

HB34 ENGROSSED



1 U97IDD-2
2 By Representative Estes
3 RFD: Judiciary
4 First Read: 07-Mar-23
5 PFD: 23-Feb-23



HB34 Engrossed

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A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to amend Section 13A-11-61.1, Code of Alabama 1975; to provide that it is unlawful to discharge a firearm on school property; to provide criminal penalties; to provide for exceptions; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-11-61.1, Code of Alabama 1975, is amended to read as follows:

"§13A-11-61.1

(a) No person shall shoot or discharge a firearm into an occupied or unoccupied school bus or school building.

~~(b)~~ (1) A person who shoots or discharges a firearm into an occupied school bus or school building shall be guilty of a Class B felony.

~~(c)~~ (2) A person who shoots or discharges a firearm into an unoccupied school bus or school building shall be guilty of a Class C felony.



HB34 Engrossed

29 (b) No person shall shoot or discharge a firearm on
30 school property.

31 (1) A person who shoots or discharges a firearm on
32 school property during school hours or during school
33 activities after school hours, shall be guilty of a Class B
34 felony.

35 (2) In circumstances other than those provided in
36 subdivision (1), a person who shoots or discharges a firearm
37 on school property shall be guilty of a Class C felony.

38 (c) A person shall not be in violation of this section
39 if the person is justified in using physical force pursuant to
40 Section 13A-3-23.

41 (d) A person shall not be in violation of this section
42 if he or she is engaging in an organized competition or school
43 system sanctioned event involving the use of a firearm or
44 participating in or practicing for a performance by an
45 organized group under 26 U.S.C. § 501(c) (3) which uses
46 firearms as part of the performance or is on land leased from
47 a school system.

48 (e) For the purposes of this section, "school property"
49 does not include sixteenth section land or school lands,
50 pursuant to Section 16-20-1, held in trust for the benefit of
51 a school district, that do not have any school buildings, and
52 that is not actively used for the purpose of providing
53 educational or recreational activities to students.

54 (e) (f) A person shall not be in violation of this
55 section if he or she is under 19 years of age.

56 ~~(f)(e)~~ (g) This section shall not be construed to repeal



HB34 Engrossed

57 other criminal laws. Whenever conduct prescribed by any
58 provision of this section is also prescribed by any other
59 provision of law, the provision which carries the more serious
60 penalty shall be applied."

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

67 Section 3. This act shall become effective on the first
68 day of the third month following its passage and approval by
69 the Governor, or its otherwise becoming law.



HB34 Engrossed

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House of Representatives

Read for the first time and referred23-Feb-23
to the House of Representatives
committee on Judiciary

Read for the second time and placed22-Mar-23
on the calendar:
0 amendments

Read for the third time and passed11-Apr-23
as amended
Yeas 102
Nays 0
Abstains 0

John Treadwell
Clerk