

1 SB5
2 207740-1
3 By Senator Allen
4 RFD: Judiciary
5 First Read: 02-FEB-21
6 PFD: 07/30/2020

8 SYNOPSIS: This bill would repeal certain restrictions
9 on the carrying or possession of a firearm on
10 certain property or in a motor vehicle by persons
11 with or without a concealed pistol permit.

12 This bill would also revise certain
13 restrictions on the carrying or possession of
14 firearms at certain locations.

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

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

8
9 A BILL
10 TO BE ENTITLED
11 AN ACT

12
13 Relating to firearms; to repeal Sections 9-11-304,
14 13A-11-50, 13A-11-51, 13A-11-52, 13A-11-71, 13A-11-73, and
15 13A-11-74, Code of Alabama 1975, relating to the carrying or
16 possession of a firearm or pistol, to repeal certain
17 restrictions on the carrying or possession of a firearm on
18 certain property or in a motor vehicle; to amend Section
19 13A-11-61.2, Code of Alabama 1975, to revise certain
20 restrictions on the carrying or possession of firearms at
21 certain locations; and in connection therewith would have as
22 its purpose or effect the requirement of a new or increased
23 expenditure of local funds within the meaning of Amendment 621
24 of the Constitution of Alabama of 1901, now appearing as
25 Section 111.05 of the Official Recompilation of the
26 Constitution of Alabama of 1901, as amended.
27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. The following sections of the Code of
2 Alabama 1975, are repealed:

3 (1) Section 9-11-304, Code of Alabama 1975, relating
4 to the carrying of a firearm in wildlife management areas.

5 (2) Sections 13A-11-50 and 13A-11-51, Code of
6 Alabama 1975, relating to the carrying of concealed weapons.

7 (3) Section 13A-11-52, Code of Alabama 1975,
8 relating to the carrying of a pistol on private property.

9 (4) Section 13A-11-71, Code of Alabama 1975,
10 relating to the commission of a crime when armed.

11 (5) Sections 13A-11-73 and 13A-11-74, Code of
12 Alabama 1975, relating to pistols and pistol permits.

13 Section 2. Section 13A-11-61.2, Code of Alabama
14 1975, is amended to read as follows:

15 "§13A-11-61.2.

16 "(a) In addition to any other place limited or
17 prohibited by state or federal law, a person, including a
18 person with a permit issued under Section 13A-11-75(a) (1) or
19 recognized under Section 13A-11-85, may not knowingly possess
20 or carry a firearm in any of the following places without the
21 express permission of a person or entity with authority over
22 the premises:

23 "(1) Inside the building of a police, sheriff, or
24 highway patrol station.

25 "(2) Inside or on the premises of a prison, jail,
26 halfway house, community corrections facility, or other
27 detention facility for those who have been charged with or

1 convicted of a criminal or juvenile offense. It is not a
2 violation of this subsection to knowingly possess or carry a
3 firearm at a location described in this subdivision if the
4 location is also a sheriff's office that issues pistol permits
5 and the pistol remains inside of a locked vehicle at all times
6 while the person is on the premises.

7 "(3) Inside a facility which provides inpatient or
8 custodial care of those with psychiatric, mental, or emotional
9 disorders.

10 "(4) a. Inside a courthouse, courthouse annex, a
11 building in which a district attorney's office is located, or
12 a building in which a county commission or city council is
13 currently having a regularly scheduled or specially called
14 meeting.

15 "b. For the purposes of this subdivision,
16 "courthouse annex" means a building which is currently having
17 regularly scheduled or specially called court hearings.

18 "(5) Inside any facility hosting an athletic event
19 not related to or involving firearms which is sponsored by a
20 private or public elementary or secondary school or any
21 private or public institution of postsecondary education,
22 unless the person has a permit issued under Section
23 13A-11-75(a) (1) or recognized under Section 13A-11-85.

24 "(6) Inside any facility hosting a professional
25 athletic event not related to or involving firearms, unless
26 the person has a permit issued under Section 13A-11-75(a) (1)
27 or recognized under Section 13A-11-85.

1 "(b) Notwithstanding the provisions of subsection
2 (a), a person, including a person with a permit issued under
3 Section 13A-11-75(a) (1) or recognized under Section 13A-11-85,
4 may not, without the express permission of a person or entity
5 with authority over the premises, knowingly possess or carry a
6 firearm inside any building or facility to which access of
7 unauthorized persons and prohibited articles is limited during
8 normal hours of operation by the continuous on-site posting of
9 guards who are responsible for the prevention of prohibited
10 items from entering the facility, and the use of other
11 security features, ~~including, but not limited to,~~
12 magnetometers, key cards, biometric screening devices, or
13 turnstiles or other physical barriers that prevent all persons
14 entering the facility from bringing prohibited items into the
15 facility. Nothing in this subsection otherwise restricts the
16 possession, transportation, or storage of a lawfully possessed
17 firearm or ammunition in an employee's privately owned motor
18 vehicle while parked or operated in a public or private
19 parking area provided the employee complies with the
20 requirements of Section 13A-11-90.

