SYNOPSIS: This bill would repeal certain restrictions on the carrying or possession of a firearm on certain property or in a motor vehicle by persons with or without a concealed pistol permit.

The bill would revise certain restrictions on the carrying or possession of firearms at certain locations.

This bill would eliminate the need for a person to obtain a concealed carry permit in order to carry a pistol.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

Amendment 621 of the Constitution of Alabama of 1901, as amended by Amendment 890, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local
funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

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

A BILL
TO BE ENTITLED
AN ACT

Relating to firearms; to amend Sections 13A-11-7, 13A-11-50, 13A-11-55, 13A-11-61.2, 13A-11-62, 13A-11-71, 13A-11-85, and 13A-11-90, Code of Alabama 1975, to delete certain language regarding the carrying of a visible pistol; to delete certain language regarding the carrying of a concealed pistol; to revise certain restrictions on the carrying or possession of firearms at certain locations; to eliminate the need for a person to obtain a concealed carry
permit in order to carry a pistol; to revise language
regarding an employee storing a firearm in the employee's
vehicle; to make nonsubstantive, technical revisions to update
the existing code language to current style; to repeal
of Alabama 1975, relating to the carrying or possession of a
firearm or pistol, to repeal certain restrictions on the
carrying or possession of a firearm on certain property or in
a motor vehicle; 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 Amendment 621
of the Constitution of Alabama of 1901, as amended by
Amendment 890, now appearing as Section 111.05 of the Official
Recompilation of the Constitution of Alabama of 1901.
BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 13A-11-7, 13A-11-50, 13A-11-55,
Code of Alabama 1975, are amended to read as follows:

"§13A-11-7.

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

(1) Engages in fighting or in violent tumultuous or
threatening behavior.

(2) Makes unreasonable noise.
"(3) In a public place uses abusive or obscene language or makes an obscene gesture.

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

"(5) Obstructs vehicular or pedestrian traffic, or a transportation facility.

"(6) Congregates with other person in a public place and refuses to comply with a lawful order of law enforcement to disperse.

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

"(c) It shall be a rebuttable presumption that the mere carrying of a visible pistol, holstered or secured, in a public place, in and of itself, is not a violation of this section.

"(d) Nothing in Act 2013-283 shall be construed to prohibit law enforcement personnel who have reasonable suspicion from acting to prevent a breach of the peace or from taking action to preserve public safety.

"§13A-11-50.

"Except as otherwise provided in this Code, a person who carries concealed about his person a bowie knife or knife or instrument of like kind or description or a pistol or firearm of any other kind or an air gun shall, on conviction, be fined not less than $50.00 fifty dollars ($50) nor more than $500.00 five hundred dollars ($500), and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.
§13A-11-55.
(a) In an indictment for carrying weapons unlawfully, it is sufficient for the complaint to state, with particularity, to charge that the defendant carried concealed about his or her person a pistol, or other description of firearms, on premises not his own, or a bowie knife, or other knife or instrument of the like kind or description, or other forbidden weapon, describing it, as the case may be;

(b) and the excuse, if any, must be proved by the defendant on the trial, to the satisfaction of the jury; and if the evidence offered to excuse the charge raises a reasonable doubt of the defendant's guilt, the jury must acquit him. The burden of injecting the issue of justification in subsection (a) is on the defendant, but this does not shift the burden of proof.

§13A-11-61.2.
(a) In addition to any other place limited or prohibited by state or federal law, a person, including a person with a permit issued under Section 13A-11-75(a)(1) or recognized under Section 13A-11-85, may not knowingly possess or carry a firearm in any of the following places without the express permission of a person or entity with authority over the premises:

(1) Inside the building of a police, sheriff, or highway patrol station.
"(2) Inside or on the premises of a prison, jail, halfway house, community corrections facility, or other detention facility for those who have been charged with or convicted of a criminal or juvenile offense. It is not a violation of this subdivision to knowingly possess or carry a firearm at a location described in this subdivision if the location is also a sheriff's office that issues pistol permits and the pistol remains inside of a locked vehicle at all times while the person is on the premises.

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

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

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

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

"(b) Notwithstanding the provisions of subsection (a), a person, including a person with a permit issued under Section 13A-11-75(a)(1) or recognized under Section 13A-11-85, may not, without the express permission of a person or entity with authority over the premises, knowingly possess or carry a firearm inside any building or facility to which access of unauthorized persons and prohibited articles is limited during normal hours of operation by the continuous on-site posting of guards who are responsible for the prevention of prohibited items from entering the facility, and the use of other security features, including, but not limited to, magnetometers, key cards, biometric screening devices, or turnstiles or other physical barriers that prevent all persons entering the facility from bringing prohibited items into the facility. Nothing in this subsection otherwise restricts the possession, transportation, or storage of a lawfully possessed firearm or ammunition in an employee's privately owned motor vehicle while parked or operated in a public or private parking area provided the employee complies with the requirements of Section 13A-11-90.

