

1 HB434
2 191875-1
3 By Representatives Givan, Moore (M) and Rogers
4 RFD: Public Safety and Homeland Security
5 First Read: 20-FEB-18

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8 SYNOPSIS: Under existing law, it is a crime to sell,
9 give, or lend a pistol to any minor except under
10 certain circumstances.

11 This bill would prohibit the sale or
12 transfer of an assault weapon to any person under
13 21 years of age.

14 This bill would prohibit any person under 21
15 years of age from possessing an assault weapon.

16 This bill would make it a felony to violate
17 these provisions.

18 Amendment 621 of the Constitution of Alabama
19 of 1901, now appearing as Section 111.05 of the
20 Official Recompilation of the Constitution of
21 Alabama of 1901, as amended, prohibits a general
22 law whose purpose or effect would be to require a
23 new or increased expenditure of local funds from
24 becoming effective with regard to a local
25 governmental entity without enactment by a 2/3 vote
26 unless: it comes within one of a number of
27 specified exceptions; it is approved by the

1 affected entity; or the Legislature appropriates
2 funds, or provides a local source of revenue, to
3 the entity for the purpose.

4 The purpose or effect of this bill would be
5 to require a new or increased expenditure of local
6 funds within the meaning of the amendment. However,
7 the bill does not require approval of a local
8 governmental entity or enactment by a 2/3 vote to
9 become effective because it comes within one of the
10 specified exceptions contained in the amendment.

11
12 A BILL
13 TO BE ENTITLED
14 AN ACT

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16 Relating to assault weapons; to prohibit the sale or
17 transfer of an assault weapon to any person under 21 years of
18 age; to prohibit any person under 21 years of age from
19 possessing an assault weapon; to provide criminal penalties;
20 and in connection therewith would have as its purpose or
21 effect the requirement of a new or increased expenditure of
22 local funds within the meaning of Amendment 621 of the
23 Constitution of Alabama of 1901, now appearing as Section
24 111.05 of the Official ReCompilation of the Constitution of
25 Alabama of 1901, as amended.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. (a) For purposes of this act, the
2 following terms shall have the following meanings:

3 (1) ANTIQUE FIREARM. A firearm or replica of a
4 firearm not designed or redesigned for using rim fire or
5 conventional center fire ignition with fixed ammunition and
6 manufactured in or before 1898, including any matchlock,
7 flintlock, percussion cap, or similar type of ignition system
8 and also any firearm using fixed ammunition manufactured in or
9 before 1898, for which ammunition is no longer manufactured in
10 the United States and is not readily available in the ordinary
11 channels of commercial trade.

12 (2) ASSAULT WEAPON. A weapon that is:

13 a. A semiautomatic rifle that has the capacity to
14 accept a detachable magazine and has one or more of the
15 following:

- 16 1. A pistol grip that protrudes conspicuously
17 beneath the action of the weapon;
- 18 2. A thumbhole stock;
- 19 3. A folding or telescoping stock;
- 20 4. A second handgrip or a protruding grip that can
21 be held by the nontrigger hand;
- 22 5. A flash suppressor, muzzle break, muzzle
23 compensator, or threaded barrel designed to accommodate a
24 flash suppressor, muzzle break, or muzzle compensator;
- 25 6. A grenade launcher or flare launcher.

1 b. A semiautomatic pistol, or a semiautomatic,
2 centerfire, or rimfire rifle with a fixed magazine, that has
3 the capacity to accept more than 10 rounds of ammunition;

4 c. A semiautomatic pistol that has the capacity to
5 accept a detachable magazine and has one or more of the
6 following:

7 1. Any feature capable of functioning as a
8 protruding grip that can be held by the nontrigger hand;

9 2. A threaded barrel, capable of accepting a flash
10 suppressor, forward handgrip, or silencer;

11 3. A shroud attached to the barrel, or that
12 partially or completely encircles the barrel, allowing the
13 bearer to hold the firearm with the nontrigger hand without
14 being burned, but excluding a slide that encloses the barrel;
15 or

16 4. The capacity to accept a detachable magazine at
17 any location outside of the pistol grip.

18 d. A semiautomatic, centerfire, or rimfire rifle
19 that has an overall length of less than 30 inches;

20 e. A semiautomatic shotgun that has both of the
21 following:

22 1. A pistol grip that protrudes conspicuously
23 beneath the action of the weapon, thumbhole stock, or vertical
24 handgrip;

25 2. A folding or telescoping stock; or

26 3. An ability to accept a detachable magazine.

27 f. A shotgun with a revolving cylinder; or

1 g. A conversion kit, part, or combination of parts,
2 from which an assault weapon can be assembled if those parts
3 are in the possession or under the control of the same person.

4 Assault weapon does not include antique firearms,
5 any firearm that has been made permanently inoperable, or any
6 firearm that is manually operated by bolt, pump, lever, or
7 slide action.

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

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

15 (5) MAGAZINE. Any ammunition feeding device.

16 (6) PERSON. A natural person as well as any firm,
17 partnership, association, or corporation.

18 (7) PISTOL. Any firearm with a barrel less than 12
19 inches in length.

20 (8) RIFLE. Any weapon designed or redesigned, made
21 or remade, and intended to be fired from the shoulder and
22 designed or redesigned and made or remade to use the energy of
23 the explosive in a fixed metallic cartridge to fire only a
24 single projectile through a rifled bore for each pull of the
25 trigger.

26 (9) SALE. The actual approval of the delivery of a
27 firearm in consideration of payment or promise of payment.

1 (10) SHOTGUN. A weapon designed or redesigned, made
2 or remade, and intended to be fired from the shoulder and
3 designed or redesigned and made or remade to use the energy of
4 the explosive in a fixed shotgun shell to fire through a
5 smooth bore either a number of ball shot or a single
6 projectile for each single pull of the trigger.

7 (11) TRANSFER. The intended delivery of a firearm to
8 another person without consideration of payment or promise of
9 payment including, but not limited to, gifts and loans.

10 Section 2. (a) Notwithstanding the provisions of
11 Article 3, Chapter 11 of Title 13A, Code of Alabama 1975, a
12 person commits the crime of sale or transfer of an assault
13 weapon to any person under 21 years of age when he or she
14 sells or transfers an assault weapon to a person under 21
15 years of age. The crime of sale or transfer of an assault
16 weapon to any person under 21 years of age is a Class B
17 felony.

18 (b) Notwithstanding the provisions of Article 3,
19 Chapter 11 of Title 13A, Code of Alabama 1975, a person
20 commits the crime of underage possession of an assault weapon
21 if he or she is under 21 years of age and possesses an assault
22 weapon. The crime of underage possession of an assault weapon
23 is a Class C felony.

24 Section 3. This act is supplemental to any other law
25 and the penalties provided in this act are in addition to any
26 other penalties provided by law. This act shall not be

1 construed to limit or in any way reduce the minimum and
2 maximum penalties provided in any other law.

3 Section 4. Although this bill would have as its
4 purpose or effect the requirement of a new or increased
5 expenditure of local funds, the bill is excluded from further
6 requirements and application under Amendment 621, now
7 appearing as Section 111.05 of the Official Recompilation of
8 the Constitution of Alabama of 1901, as amended, because the
9 bill defines a new crime or amends the definition of an
10 existing crime.

11 Section 5. This act shall become effective on the
12 first day of the third month following its passage and
13 approval by the Governor, or its otherwise becoming law.