice.

22 "5. Has required involuntary inpatient treatment in
23 a psychiatric hospital.

24 "6. Has required involuntary outpatient treatment in
25 a psychiatric hospital based on a finding that the person is
26 an imminent danger to himself or herself or to others.

1 "7. Has required involuntary commitment to a
2 psychiatric hospital for any reason, including drug use.

3 "8. Has been prohibited from the possession of a
4 pistol or firearm pursuant to state or federal law.

5 "9. Has falsified any portion of the license
6 application.

7 "10. Has caused legitimate concern for public
8 safety.

9 "b. The sheriff shall take into account how recent
10 any consideration used is in a determination to revoke. The
11 sheriff shall provide a written statement of the reasons for
12 the revocation and the evidence upon which it is based must be
13 disclosed to the applicant, unless disclosure would interfere
14 with a criminal investigation or the person is otherwise
15 prohibited under the laws of this state or the United States
16 from possessing or receiving a firearm.

17 "(3) A person who is denied a license under
18 subdivision (1) or subdivision (2), or a person whose license
19 is revoked under subdivision (3), within 30 days of
20 notification of the denial or revocation, may appeal the
21 denial or revocation to the district court of the county where
22 the denial or revocation was issued and any required filing
23 fees for this action shall be waived for the person. Upon a
24 review of a denial under this subdivision, the sheriff shall
25 have the burden of proving by clear and convincing evidence
26 that there is a credible risk that the person would use a
27 weapon unlawfully or in such other manner as would endanger

1 the person's self or others if granted a license to carry a
2 concealed firearm under this section.

3 "(4) Within 30 days of receipt of the appeal, the
4 district court shall review the appeal and issue a final
5 determination providing the reasons for the determination.

6 "(5) If the district court issues a determination in
7 favor of a person whose permit was denied or revoked, the
8 person shall be issued a permit or the permit must be
9 reinstated and the person shall not be required to pay the
10 permit fees under subsection (b). Additionally, the person may
11 be reimbursed for any court costs and reasonable attorney's
12 fees by the sheriff of the county where the denial or
13 revocation was issued.

14 "(b) Each ~~The~~ license shall be in triplicate, in
15 form to be prescribed by the Secretary of State, and shall
16 bear the name, address, description, and signature of the
17 licensee and the reason given for desiring a license. The
18 original thereof shall be delivered to the licensee, the
19 duplicate shall, within seven days, be sent by registered or
20 certified mail to the Director of Public Safety, and the
21 triplicate shall be preserved for six years by the authority
22 issuing the same. The ~~fee for issuing such license shall be~~
23 one dollar (\$1) which sheriff may charge a fee as provided by
24 local law for the issuance of the license under subdivision
25 (1) of subsection (a). Any provision in a local law, currently
26 existing at the time of the enactment of this legislation
27 shall not be affected by this act. Any new fees shall not

1 exceed an aggregate amount of fifty dollars (\$50) for a
2 five-year period. The fee shall be paid into the county
3 treasury unless otherwise provided by local law. The sheriff
4 may not charge a fee for the issuance of a license under
5 subdivision (2) of subsection (a). Prior to issuance or
6 renewal of a license, the sheriff shall contact available
7 local, state, and federal criminal history data banks,
8 including the National Instant Criminal Background Check
9 System, to determine whether possession of a firearm by an
10 applicant would be a violation of state or federal law. The
11 sheriff may revoke a license upon proof that the licensee is
12 not a proper person to be licensed.

13 "(c) If a person who is not a United States citizen
14 applies for a license under this section, the sheriff shall
15 conduct an Immigration Alien Query through the Bureau of
16 Immigration and Customs Enforcement, or any successor agency,
17 and the application form shall require information relating to
18 the applicant's country of citizenship, place of birth, and
19 any alien or admission number issued by the Bureau of
20 Immigration and Customs Enforcement, or any successor agency.
21 The sheriff shall review the results of these inquiries before
22 making a determination of whether to issue a license or
23 renewal license. A person who is unlawfully present in this
24 state may not be issued a license to carry a pistol in a motor
25 vehicle or a pistol that is concealed.