21 "(c) The person or entity with authority over the
22 premises set forth in subdivisions (1) to (6), inclusive, of
23 subsection (a) and subsection (b) shall place a notice at the
24 public entrances of such premises or buildings alerting those
25 entering that firearms are prohibited.

26 "(d) Except as provided in subdivisions (5) and (6)
27 of subsection (a), any firearm on the premises of any facility

1 set forth in ~~subdivision~~ subdivisions (1) and (2) of
2 subsection (a), ~~or~~ subdivisions (4) to (6) inclusive, of
3 subsection (a), or subsection (b) must be kept from ordinary
4 observation and locked within a compartment or in the interior
5 of the person's motor vehicle or in a compartment or container
6 securely affixed to the motor vehicle.

7 "(e) A violation of subsection (a), (b), or (d) is a
8 Class C misdemeanor.

9 "(f) This section shall not prohibit any person from
10 possessing a firearm within the person's residence or during
11 ingress or egress thereto.

12 "(g) Prohibitions regarding the carrying of a
13 firearm under this section shall not apply to law enforcement
14 officers engaged in the lawful execution of their official
15 duties or a qualified retired law enforcement officer. For
16 purposes of this section, qualified retired law enforcement
17 officer shall mean a retired officer who meets all of the
18 following requirements:

19 "(1) Was separated from service in good standing
20 from service with a public agency as a law enforcement
21 officer.

22 "(2) Before separation, was authorized by law to
23 engage in or supervise the prevention, detection,
24 investigation, or prosecution of, or the incarceration of any
25 person for, any violation of law, and had statutory powers of
26 arrest.

1 "(3) Before separation, served as a law enforcement
2 officer for an aggregate of 10 years or more and separated
3 from service with such agency, after completing any applicable
4 probationary period of such service, due to a
5 service-connected disability, as determined by the agency.

6 "(4) During the most recent 12-month period, has
7 met, at the expense of the individual, the standards for
8 qualification in firearms training for active law enforcement
9 officers, as determined by the former agency of the
10 individual, the state in which the individual resides or, if
11 the state has not established such standards, either a law
12 enforcement agency within the state in which the individual
13 resides or the standards used by a certified firearms
14 instructor that is qualified to conduct a firearms
15 qualification test for active duty officers within that state.

16 "(5) Has not been officially found by a qualified
17 medical professional employed by the agency to be unqualified
18 for reasons relating to mental health, and as a result, will
19 not be issued the photographic identification described in
20 subdivision (8) and has not entered into an agreement with the
21 agency from which the individual is separating from service in
22 which that individual acknowledges he or she is not qualified
23 under this section for reasons relating to mental health and
24 for those reasons will not receive or accept the photographic
25 identification as described in subsection (8).

26 "(6) Is not under the influence of alcohol or
27 another intoxicating or hallucinatory drug or substance.

1 "(7) Is not prohibited by state or federal law from
2 receiving a firearm.

3 "(8) Is carrying any of the following identification
4 documents:

5 "a. A photographic identification issued by the
6 agency from which the individual separated from service as a
7 law enforcement officer that identifies the person as having
8 been employed as a police officer or law enforcement officer
9 and indicates that the individual has, not less recently than
10 one year before the date the individual is carrying the
11 concealed firearm, been tested or otherwise found by the
12 agency to meet the active duty standards for qualification in
13 firearms training as established by the agency to carry a
14 firearm of the same type as the concealed firearm.

15 "b. A photographic identification issued by the
16 agency from which the individual separated from service as a
17 law enforcement officer that identifies the person as having
18 been employed as a police officer or law enforcement officer,
19 and a certification issued by the state in which the
20 individual resides or by a certified firearms instructor who
21 is qualified to conduct a firearms qualification test for
22 active duty officers within that state that indicates that the
23 individual, not less than one year before the date the
24 individual is carrying the concealed firearm, has been tested
25 or otherwise found by the state or a certified firearms
26 instructor who is qualified to conduct a firearms

1 qualification test for active duty officers within that state
2 to have met either of the following:

3 "1. The active duty standards for qualification in
4 firearms training, as established by the state, to carry a
5 firearm of the same type as the concealed firearm.

6 "2. If the state has not established such standards,
7 standards set by any law enforcement agency within that state
8 to carry a firearm of the same type as the concealed firearm.

9 "(h) Nothing in this section shall be construed to
10 authorize the carrying or possession of a firearm where
11 prohibited by federal law."

12 Section 3. Although this bill would have as its
13 purpose or effect the requirement of a new or increased
14 expenditure of local funds, the bill is excluded from further
15 requirements and application under Amendment 621, now
16 appearing as Section 111.05 of the Official Recompilation of
17 the Constitution of Alabama of 1901, as amended, because the
18 bill defines a new crime or amends the definition of an
19 existing crime.

20 Section 4. This act shall become effective on the
21 first day of the third month following its passage and
22 approval by the Governor, or its otherwise becoming law.