"(c) The person or entity with authority over the premises set forth in subdivisions (1) to (6), inclusive, of subsection (a) and subsection (b) shall place a notice at
the public entrances of such premises or buildings alerting
those entering that firearms are prohibited.

"(d) Except as provided in subdivisions (5) and (6)
of subsection (a), any firearm on the premises of any
facility set forth in subdivision (1) of subsection (a), or
subdivisions (3) and (4) to (6) inclusive, of subsection (a),
or subsection (b) must be kept from ordinary observation and
locked within a compartment or in the interior of the person's
motor vehicle or in a compartment or container securely
affixed to the motor vehicle.

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

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

"(g) Prohibitions regarding the carrying of a
firearm under this section shall not apply to law enforcement
officers engaged in the lawful execution of their official
duties or a qualified retired law enforcement officer. For
purposes of this section, qualified retired law enforcement
officer shall mean a retired officer who meets all of the
following requirements:

"(1) Was separated from service in good standing
from service with a public agency as a law enforcement
officer.

"(2) Before separation, was authorized by law to
engage in or supervise the prevention, detection,
investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest.

"(3) Before separation, served as a law enforcement officer for an aggregate of 10 years or more and separated from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by the agency.

"(4) During the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers, as determined by the former agency of the individual, the state in which the individual resides or, if the state has not established such standards, either a law enforcement agency within the state in which the individual resides or the standards used by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that state.

"(5) Has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health, and as a result, will not be issued the photographic identification described in subdivision (8) and has not entered into an agreement with the agency from which the individual is separating from service in which that individual acknowledges he or she is not qualified under this section for reasons relating to mental health and
for those reasons will not receive or accept the photographic
identification as described in subdivision (8).

"(6) Is not under the influence of alcohol or
another intoxicating or hallucinatory drug or substance.

"(7) Is not prohibited by state or federal law from
receiving a firearm.

"(8) Is carrying any of the following identification
documents:

"a. A photographic identification issued by the
agency from which the individual separated from service as a
law enforcement officer that identifies the person as having
been employed as a police officer or law enforcement officer
and indicates that the individual has, not less recently than
one year before the date the individual is carrying the
concealed firearm, been tested or otherwise found by the
agency to meet the active duty standards for qualification in
firearms training as established by the agency to carry a
firearm of the same type as the concealed firearm.

"b. A photographic identification issued by the
agency from which the individual separated from service as a
law enforcement officer that identifies the person as having
been employed as a police officer or law enforcement officer,
and a certification issued by the state in which the
individual resides or by a certified firearms instructor who
is qualified to conduct a firearms qualification test for
active duty officers within that state that indicates that the
individual, not less than one year before the date the
individual is carrying the concealed firearm, has been tested
or otherwise found by the state or a certified firearms
instructor who is qualified to conduct a firearms
qualification test for active duty officers within that state
to have met either of the following:

"1. The active duty standards for qualification in
firearms training, as established by the state, to carry a
firearm of the same type as the concealed firearm.

"2. If the state has not established such standards,
standards set by any law enforcement agency within that state
to carry a firearm of the same type as the concealed firearm.

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

"§13A-11-62.

"For purposes of this division, the following terms
shall have the following meanings, unless the context clearly
indicates otherwise:

"(1) FIREARM. Definition is same as provided in
Section 13A-8-1(4).

"(2) RIFLE. Any weapon designed or redesigned, made
or remade, and intended to be fired from the shoulder and
designed or redesigned and made or remade to use the energy of
the explosive in a fixed metallic cartridge to fire only a
single projectile through a rifled bore for each pull of the
trigger.
"(3) SHOTGUN. A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

"(4) SHORT-BARRELED RIFLE. A rifle having one or more barrels less than 16 inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than 26 inches.

"(5) SHORT-BARRELED SHOTGUN. A shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches.

"§13A-11-71.

"Any person that commits or attempts to commit if any person shall commit or attempt to commit a crime of violence when armed with a pistol, he may, in addition to the punishment provided for the crime, may additionally be punished also as provided by this division. In the trial of a person for committing or attempting to commit a crime of violence, the fact that he was armed with a pistol and had no license to carry the same shall be prima facie evidence of his intention to commit said crime of violence.

"§13A-11-85."
"(a) A person licensed to carry a handgun in any state shall be authorized to carry a handgun in this state. This section shall apply to a license holder from another state only while the license holder is not a resident of this state. A license holder from another state shall carry the handgun in compliance with the laws of this state. The issuance of a permit to carry a pistol pursuant to Section 13A-11-75 or the recognition of a nonresident license under this section does not impose a general prohibition on the carrying of a pistol without a permit.

"(b) The Attorney General is authorized to enter into reciprocal agreements with other states for the mutual recognition of licenses to carry handguns and shall periodically publish a list of states which recognize licenses issued pursuant to Section 13A-11-75.

"§13A-11-90.

"(a) Except as provided in subdivision (b), a public or private employer may restrict or prohibit its employees, including those with a permit issued or recognized under Section 13A-11-75, from carrying firearms while on the employer's property or while engaged in the duties of the person's employment.