26 "(b)(d) The name, address, and signature collected
27 from an applicant or licensee under this section shall be kept

1 confidential, shall be exempt from disclosure under Section
2 36-12-40, and may only be used for law enforcement purposes
3 except when a current licensee is charged in any state with a
4 felony involving the use of a pistol. All other information on
5 licenses under this section, including information concerning
6 the annual number of applicants, number of licenses issued,
7 number of licenses denied or revoked, revenue from issuance of
8 licenses, and any other fiscal or statistical data otherwise,
9 shall remain public writings subject to public disclosure.
10 Except as provided above, the sheriff of a county shall redact
11 the name, address, signature, and photograph of an applicant
12 before releasing a copy of a license for a non-law enforcement
13 purpose. The sheriff may charge one dollar (\$1) per copy of
14 any redacted license record requested other than when
15 requested for law enforcement purposes. To knowingly publish
16 or release to the public in any form any information or
17 records related to the licensing process, or the current
18 validity of any license, except as authorized in this
19 subsection or in response to a court order or subpoena, is a
20 Class A misdemeanor.

21 "(e) A concealed pistol permit license issued under
22 this section shall be valid for the carrying of a pistol in a
23 motor vehicle or concealed on the licensee's person throughout
24 the state, unless prohibited by this section.

25 "(f) This section shall not be construed to limit or
26 place any conditions upon a person's right to carry a pistol
27 that is not in a motor vehicle or not concealed.

1 "§13A-11-85.

2 "(a) A person licensed to carry a handgun in any
3 state ~~whose laws recognize and give effect in that state to a~~
4 ~~license issued under the laws of the State of Alabama~~ shall be
5 authorized to carry a handgun in this state. This section
6 shall apply to a ~~licenseholder~~ license holder from another
7 state only while the ~~licenseholder~~ license holder is not a
8 resident of this state. A ~~licenseholder~~ license holder from
9 another state shall carry the handgun in compliance with the
10 laws of this state.

11 "(b) The Attorney General is authorized to enter
12 into reciprocal agreements with other states for the mutual
13 recognition of licenses to carry handguns and shall
14 periodically publish a list of states which ~~meet the~~
15 ~~requirements of subsection (a)~~ recognize licenses issued
16 pursuant to Section 13A-11-75."

17 Section 3. Section 40-12-143, Code of Alabama 1975,
18 is amended to read as follows:

19 "§40-12-143.

20 "Persons dealing in pistols, revolvers, maxim
21 silencers, bowie knives, dirk knives, brass knucks or knucks
22 of like kind, whether principal stock in trade or not shall
23 pay the following license tax: in cities and towns of 35,000
24 inhabitants and over, \$150; and in all other places, \$100. The
25 required license amounts shall be paid for each place of
26 business from which sales of such items are made. In addition
27 to any other required licenses, a person may organize and

1 conduct a gun and knife show of no more than seven days, by
2 paying the maximum license tax prescribed in this section, as
3 well as the maximum license taxes provided in Sections
4 40-12-158 and 40-12-174(d), for each such show. Participants
5 shall not be required to pay the license taxes provided in
6 this section, nor in Section 40-12-158 or 40-12-174 for
7 participating in such shows, provided the organizer has paid
8 the license taxes prescribed in this section prior to the
9 commencement of the event. It shall be the duty of the
10 organizer of such show to determine if each participant is
11 licensed under the sales tax laws of this state as well as the
12 particular county and municipality in which the show is
13 conducted. The organizer shall be responsible for providing a
14 list of participants to the county and municipality in which
15 the gun show is held and for collecting and remitting all
16 state and local sales taxes for any participant not licensed
17 under state or local sales tax laws. In the event the
18 organizer does not pay the license taxes prescribed in this
19 section, prior to the commencement of the event, each
20 participant shall be responsible for his or her applicable
21 licenses. The organizer and all participants shall abide by
22 applicable federal, state, and local laws and regulations. All
23 persons dealing in pistols, revolvers, and maxim silencers
24 shall be required to keep a permanent record of the sale of
25 every pistol, revolver, or maxim silencer, showing the date of
26 sale, serial number, or other identification marks,
27 manufacturer's name, caliber and type, and also the name and

