

1 HB123
2 203724-1
3 By Representative Sorrell
4 RFD: Judiciary
5 First Read: 04-FEB-20

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8 SYNOPSIS: This bill would provide that federal laws,
9 federal and state court decisions, and federal and
10 state executive orders pertaining to the
11 implementation or enforcement of extreme risk
12 protection orders are void in this state.

13 This bill would prohibit this state, any of
14 its agencies, and any of its political subdivisions
15 or their agencies from accepting any federal grants
16 that may become available for the intended purpose
17 of implementing or enforcing extreme risk
18 protection orders against residents of this state.

19 This bill would also make it a Class D
20 felony to attempt to enforce an extreme risk
21 protection order issued by a federal court or
22 pursuant to federal law.

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 Relating to public safety; to provide that federal
22 laws, federal and state court decisions, and federal and state
23 executive orders pertaining to the implementation or
24 enforcement of extreme risk protection orders are void in this
25 state; to prohibit this state, any of its agencies, and any of
26 its political subdivisions or their agencies from accepting
27 any federal grants that may become available for the intended

1 purpose of implementing or enforcing extreme risk protection
2 orders against residents of this state; to make it a Class D
3 felony to attempt to enforce an extreme risk protection order
4 issued by a federal court or pursuant to federal law; and in
5 connection therewith would have as its purpose or effect the
6 requirement of a anew or increased expenditure of local funds
7 within the meaning of Amendment 621 of the Constitution of
8 Alabama of 1901, now appearing as Section 111.05 of the
9 Official Recompilation of the Constitution of Alabama of 1901,
10 as amended.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. (a) For purposes of this section, the
13 term "extreme risk protection order" means a federal or state
14 executive order or written order or warrant issued by a
15 federal or state court or signed by a magistrate or comparable
16 officer of the court, for which the primary purpose is to
17 reduce the risk of firearm-related death or injury by
18 achieving either of the following:

19 (1) Prohibiting a named individual from having a
20 firearm under his or her custody or control, or from otherwise
21 owning, possessing, or receiving a firearm.

22 (2) Removing a firearm from, or requiring the
23 surrender of a firearm by, a named resident of this state.

24 (b) A federal statute, federal rule, presidential
25 executive order, federal court order, state court order, or
26 state executive order that would result in the issuance of an
27 extreme risk protection order or ex parte extreme risk

1 protection order against a resident of this state is void, and
2 of no effect in this state.

3 (c) Any federal statute, rule, or executive order,
4 federal or state judicial order, or judicial findings that
5 would have the effect of forcing an extreme risk protection
6 order or ex parte extreme risk protection order against or
7 upon a resident of Alabama that would infringe upon the
8 individual's constitutional rights is void in the State of
9 Alabama.

10 (d) No agency or political subdivision of this state
11 may accept a federal grant awarded for the implementation of
12 any federal statute, federal rule, presidential executive
13 order, or federal court order that would have the effect of
14 forcing an extreme risk protection order against or upon a
15 resident of this state.

16 (e) An individual, including a law enforcement
17 officer, who attempts to enforce an extreme risk protection
18 order upon a resident of this state is guilty of a Class D
19 Felony.

20 Section 2. Although this bill would have as its
21 purpose or effect the requirement of a new or increased
22 expenditure of local funds, the bill is excluded from further
23 requirements and application under Amendment 621, now
24 appearing as Section 111.05 of the Official Recompilation of
25 the Constitution of Alabama of 1901, as amended, because the
26 bill defines a new crime or amends the definition of an
27 existing crime.

1 Section 3. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.