By Representative Jones (Constitutional Amendment)

RFD: Public Safety and Homeland Security

First Read: 05-FEB-13

PFD: 12/07/2012
SYNOPSIS:        Article I, Section 26 of the Constitution of Alabama of 1901, provides that every citizen has a right to bear arms in defense of himself or herself and the state.

This proposed amendment would provide that every citizen has a fundamental right to bear arms and that any restriction on this right would be subject to strict scrutiny.

This proposed amendment would also provide that a citizen cannot be compelled by international treaty or law from taking actions that prohibit, limit, or otherwise interfere with the fundamental right to bear arms.

A BILL
TO BE ENTITLED
AN ACT

Proposing an amendment to Article I, Section 26 of the Constitution of Alabama of 1901; to provide that every
citizen has a fundamental right to bear arms and that any restriction on this right would be subject to strict scrutiny; and to provide that no international treaty or law shall prohibit, limit, or otherwise interfere with a citizen's fundamental right to bear arms.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

"Article I, Section 26

"(a) That every citizen has a fundamental right to bear arms in defense of himself or herself and the state. Any restriction on this right shall be subject to strict scrutiny.

(b) No citizen shall be compelled by any international treaty or law to take an action that prohibits, limits, or otherwise interferes with his or her fundamental right to keep and bear arms in defense of himself or herself and the state."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.
Section 3. An election upon the proposed amendment shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, now appearing as Sections 284 and 285 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, and the election laws of this state.

Section 4. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Proposing an amendment to the Constitution of Alabama of 1901, to provide that every citizen has a fundamental right to bear arms and that any restriction on this right would be subject to strict scrutiny; and to provide that no international treaty or law shall prohibit, limit, or otherwise interfere with a citizen's fundamental right to bear arms.

"Proposed by Act ________.

This description shall be followed by the following language:

"Yes ( ) No ( )."