1 address of the purchaser, ~~which record~~. The organizer of the
2 show shall be responsible for keeping and maintaining such
3 records for any sales made at the show by any participant who,
4 for any reason, is not otherwise required to keep the records.
5 The records shall always be open for inspection by any peace
6 officer of the State of Alabama or any municipality thereof.
7 The failure to keep such record shall subject such person to
8 having his or her license revoked by the probate judge of the
9 county where such license was issued on motion of any district
10 attorney of the State of Alabama."

11 Section 4. (a) (1) Except as provided in subdivision
12 (2), a public or private employer may restrict or prohibit its
13 employees, including those with a license issued or recognized
14 under Section 13A-11-75, Code of Alabama 1975, from carrying
15 firearms while on the employer's property or while engaged in
16 the duties of the person's employment.

17 (2) A public or private employer may not restrict or
18 prohibit the transportation or storage of a lawfully possessed
19 firearm or ammunition in an employee's privately owned motor
20 vehicle while parked or operated in a public or private
21 parking area if the employee satisfies all of the following:

22 a. The motor vehicle is operated or parked in a
23 location where it is otherwise permitted to be.

24 b. The firearm is either of the following:

25 1. In a motor vehicle attended by the employee, kept
26 from ordinary observation with the person's motor vehicle.

1 2. In a motor vehicle unattended by the employee,
2 kept from ordinary observation and locked within the trunk,
3 glove box, or interior of the person's privately owned motor
4 vehicle or a container securely affixed to the motor vehicle.

5 (b) A public or private employer may not inquire or
6 require an employee to disclose whether an employee is
7 transporting a firearm or has stored a firearm in his or her
8 private motor vehicle.

9 (c) If an employer discovers by other means that an
10 employee is transporting or storing a firearm in his or her
11 private motor vehicle, the employer may not take any adverse
12 employment action against the employee if the employee has
13 complied with the requirements in subdivision (2) of
14 subsection (a).

15 (d) Nothing in this section shall prohibit an
16 employer from reporting to law enforcement a complaint based
17 upon information and belief that there is credible evidence of
18 any of the following:

19 (1) That the employee's motor vehicle contains:

20 a. A firearm prohibited by state or federal law.

21 b. Stolen property or a prohibited or illegal item
22 other than a firearm.

23 (2) A threat made by an employee to cause bodily
24 harm to themselves or others.

25 (e) If law enforcement officers, pursuant to a valid
26 search warrant or valid warrantless search based upon probable
27 cause, exigent circumstances, or other lawful exception to the

1 search warrant requirement, discover a firearm prohibited by
2 state or federal law, stolen property, or a prohibited or
3 illegal item other than a firearm, the employer may take
4 adverse employment action against the employee.

5 (f) However, if the employee has fully complied with
6 the requirements of subdivision (2) of subsection (a) and does
7 not possess a firearm prohibited by state or federal law, that
8 employee is entitled to recovery as specified in this
9 subsection for any adverse employment action against the
10 employee. If demand for the recovery has not been satisfied
11 within 45 calendar days, the employee may file a civil action
12 in the appropriate court of this state against the public or
13 private employer and is entitled to seek an award of all of
14 the following:

15 (1) Compensation, if applicable, for lost wages or
16 benefits.

17 (2) Compensation, if applicable, for other lost
18 remuneration caused by the termination, demotion, or other
19 adverse action.

20 (g) Prohibitions regarding the carrying of a firearm
21 under this section shall not apply to law enforcement officers
22 engaged in the lawful execution of their official duties.

23 (h) Nothing in this section shall be construed to
24 authorize the transportation, carrying, storing, or possession
25 of a firearm or ammunition where prohibited by federal law.

