

1 HB582  
2 128987-4  
3 By Representatives Greeson and Oden  
4 RFD: Judiciary  
5 First Read: 27-APR-11

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7  
8 SYNOPSIS: This bill would provide that lawfully  
9 carrying a firearm under certain conditions does  
10 not, in and of itself, constitute the crime of  
11 disorderly conduct.

12 This bill would authorize a person to carry  
13 a firearm in his or her vehicle without a concealed  
14 weapons permit.

15 This bill would eliminate the discretion of  
16 the sheriff in concealed weapons licensing under  
17 certain conditions.

18 This bill would repeal a prohibition against  
19 carrying a concealed weapon on another's property.

20 This bill would also repeal a prohibition  
21 against carrying a firearm at any public  
22 demonstration.

23 Amendment 621 of the Constitution of Alabama  
24 of 1901, now appearing as Section 111.05 of the  
25 Official Recompilation of the Constitution of  
26 Alabama of 1901, as amended, prohibits a general  
27 law whose purpose or effect would be to require a

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

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

16  
17 A BILL  
18 TO BE ENTITLED  
19 AN ACT  
20

21 To amend Sections 13A-11-7, 13A-11-73, 13A-11-74,  
22 and 13A-11-75, Code of Alabama 1975, to provide that lawfully  
23 carrying a firearm does not, in and of itself, constitute  
24 disorderly conduct; to authorize a person to carry a firearm  
25 in his or her vehicle without a concealed weapons permit; to  
26 eliminate the discretion of the sheriff in concealed weapons  
27 licensing; and to revise certain procedures related to the

1 licensing process; to repeal Sections 13A-11-52 and 13A-11-59,  
2 Code of Alabama 1975, to repeal prohibitions against carrying  
3 a concealed weapon on another's property and at a public  
4 demonstration; and in connection therewith would have as its  
5 purpose or effect the requirement of a new or increased  
6 expenditure of local funds within the meaning of Amendment 621  
7 of the Constitution of Alabama of 1901, now appearing as  
8 Section 111.05 of the Official Recompilation of the  
9 Constitution of Alabama of 1901, as amended.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Sections 13A-11-7, 13A-11-73, 13A-11-74,  
12 and 13A-11-75, Code of Alabama 1975, are amended to read as  
13 follows:

14 "§13A-11-7.

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

19 "(1) Engages in fighting or in violent tumultuous or  
20 threatening behavior;~~or.~~

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

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

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

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

1           "(6) Congregates with other person in a public place  
2 and refuses to comply with a lawful order of the police to  
3 disperse.

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

5           "(c) The mere carrying of a visible, holstered  
6 firearm in a public place, in and of itself, shall not be a  
7 violation of this section.

8           "§13A-11-73.

9           "No person shall carry a pistol ~~in any vehicle or~~  
10 concealed on or about his or her person, except on his or her  
11 land, in his or her vehicle, or in his or her own abode or  
12 fixed place of business, without a license ~~therefor~~ as  
13 hereinafter provided.

14           "§13A-11-74.

15           "The provisions of Section 13A-11-73 shall not apply  
16 to marshals, sheriffs, prison and jail wardens and their  
17 regularly employed deputies, policemen and other law  
18 enforcement officers of any state or political subdivision  
19 thereof, or to the members of the army, navy or marine corps  
20 of the United States or of the national guard, or to the  
21 members of the national guard organized reserves or state  
22 guard organizations when on duty or going to or from duty, or  
23 to the regularly enrolled members of any organization duly  
24 authorized to purchase or receive such weapons from the United  
25 States or from this state; provided, that such members are at  
26 or are going to or from their places of assembly or target  
27 practices, or to officers or employees of the United States

1 duly authorized to carry a pistol, or to any person engaged in  
2 manufacturing, repairing or dealing in pistols, or the agent  
3 or representative of such person possessing, using, or  
4 carrying a pistol in the usual or ordinary course of such  
5 business, ~~or to any common carrier, except taxicabs, licensed~~  
6 ~~as a common carrier, or to any person permitted by law to~~  
7 ~~possess a pistol while carrying it unloaded in a secure~~  
8 ~~wrapper, from the place of purchase to his home or place of~~  
9 ~~business, or to or from a place of repair or in moving from~~  
10 ~~one place of abode or business to another.~~

11 "§13A-11-75.

12 "(a) The sheriff of a county, upon the application  
13 of any person residing in that county, ~~may~~ shall issue a  
14 qualified or unlimited license to such person to carry a  
15 pistol in a vehicle or concealed on or about his or her person  
16 within this state for not more than one year from date of  
17 issue, if it appears that the applicant has good reason to  
18 fear injury to his or her person or property or has any other  
19 proper reason for carrying a pistol, and that he or she is ~~a~~  
20 ~~suitable person to be so licensed~~ not prohibited from  
21 possessing or receiving a firearm under Section 13A-11-72 or  
22 under federal law. The license shall be in triplicate, in form  
23 to be prescribed by the Secretary of State, and shall bear the  
24 name, address, description, and signature of the licensee and  
25 the reason given for desiring a license. The original ~~thereof~~  
26 shall be delivered to the licensee, the duplicate shall,  
27 within seven days, be sent by registered or certified mail to

1 the Director of Public Safety, and the triplicate shall be  
2 preserved for six years by the authority issuing the same. The  
3 fee for issuing ~~such a~~ license shall be one dollar (\$1) which  
4 shall be paid into the county treasury unless otherwise  
5 provided by local law. The license shall then be issued and  
6 delivered to the licensee within two weeks from the date the  
7 application was submitted. Prior to issuance of a license, the  
8 sheriff shall contact available local, state, and federal  
9 criminal history data banks to determine whether possession of  
10 a firearm by an applicant would be a violation of state or  
11 federal law. The sheriff may revoke a license upon proof that  
12 the licensee is not a proper person to be licensed under  
13 Section 13A-11-72 or under federal law.

14 "(b) The name, address, and signature collected from  
15 an applicant or licensee under this section shall be kept  
16 confidential, shall be exempt from disclosure under Section  
17 36-12-40, and may only be used for law enforcement purposes  
18 except when a current licensee is charged in any state with a  
19 felony involving the use of a pistol. All other information on  
20 licenses under this section, including information concerning  
21 the annual number of applicants, number of licenses issued,  
22 number of licenses denied, revenue from issuance of licenses,  
23 and any other fiscal or statistical data otherwise, shall  
24 remain public writings subject to public disclosure. Except as  
25 provided above, the sheriff of a county shall redact the name,  
26 address, signature, and photograph of an applicant before  
27 releasing a copy of a license for a non-law enforcement

1 purpose. The sheriff may charge one dollar (\$1) per copy of  
2 any redacted license record requested other than when  
3 requested for law enforcement purposes. To knowingly publish  
4 or release to the public in any form any information or  
5 records related to the licensing process, or the current  
6 validity of any license, except as authorized in this  
7 subsection or in response to a court order or subpoena, is a  
8 Class A misdemeanor."

9 Section 2. Sections 13A-11-52 and 13A-11-59, Code of  
10 Alabama 1975, are repealed.

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

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