"(b) A public or private employer may not restrict or prohibit the transportation or storage of a lawfully possessed firearm pistol or ammunition in an employee's privately owned motor vehicle while parked or operated in a public or private parking area. A public or private employer
may not restrict or prohibit the transportation or storage of a lawfully possessed firearm, if the employee possesses a firearm, other than a pistol, which may be lawfully used for hunting in Alabama, and the employee satisfies all of the following:

"(1) The employee either:
"a. Has a valid concealed weapon permit; or
"b. If the weapon is any firearm legal for use for hunting in Alabama other than a pistol:
"i. (1) The employee possesses a valid Alabama hunting license;.
"ii. (2) The weapon is unloaded at all times on the property;.
"iii. (3) It is during a season in which hunting is permitted by Alabama law or regulation;.
"iv. (4) The employee has never been convicted of any crime of violence as that term is defined in Section 13A-11-70, nor of any crime set forth in Chapter 6 of Title 13A, nor is subject to a Domestic Violence Order, as that term is defined in Section 13A-6-141;.
"v. The employee does not meet any of the factors set forth in Section 13A-11-75(a)(1)a.1-8; and
"vi. (5) The employee has no documented prior workplace incidents involving the threat of physical injury or which resulted in physical injury.

"(2) (6) The motor vehicle is operated or parked in a location where it is otherwise permitted to be.
(7) The firearm is either of the following:

a. In a motor vehicle attended by the employee, kept from ordinary observation within the person's motor vehicle.

b. In a motor vehicle unattended by the employee, kept from ordinary observation and locked within a compartment, container, or in the interior of the person's privately owned motor vehicle or in a compartment or container securely affixed to the motor vehicle.

c) If an employer believes that an employee presents a risk of harm to himself/herself or to others, the employer may inquire as to whether the employee possesses a firearm in his or her private motor vehicle. If the employee does possess a firearm in his or her private motor vehicle on the property of the employer, the employer may make any inquiry necessary to establish that the employee is in compliance with subsection (b).

(1) If the employee is not in compliance with subsection (b), the employer may take adverse employment action against the employee, in the discretion of the employer.

(2) If the employee has been in compliance with subsection (b) at all times, the employer may not take adverse employment action against the employee based solely on the presence of the firearm.

d) If an employer discovers by other means that an employee is transporting or storing a firearm in his or her
private motor vehicle, the employer may not take any adverse
employment action against the employee based solely on the
possession of that firearm if the employee has complied with
the requirements in subsection (b).

"(e) Nothing in this section shall prohibit an
employer from reporting to law enforcement a complaint based
upon information and belief that there is credible evidence of
any of the following:

"(1) That the employee's motor vehicle contains:
"a. A firearm prohibited by state or federal law.
"b. Stolen property or a prohibited or illegal item
other than a firearm.

"(2) A threat made by an employee to cause bodily
harm to themselves or others.

"(f) If law enforcement officers, pursuant to a
valid search warrant or valid warrantless search based upon
probable cause, exigent circumstances, or other lawful
exception to the search warrant requirement, discover a
firearm prohibited by state or federal law, stolen property,
or a prohibited or illegal item other than a firearm, the
employer may take adverse employment action against the
employee.

"(g) However, Notwithstanding subsection (f), if the
employee has fully complied with the requirements of
subsection (b) and does not possess a firearm prohibited by
state or federal law, that employee is entitled to recovery as
specified in this subsection for any adverse employment action
against the employee. If demand for the recovery has not been satisfied within 45 calendar days, the employee may file a civil action in the appropriate court of this state against the public or private employer. A plaintiff is entitled to seek an award of all of the following:

"(1) Compensation, if applicable, for lost wages or benefits.

"(2) Compensation, if applicable, for other lost remuneration caused by the termination, demotion, or other adverse action.

"(h) The license requirements set forth in sections (b)(1)a. and (b)(1)b.i. subdivision (1) or subsection (b) are for the purposes of this section only in order to determine whether an employee may transport or store a lawfully possessed firearm or ammunition in an employee's privately owned motor vehicle while parked or operated in a public or private parking area owned by the employer and shall not be construed to otherwise expand the requirements for the lawful possession of a firearm. These requirements shall not be interpreted to mean that the laws of the State of Alabama create any new connection between the possession of a hunting license and the right of a citizen to keep and bear arms.

"(i) Prohibitions regarding the carrying of a firearm under this section shall not apply to law enforcement officers engaged in the lawful execution of their official duties.
"(j) Nothing in this section shall be construed to authorize the transportation, carrying, storing, or possession of a firearm or ammunition where prohibited by federal law."

Section 2. The issuance of a permit to carry a pistol pursuant to Section 13A-11-75, Code of Alabama 1975, or the recognition of nonresident licenses pursuant to Section 13A-11-85, Code of Alabama 1975, does not impose a general prohibition on the carrying of a pistol without a permit.


Section 4. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621, as amended by Amendment 890, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, because the bill defines a new crime or amends the definition of an existing crime.

Section 5. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.