26 Section 5. (a) For the purposes of this section,
27 "business entity" means any person or group of persons

1 performing or engaging in any activity, enterprise,
2 profession, or occupation for gain, benefit, advantage, or
3 livelihood, whether for profit or not for profit.

4 (b) A business entity has no duty to guard against
5 the criminal acts of a third party, whether involving the
6 third party's use of a firearm or otherwise.

7 (c) A business entity is not legally liable for the
8 actions of its employees when those actions are outside the
9 line and scope of employment. If an employee fails to comply
10 with the requirements of subdivision (2) of subsection (a) of
11 Section 3, the employee is not acting within the line and
12 scope of employment.

13 (d) Nothing in this act is intended to expand or
14 limit the rights an employer or employee currently has under
15 Section 25-5-1 et seq., Code of Alabama 1975.

16 Section 6. (a) A person who owns or controls
17 property that is open to the public may restrict or prohibit
18 as trespassers those who possess or carry a pistol, including
19 those persons with a license issued or recognized under
20 Section 13A-11-75, Code of Alabama 1975, while on the property
21 provided that notice of the prohibition is prominently posted
22 at any public entrance to the property. If a person disregards
23 the notice and carries a pistol on the property, the person
24 who owns or controls the property may in the presence of a law
25 enforcement agent verbally request that the person carrying
26 the pistol leave the property. If the person continues to
27 remain on the property after the verbal request, the person

1 who owns or controls the property may request the law
2 enforcement agent to remove the person from the property as a
3 trespasser under existing law. A person who disregards a
4 posted notice shall be solely responsible for any injury,
5 damage, or death occurring as a result of any actions
6 regarding the presence or use of his or her pistol.

7 (b) In addition to any other place limited or
8 prohibited by state or federal law, a person, including a
9 person with a license issued under Section 13A-11-75, Code of
10 Alabama 1975, may not knowingly possess or carry a firearm in
11 any of the following places without the express permission of
12 a person or entity with authority over the premises:

13 (1) Inside the building of a police, sheriff, or
14 highway patrol station.

15 (2) Inside or on the premises of a prison, jail,
16 halfway house, or other detention facility for those who have
17 been charged with or convicted of a criminal or juvenile
18 offense.

19 (3) Inside or on the premises of a facility which
20 provides inpatient or custodial care of those with
21 psychiatric, mental, or emotional disorders.

22 (4) Inside the building of a courthouse or a
23 courthouse annex.

24 (5) Inside any facility hosting an athletic event
25 not related to or involving firearms which is sponsored by a
26 private or public elementary or secondary school or any
27 private or public institution of postsecondary education.

1 (6) Inside any facility hosting a professional
2 athletic event not related to or involving firearms.

3 (7) Inside any building or facility to which access
4 of unauthorized persons and prohibited articles is limited
5 during normal hours of operation by the continuous posting of
6 guards and the use of other security features, including, but
7 not limited to, magnetometers, key cards, biometric screening
8 devices, or turnstiles or other physical barriers, provided
9 that this shall not prohibit any person from possession of a
10 firearm within the person's residence or during ingress or
11 egress thereto.

12 (c) A violation of subsection (a) is a Class C
13 misdemeanor, and in the event of a conviction of a person
14 licensed under Section 13A-11-75, Code of Alabama 1975, the
15 license may be suspended for 90 days.

16 (d) This section shall not prohibit any person from
17 possessing a firearm within the person's residence or during
18 ingress or egress thereto.

19 (e) Prohibitions regarding the carrying of a firearm
20 under this section shall not apply to law enforcement officers
21 engaged in the lawful execution of their official duties.

22 (f) Nothing in this section shall be construed to
23 authorize the carrying or possession of a firearm where
24 prohibited by federal law.

25 (g) A business entity or owner, manager, or legal
26 possessor of real property may not establish, maintain, or
27 enforce a policy or rule that prohibits or has the effect of

1 prohibiting a person's transportation or storage of a firearm
2 or ammunition when the following conditions are satisfied:

3 (1) The firearm or ammunition is either of the
4 following:

5 a. Kept from ordinary observation within the
6 person's attended privately owned motor vehicle.

