

1 SB264  
2 149563-1  
3 By Senators Beason, Bedford, Holtzclaw, Holley, McGill,  
4 Blackwell, Scofield, Allen, Orr, Pittman, Waggoner, Marsh and  
5 Glover  
6 RFD: Business and Labor  
7 First Read: 26-FEB-13

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8 SYNOPSIS: This bill would consolidate certain  
9 preemption language regarding the authority of  
10 counties and municipalities to regulate certain  
11 activity related to firearms and would provide  
12 civil remedies for persons adversely affected by  
13 unauthorized action of a county or municipality  
14 relating to firearm regulation.

15 This bill would provide for the possession  
16 of a pistol in a motor vehicle and would provide  
17 that the mere presence of a pistol in a vehicle  
18 does not create a presumption that the pistol is  
19 concealed.

20 This bill would provide that lawfully  
21 carrying a firearm under certain conditions does  
22 not, in and of itself, constitute the crime of  
23 disorderly conduct.

24 This bill would require a sheriff to issue  
25 or deny a concealed pistol permit within 30 days of  
26 receipt of the application and accompanying fees,  
27 would specify that the license must be renewed from

1 one to five years from the date of issuance, would  
2 provide for the revocation of licenses, and would  
3 provide an appeals process for license denials and  
4 revocations.

5 This bill would specify certain eligibility  
6 requirements for the issuance of a pistol permit  
7 and would further provide for the permit fee.

8 This bill would provide for the issuance of  
9 pistol permits to applicants who are not United  
10 States citizens under certain conditions and would  
11 authorize employers to restrict employees from  
12 carrying concealed pistols under limited  
13 circumstances.

14 This bill would require a report from the  
15 National Instant Background Check System as part of  
16 the investigation process relating to the issuance  
17 of a concealed pistol permit.

18 This bill would authorize the Attorney  
19 General to enter into reciprocal agreements with  
20 other states for the mutual recognition of licenses  
21 to carry pistols.

22 This bill would further provide for the  
23 carrying of a pistol on public and private property  
24 in certain locations.

25 This bill would allow employees to transport  
26 or store a firearm in the employee's  
27 privately-owned motor vehicle under certain

1 conditions and would prohibit an employer from  
2 inquiring whether the employee is transporting or  
3 storing a firearm in a vehicle and would provide  
4 certain remedies for employees.

5 This bill would require state and local  
6 entities to allow certain persons on property of  
7 the state or local entity to check a firearm at a  
8 designated entrance for secure storage while the  
9 person is on the property.

10 This bill would specify that a person or  
11 business entity has no duty to guard against the  
12 criminal acts of a third party relating to firearm  
13 use or otherwise.

14 This bill would prohibit a business entity  
15 or property owner or legal possessor from  
16 establishing policies against persons transporting  
17 or storing a firearm or ammunition when the person  
18 is otherwise in compliance with all other  
19 applicable laws under certain conditions and would  
20 provide certain remedies for violations.

21 This bill would repeal the prohibition  
22 against the possession of a firearm at a public  
23 demonstration.

24 Amendment 621 of the Constitution of Alabama  
25 of 1901, now appearing as Section 111.05 of the  
26 Official Recompilation of the Constitution of  
27 Alabama of 1901, as amended, prohibits a general

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

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

17  
18 A BILL  
19 TO BE ENTITLED  
20 AN ACT

21  
22 Relating to firearms; to amend Section 11-80-1, Code  
23 of Alabama 1975, to consolidate certain preemption language  
24 regarding the authority of counties and municipalities to  
25 regulate certain activity related to firearms; to provide  
26 civil remedies to persons adversely affected by unauthorized  
27 action of a county or municipality relating to firearm

