

1 SB24  
2 181196-2  
3 By Senator Allen  
4 RFD: Judiciary  
5 First Read: 07-FEB-17  
6 PFD: 01/18/2017

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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27 Alabama 1975, are repealed:

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

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

5           (3) Section 13A-11-71, Code of Alabama 1975,  
6 relating to the commission of a crime when armed.

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

9           Section 2. Section 13A-11-61.2, Code of Alabama  
10 1975, is amended to read as follows:

11           "§13A-11-61.2.

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

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

21           "(2) Inside or on the premises of a prison, jail,  
22 halfway house, community corrections facility, or other  
23 detention facility for those who have been charged with or  
24 convicted of a criminal or juvenile offense. It is not a  
25 violation of this subsection to knowingly possess or carry a  
26 firearm at a location described in this subdivision if the  
27 location is also a sheriff's office that issues pistol permits

1 and the pistol remains inside of a locked vehicle at all times  
2 while the person is on the premises.

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

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

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

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

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

24 "(b) Notwithstanding the provisions of subsection  
25 (a), a person, including a person with a permit issued under  
26 Section 13A-11-75(a) (1) or recognized under Section 13A-11-85,  
27 may not, without the express permission of a person or entity

1 with authority over the premises, knowingly possess or carry a  
2 firearm inside any building or facility to which access of  
3 unauthorized persons and prohibited articles is limited during  
4 normal hours of operation by the continuous on-site posting of  
5 guards who are responsible for the prevention of prohibited  
6 items from entering the facility, and the use of other  
7 security features, ~~including, but not limited to,~~  
8 magnetometers, key cards, biometric screening devices, or  
9 turnstiles or other physical barriers that prevent all persons  
10 entering the facility from bringing prohibited items into the  
11 facility. Nothing in this subsection otherwise restricts the  
12 possession, transportation, or storage of a lawfully possessed  
13 firearm or ammunition in an employee's privately owned motor  
14 vehicle while parked or operated in a public or private  
15 parking area provided the employee complies with the  
16 requirements of Section 13A-11-90.

17 "(c) The person or entity with authority over the  
18 premises set forth in subsection (a) (1)-(6) and subsection (b)  
19 shall place a notice at the public entrances of such premises  
20 or buildings alerting those entering that firearms are  
21 prohibited.

22 "(d) Except as provided in subsections (a) (5) and  
23 (a) (6), any firearm on the premises of any facility set forth  
24 in subsection (a) (1), (a) (2), or subsection (a) (4)-(6), or  
25 subsection (b) must be kept from ordinary observation and  
26 locked within a compartment or in the interior of the person's

1 motor vehicle or in a compartment or container securely  
2 affixed to the motor vehicle.

3 "(e) A violation of subsections (a), (b), or (d) is  
4 a Class C misdemeanor.

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

8 "(g) Prohibitions regarding the carrying of a  
9 firearm under this section shall not apply to law enforcement  
10 officers engaged in the lawful execution of their official  
11 duties.

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

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

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

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Senate

Read for the first time and referred to the Senate  
committee on Judiciary..... 07-FEB-17

Read for the second time and placed on the calen-  
dar 1 amendment..... 07-MAR-17

Read for the third time and passed as amended .... 18-APR-17

Yeas 25  
Nays 8

Patrick Harris,  
Secretary.