7 b. Kept from ordinary observation and locked within
8 the trunk, glove box, or interior of the person's privately
9 owned motor vehicle or a container securely affixed to the
10 motor vehicle.

11 (2) The motor vehicle is operated or parked in a
12 location where it is otherwise permitted to be.

13 (h) (1) A person who is denied the opportunity to
14 transport or store a firearm or ammunition by a policy or rule
15 prohibited in subsection (g) may file a civil action in the
16 appropriate court to enjoin any business entity or owner,
17 manager, or legal possessor of real property from violating
18 subsection (g).

19 (2) In any action brought under this subsection,
20 court costs and attorney's fees shall be awarded to a
21 prevailing plaintiff.

22 (i) Subsection (g) shall not apply if any of the
23 following conditions are satisfied:

24 (1) The person operating the motor vehicle is any of
25 the following:

26 a. Prohibited from possessing, receiving, or
27 transporting pistols or other firearms under Section

1 13A-11-72, Code of Alabama 1975, or 18 U.S.C. § 922(g) or (n)
2 or by any court order.

3 b. In violation of Section 13A-11-50, Code of
4 Alabama 1975, relating to the concealed carrying of weapons.

5 c. In violation of Section 13A-11-54, Code of
6 Alabama 1975, relating to the prohibition of carrying a rifle
7 or shotgun walking cane.

8 d. In violation of Section 13A-11-60, Code of
9 Alabama 1975, relating to the possession of prohibited
10 ammunition.

11 e. In violation of Section 13A-11-63, Code of
12 Alabama 1975, relating to the position of NFA rifles or
13 shotguns in violation of federal law.

14 f. In violation of Section 13A-11-64, Code of
15 Alabama 1975, relating to possession of a firearm with an
16 altered serial number or manufacturer's identification.

17 g. In violation of Section 13A-11-73, Code of
18 Alabama 1975, relating to the prohibition on the unlicensed
19 carrying of a pistol in a motor vehicle or concealed about
20 one's person.

21 (2) The motor vehicle is located in any place where
22 firearms are expressly prohibited by federal law.

23 (3) The motor vehicle is owned by a business entity,
24 property owner, or employer while it is being used by agents
25 or employees of the business entity, property owner, or
26 employer in the course of their employment.

1 Section 7. (a) The purpose of this section is to
2 establish within the Legislature complete control over
3 regulation and policy pertaining to firearms, ammunition, and
4 firearm accessories in order to ensure that such regulation
5 and policy is applied uniformly throughout this state to each
6 person subject to the state's jurisdiction and to ensure
7 protection of the right to keep and bear arms recognized by
8 the Constitutions of the State of Alabama and the United
9 States. This section is to be liberally construed to
10 accomplish its purpose.

11 (b) For the purposes of this section, the following
12 words shall have the following meanings:

13 (1) AMMUNITION. Fixed cartridge ammunition, shotgun
14 shells, the individual components of fixed cartridge
15 ammunition and shotgun shells, projectiles for muzzle-loading
16 firearms, and any propellant used in firearms or ammunition.

17 (2) EXPRESSLY AUTHORIZED BY A STATUTE OF THIS STATE.
18 The authority of a political subdivision to regulate firearms,
19 ammunition, or firearm accessories that is granted by a duly
20 enacted state law that specifically mentions firearms, a
21 particular type of firearm, ammunition, or a particular type
22 of ammunition.

23 (3) FIREARM ACCESSORY. A device specifically
24 designed or adapted to enable the wearing or carrying about
25 one's person, or the storage or mounting in or on a
26 conveyance, of a firearm, or an attachment or device
27 specifically designed or adapted to be inserted into or

1 affixed onto a firearm to enable, alter, or improve the
2 functioning or capabilities of the firearm.

3 (4) FIREARM. This term has the same meaning as in
4 Section 13A-8-1(4), Code of Alabama 1975.