1 regulation; to amend Section 13A-11-7, Code of Alabama 1975,  
2 to provide that the lawful carrying of a firearm under certain  
3 conditions does not constitute the crime of disorderly  
4 conduct; to amend Section 13A-11-73, Code of Alabama 1975, to  
5 further provide for the possession of a pistol in a motor  
6 vehicle; to provide that the mere presence of a pistol in a  
7 vehicle does not create a presumption that the pistol is  
8 concealed; to amend Section 13A-11-75, Code of Alabama 1975,  
9 to require a sheriff to issue a concealed pistol permit within  
10 a certain time frame; to increase the renewal period; to  
11 provide certain eligibility requirements for the issuance of  
12 the permit; to provide for the revocation of a permit; to  
13 provide an appeals process for denials and revocations of  
14 permits; to further provide for the permit fee; to provide for  
15 the issuance of permits to applicants who are not United  
16 States citizens under certain conditions; to require a report  
17 from the National Instant Background Check System as part of  
18 the investigation process relating to the issuance of a  
19 concealed pistol permit; to amend Section 13A-11-85, Code of  
20 Alabama 1975, to authorize the Attorney General to enter into  
21 reciprocal agreements with other states for the mutual  
22 recognition of licenses to carry pistols; to allow employees  
23 to transport or store a firearm in the employee's  
24 privately-owned motor vehicle under certain conditions; to  
25 prohibit an employer from inquiring whether the employee is  
26 transporting or storing a firearm in a private vehicle; to  
27 prohibit a business entity or property owner or legal

1        possessor, from establishing policies against persons  
2        transporting or storing a firearm or ammunition when the  
3        person is otherwise in compliance with all other applicable  
4        laws under certain conditions; to further provide for the  
5        carrying of pistols on private and public property; to require  
6        certain procedures for checking and storing firearms on  
7        property of the state and political subdivisions thereof; to  
8        specify that a person or business entity has no duty to guard  
9        against the criminal acts of a third party; to repeal Section  
10       11-45-1.1, Code of Alabama 1975, relating to the authority of  
11       a municipality to enact ordinances relating to handguns,  
12       Section 13A-11-52, Code of Alabama 1975, relating to the carry  
13       of a pistol on the property of another, and Section 13A-11-59,  
14       Code of Alabama 1975, relating to the possession of firearms  
15       by persons participating in or attending demonstrations at  
16       public places; and in connection therewith would have as its  
17       purpose or effect the requirement of a new or increased  
18       expenditure of local funds within the meaning of Amendment 621  
19       of the Constitution of Alabama of 1901, now appearing as  
20       Section 111.05 of the Official Recompilation of the  
21       Constitution of Alabama of 1901, as amended.

22       BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23                Section 1. Section 11-80-1, Code of Alabama 1975, is  
24       amended to read as follows:

25                "§11-80-11.

26                "~~(a) No county or municipal corporation,~~  
27       ~~instrumentality, or political subdivision thereof, by~~

1 ~~ordinance, resolution, or other enactment, shall regulate in~~  
2 ~~any manner gun shows, the possession, ownership, transport,~~  
3 ~~carrying, transfer, sale, purchase, licensing, registration or~~  
4 ~~use of firearms, ammunition, components of firearms, firearms~~  
5 ~~dealers, or dealers in firearm components.~~

6 ~~"(b) (1) Subsection (a) does not affect the authority~~  
7 ~~a municipality has under law to regulate the discharge of~~  
8 ~~firearms within the limits of the municipality or the~~  
9 ~~authority a county has under law enacted prior to August 1,~~  
10 ~~2000, to regulate the discharge of firearms within the~~  
11 ~~jurisdiction of the county.~~

12 ~~"(2) Subsection (a) does not affect the authority of~~  
13 ~~the state, a county, or a municipality to assess, enforce, and~~  
14 ~~collect sales taxes, use taxes, and gross receipts taxes in~~  
15 ~~the nature of sales taxes as defined by Section 40-2A-3(8), on~~  
16 ~~the retail sale of firearms and ammunition or to assess,~~  
17 ~~enforce, and collect business licenses from firearms or~~  
18 ~~ammunition manufacturers, trade associations, distributors, or~~  
19 ~~dealers for the privilege of engaging in business.~~

20 ~~"Further, nothing herein shall exempt any business~~  
21 ~~which uses firearms or ammunition in the conduct of its~~  
22 ~~business or any business which leases or sells firearms or~~  
23 ~~ammunition from the provisions of county and municipal~~  
24 ~~planning and zoning laws, as long as the code, ordinance, or~~  
25 ~~regulations are not used to circumvent the intent of~~  
26 ~~subsection (a).~~