5 (5) PERSON ADVERSELY AFFECTED. Any of the following:

6 a. A resident of this state who may legally possess
7 a firearm under the laws of this state and the United States
8 and who is either of the following:

9 1. Subject to any manner of regulation alleged to be
10 promulgated or enforced in violation of this section, whether
11 or not specific enforcement action has been initiated or
12 threatened against that person or another person.

13 2. If the person were present in the political
14 subdivision in question, subject to any manner of regulation
15 alleged to be promulgated or enforced in violation of this
16 section, whether or not specific enforcement action has been
17 initiated or threatened against that person or another person.

18 b. A person who otherwise has standing under the
19 laws of this state to bring an action under subsection (f).

20 c. A membership organization the members of which
21 include a person described in paragraph a. or b. of this
22 subdivision and that is dedicated in whole or in part to
23 protecting the legal, civil, or constitutional rights of its
24 membership.

25 (6) POLITICAL SUBDIVISION. A county, incorporated
26 city, unincorporated city, public local entity, public-private
27 partnership, and any other public entity of a county or city

1 commonly considered to be a political subdivision of the
2 state.

3 (7) PUBLIC OFFICIAL. Any person elected to public
4 office, whether or not that person has taken office, by the
5 vote of the people of a political subdivision or its
6 instrumentalities, including governmental corporations, and
7 any person appointed to a position at the municipal level of
8 government or its instrumentalities, including governmental
9 corporations.

10 (8) REASONABLE EXPENSES. The expenses involved in
11 litigation, including, but not limited to, attorney fees,
12 expert witness fees, court costs, and compensation for loss of
13 income.

14 (c) Except as otherwise provided in this section or
15 as otherwise authorized by law, the Legislature hereby
16 occupies and preempts the entire field of regulation in this
17 state touching in any way upon firearms, ammunition, and
18 firearm accessories to the complete exclusion of any order,
19 ordinance, or rule promulgated or enforced by any political
20 subdivision of this state.

21 (d) The authority of a political subdivision to
22 regulate firearms, ammunition, or firearm accessories shall
23 not be inferred from its proprietary authority, home rule
24 status, or any other inherent or general power.

25 (e) Any existing or future orders, ordinances, or
26 rules promulgated or enforced contrary to the terms of this
27 section are null and void.

1 (f) (1) A person adversely affected by any order,
2 ordinance, or rule promulgated in violation of this section
3 may file a petition with the Attorney General requesting that
4 he or she bring an action in circuit court for declarative and
5 injunctive relief. The petition must be signed under oath and
6 under penalty of perjury and must include specific details
7 regarding the alleged violations.

8 (2) If, after investigation of the enactment or
9 adoption of the order, ordinance, or rule, the Attorney
10 General determines that there is reasonable cause to proceed
11 with an action, he or she shall provide the political
12 subdivision or public official enacting or adopting the order,
13 ordinance, or rule 60 days' notice of his or her intent to
14 file an action. Upon the expiration of the 60 days' notice,
15 the Attorney General may file the suit.

16 (3) If, after investigation of the enactment or
17 adoption of the order, ordinance, or rule, the Attorney
18 General determines that there is no reasonable cause to
19 proceed with an action, he or she shall publicly state in
20 writing the justification for the determination not to file
21 suit.

22 (4) The Attorney General shall either bring an
23 action or publicly state, within 90 days of receipt of the
24 petition, in the written justification why a violation of the
25 spirit of this section, specifically subsections (a) and (c),
26 has not occurred.

1 (5) The court shall award reasonable expenses to a
2 person adversely affected if an action under this subsection
3 results in either:

4 a. A final determination in favor of the person
5 adversely affected.

6 b. Rescission, repeal, or amendment of the
7 challenged manner of regulation or enforcement after suit has
8 been filed under this subsection but prior to a final
9 determination by the court.