1           ~~"This section shall not be construed to limit or~~  
2 ~~restrict the power of a municipality to adopt or enforce~~  
3 ~~ordinances which make the violation of a state firearm law a~~  
4 ~~violation of a municipal ordinance to the same extent as other~~  
5 ~~state law violations.~~

6           ~~"(c) The authority to bring or settle any lawsuit in~~  
7 ~~which the state has an exclusive interest or right to recover~~  
8 ~~against any firearm or ammunition manufacturer, trade~~  
9 ~~association, or dealer, and the authority to bring or settle~~  
10 ~~any lawsuit on behalf of any governmental unit created by or~~  
11 ~~pursuant to an act of the Legislature or the Constitution of~~  
12 ~~Alabama of 1901, or any department, agency, or authority~~  
13 ~~thereof, for damages, abatement, injunctive relief, or other~~  
14 ~~equitable relief resulting from or relating to the design,~~  
15 ~~manufacture, marketing, or lawful sale of firearms or~~  
16 ~~ammunition, or both, shall be reserved exclusively to the~~  
17 ~~Attorney General, by and with the consent of the Governor.~~  
18 ~~This section shall not prohibit a county or municipal~~  
19 ~~corporation from bringing an action against a firearms or~~  
20 ~~ammunition manufacturer or dealer for breach of contract or~~  
21 ~~warranty as to firearms or ammunition purchased by the~~  
22 ~~political subdivision or local governmental authority."~~

23           Section 2. Section 11-80-1, Code of Alabama 1975, is  
24 amended to read as follows:

25           "§11-80-11.

26           ~~"(a) No county or municipal corporation,~~  
27 ~~instrumentality, or political subdivision thereof, by~~

1 ~~ordinance, resolution, or other enactment, shall regulate in~~  
2 ~~any manner gun shows, the possession, ownership, transport,~~  
3 ~~carrying, transfer, sale, purchase, licensing, registration or~~  
4 ~~use of firearms, ammunition, components of firearms, firearms~~  
5 ~~dealers, or dealers in firearm components.~~

6 ~~"(b) (1) Subsection (a) does not affect the authority~~  
7 ~~a municipality has under law to regulate the discharge of~~  
8 ~~firearms within the limits of the municipality or the~~  
9 ~~authority a county has under law enacted prior to August 1,~~  
10 ~~2000, to regulate the discharge of firearms within the~~  
11 ~~jurisdiction of the county.~~

12 ~~"(2) Subsection (a) does not affect the authority of~~  
13 ~~the state, a county, or a municipality to assess, enforce, and~~  
14 ~~collect sales taxes, use taxes, and gross receipts taxes in~~  
15 ~~the nature of sales taxes as defined by Section 40-2A-3(8), on~~  
16 ~~the retail sale of firearms and ammunition or to assess,~~  
17 ~~enforce, and collect business licenses from firearms or~~  
18 ~~ammunition manufacturers, trade associations, distributors, or~~  
19 ~~dealers for the privilege of engaging in business.~~

20 ~~"Further, nothing herein shall exempt any business~~  
21 ~~which uses firearms or ammunition in the conduct of its~~  
22 ~~business or any business which leases or sells firearms or~~  
23 ~~ammunition from the provisions of county and municipal~~  
24 ~~planning and zoning laws, as long as the code, ordinance, or~~  
25 ~~regulations are not used to circumvent the intent of~~  
26 ~~subsection (a).~~

1           ~~"This section shall not be construed to limit or~~  
2 ~~restrict the power of a municipality to adopt or enforce~~  
3 ~~ordinances which make the violation of a state firearm law a~~  
4 ~~violation of a municipal ordinance to the same extent as other~~  
5 ~~state law violations.~~

6           "~~(c)~~ The authority to bring or settle any lawsuit in  
7 which the state has an exclusive interest or right to recover  
8 against any firearm or ammunition manufacturer, trade  
9 association, or dealer, and the authority to bring or settle  
10 any lawsuit on behalf of any governmental unit created by or  
11 pursuant to an act of the Legislature or the Constitution of  
12 Alabama of 1901, or any department, agency, or authority  
13 thereof, for damages, abatement, injunctive relief, or other  
14 equitable relief resulting from or relating to the design,  
15 manufacture, marketing, or lawful sale of firearms or  
16 ammunition, or both, shall be reserved exclusively to the  
17 Attorney General, by and with the consent of the Governor.  
18 This section shall not prohibit a county or municipal  
19 corporation from bringing an action against a firearms or  
20 ammunition manufacturer or dealer for breach of contract or  
21 warranty as to firearms or ammunition purchased by the  
22 political subdivision or local governmental authority."