10 (g) This section shall not be construed to prevent
11 any of the following:

12 (1) A duly organized law enforcement agency of a
13 political subdivision from promulgating and enforcing rules
14 pertaining to firearms, ammunition, or firearm accessories
15 that it issues to or that are used by the political
16 subdivision's peace officers in the course of their official
17 duties.

18 (2) An employer from regulating or prohibiting an
19 employee's carrying or possession of firearms, firearm
20 accessories, or ammunition during and in the course of the
21 employee's official duties.

22 (3) A court or administrative law judge from hearing
23 and resolving a case or controversy or issuing an opinion or
24 order on a matter within its jurisdiction.

25 (4) The enactment or enforcement of a generally
26 applicable zoning or business ordinance that includes firearms
27 businesses along with other businesses, provided that an

1 ordinance designed or enforced effectively to restrict or
2 prohibit the sale, purchase, transfer, manufacture, or display
3 of firearms, ammunition, or firearm accessories that is
4 otherwise lawful under the laws of this state is in conflict
5 with this section and is void.

6 (5) A political subdivision from enacting and
7 enforcing rules of operation and use for any firearm range
8 owned or operated by the political subdivision.

9 (6) A political subdivision from sponsoring or
10 conducting any firearm-related competition or educational or
11 cultural program and from enacting and enforcing rules for
12 participation in or attendance at such program, provided that
13 nothing in this section authorizes or permits a political
14 subdivision to offer remuneration for the surrender or
15 transfer of a privately owned firearm to the political
16 subdivision or another party as a method of reducing the
17 number of privately owned firearms within the political
18 subdivision.

19 (7) Any official of a political subdivision, a
20 sheriff, or other law enforcement officer with appropriate
21 authority and jurisdiction from enforcing any law enacted by
22 the Legislature.

23 (8) A sheriff of a county from acting on an
24 application for a license under Section 13A-11-75, Code of
25 Alabama 1975.

1 (9) A political subdivision from leasing public
2 property to another person or entity for a gun show or other
3 firearm-related event on terms agreeable to both parties.

4 (10) The adoption or enforcement by a county or
5 municipality of ordinances which make the violation of a state
6 firearm law a violation of an ordinance, provided that the
7 elements of the local ordinance may not differ from the state
8 firearm law, nor may the local ordinance impose a higher
9 penalty than what is imposed under the state firearm law.

10 (11) A municipality from regulating the discharge of
11 firearms within the limits of the municipality or a county
12 from exercising any authority it has under law enacted prior
13 to August 1, 2000, to regulate the discharge of firearms
14 within the jurisdiction of the county. The discharge of a
15 firearm in defense of one's self or family or in defense of
16 one's property may not be construed to be a violation of state
17 law or any ordinance or rule of a political subdivision of
18 this state.

19 (12) A county or a municipality from exercising any
20 authority it has to assess, enforce, and collect generally
21 applicable sales taxes, use taxes, and gross receipts taxes in
22 the nature of sales taxes as defined by Section 40-2A-3(8),
23 Code of Alabama 1975, on the retail sale of firearms,
24 ammunition, and firearm accessories along with other goods,
25 provided that no such tax imposed by a county or municipality
26 may apply at a higher rate to firearms, ammunition, or firearm
27 accessories than to other goods.

1 Section 8. Section 13A-3-23, Code of Alabama 1975,
2 is amended to read as follows:

3 "§13A-3-23.

4 "(a) A person is justified in using physical force
5 upon another person in order to defend himself or herself or a
6 third person from what he or she reasonably believes to be the
7 use or imminent use of unlawful physical force by that other
8 person, and he or she may use a degree of force which he or
9 she reasonably believes to be necessary for the purpose. A
10 person may use deadly physical force, and is legally presumed
11 to be justified in using deadly physical force in self-defense
12 or the defense of another person pursuant to subdivision (4),
13 if the person reasonably believes that another person is:

14 "(1) Using or about to use unlawful deadly physical
15 force.

16 "(2) Using or about to use physical force against an
17 occupant of a dwelling while committing or attempting to
18 commit a burglary of such dwelling.

19 "(3) Committing or about to commit a kidnapping in
20 any degree, assault in the first or second degree, burglary in
21 any degree, robbery in any degree, forcible rape, or forcible
22 sodomy.

23 "(4) Using or about to use physical force against an
24 owner, employee, or other person authorized to be on business
25 property when the business is closed to the public while
26 committing or attempting to commit a burglary, theft, or
27 robbery.

1 "~~(4)~~(5) In the process of unlawfully and forcefully
2 entering, or has unlawfully and forcefully entered, a
3 dwelling, residence, business property, or occupied vehicle,
4 or federally licensed nuclear power facility, or is in the
5 process of sabotaging or attempting to sabotage a federally
6 licensed nuclear power facility, or is attempting to remove,
7 or has forcefully removed, a person against his or her will
8 from any dwelling, residence, business property, or occupied
9 vehicle when the person has a legal right to be there, and
10 provided that the person using the deadly physical force knows
11 or has reason to believe that an unlawful and forcible entry
12 or unlawful and forcible act is occurring. The legal
13 presumption that a person using deadly physical force is
14 justified to do so pursuant to this subdivision does not apply
15 if:

16 "a. The person against whom the defensive force is
17 used has the right to be in or is a lawful resident of the
18 dwelling, residence, business property, or vehicle, such as an
19 owner or lessee, and there is not an injunction for protection
20 from domestic violence or a written pretrial supervision order
21 of no contact against that person;

22 "b. The person sought to be removed is a child or
23 grandchild, or is otherwise in the lawful custody or under the
24 lawful guardianship of, the person against whom the defensive
25 force is used;

1 "c. The person who uses defensive force is engaged
2 in an unlawful activity or is using the dwelling, residence,
3 or occupied vehicle to further an unlawful activity; or

4 "d. The person against whom the defensive force is
5 used is a law enforcement officer acting in the performance of
6 his or her official duties.

7 "(b) A person who is justified under subsection (a)
8 in using physical force, including deadly physical force, and
9 who is not engaged in an unlawful activity and is in any place
10 where he or she has the right to be has no duty to retreat and
11 has the right to stand his or her ground.

12 "(c) Notwithstanding the provisions of subsection
13 (a), a person is not justified in using physical force if:

14 "(1) With intent to cause physical injury or death
15 to another person, he or she provoked the use of unlawful
16 physical force by such other person.

17 "(2) He or she was the initial aggressor, except
18 that his or her use of physical force upon another person
19 under the circumstances is justifiable if he or she withdraws
20 from the encounter and effectively communicates to the other
21 person his or her intent to do so, but the latter person
22 nevertheless continues or threatens the use of unlawful
23 physical force.

24 "(3) The physical force involved was the product of
25 a combat by agreement not specifically authorized by law.

26 "(d) A person who uses force, including deadly
27 physical force, as justified and permitted in this section is

1 immune from criminal prosecution and civil action for the use
2 of such force, unless the force was determined to be unlawful.

3 "(e) A law enforcement agency may use standard
4 procedures for investigating the use of force described in
5 subsection (a), but the agency may not arrest the person for
6 using force unless it determines that there is probable cause
7 that the force used was unlawful."

8 Section 9. Section 11-45-1.1, Code of Alabama 1975,
9 relating to the authority of a municipality to enact
10 ordinances relating to handguns, is repealed. Section
11 13A-11-52, Code of Alabama 1975, relating to the carrying of a
12 pistol on the property of another, is repealed.

13 Section 10. Although this bill would have as its
14 purpose or effect the requirement of a new or increased
15 expenditure of local funds, the bill is excluded from further
16 requirements and application under Amendment 621, now
17 appearing as Section 111.05 of the Official Recompilation of
18 the Constitution of Alabama of 1901, as amended, because the
19 bill defines a new crime or amends the definition of an
20 existing crime.

21 Section 11. The provisions of this act are
22 severable. If any part of this act is declared invalid or
23 unconstitutional, that declaration shall not affect the part
24 which remains.

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