23           Section 3. Sections 13A-11-7, 13A-11-73, 13A-11-75,  
24 and 13A-11-85, Code of Alabama 1975, are amended to read as  
25 follows:

26           "§13A-11-7.

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

5           "(1) Engages in fighting or in violent tumultuous or  
6 threatening behavior;~~or.~~

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

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

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

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

14          "(6) Congregates with other person in a public place  
15 and refuses to comply with a lawful order of the police to  
16 disperse.

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

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

21          "§13A-11-73.

22          No person shall carry a pistol ~~in any vehicle or~~  
23 concealed on or about his or her person, except on his or her  
24 land, in his or her own abode or fixed place of business, or  
25 in or on a private motor vehicle or other private means of  
26 conveyance without a license therefor as hereinafter provided.

1 The mere presence of a pistol in a vehicle does not create a  
2 presumption that the pistol is concealed.

3 "§13A-11-75.

4 "(a) (1) The sheriff of a county, upon the  
5 application of any person residing in that county, ~~may~~ within  
6 30 days from receipt of a complete application and  
7 accompanying fees, shall issue or renew a ~~qualified or~~  
8 unlimited license to such ~~for such~~ person to carry a pistol in  
9 a ~~vehicle or~~ concealed on or about his or her person within  
10 this state for ~~not more than one year~~ one to five year  
11 increments, as requested by the person seeking the license,  
12 from date of issue, ~~if it appears that the applicant has good~~  
13 reason to fear injury to his or her person or property or has  
14 any other proper reason for carrying a pistol, and that he or  
15 she is a suitable person to be so licensed. ~~unless the sheriff~~  
16 determines, based upon documented, specific actions of the  
17 person, where at least one of the actions occurred within two  
18 years immediately preceding the date of the application, that  
19 the person is likely to use a weapon unlawfully or in such  
20 other manner that would endanger the person's self or others.  
21 The sheriff shall provide a written statement of the reasons  
22 for the denial, and the evidence upon which it is based must  
23 be disclosed to the applicant unless disclosure would  
24 interfere with a criminal investigation or the person is  
25 otherwise prohibited under the laws of this state or the  
26 United States from possessing or receiving a firearm.

1           "(2) The sheriff may revoke a license issued under  
2           subdivision (1) if he or she determines, based upon  
3           documented, specific actions of the person, where at least one  
4           of the actions occurred within two years immediately preceding  
5           the date of the application, that the person is likely to use  
6           a weapon unlawfully or in such other manner that would  
7           endanger the person's self or others. The sheriff shall  
8           provide a written statement of the reasons for the revocation,  
9           and the evidence upon which it is based must be disclosed to  
10           the applicant unless disclosure would interfere with a  
11           criminal investigation or the person is otherwise prohibited  
12           under the laws of this state or the United States from  
13           possessing or receiving a firearm.

14           "(3) A person who is denied a license under  
15           subdivision (1), or a person whose license is revoked under  
16           subdivision (2), within 30 days of notification of the denial  
17           or revocation, may file a written appeal of the denial or  
18           revocation to a concealed pistol permit review panel stating  
19           the grounds for which the permit was wrongfully denied or  
20           revoked. Upon a review of a denial under this subdivision, the  
21           sheriff shall have the burden of proving by clear and  
22           convincing evidence that the person would be likely to use a  
23           weapon unlawfully or in such other manner as would endanger  
24           the person's self or others if granted a license to carry a  
25           concealed firearm under this section. The panel shall be  
26           comprised of the following members of the county in which the  
27           application was made:

1           "a. The probate judge.

2           "b. The district attorney.

3           "c. The president of the local bar association.

4           "(4) Within 30 days of receipt of the appeal, the  
5 panel shall review the written appeal and issue a final  
6 determination in writing providing the reasons for the  
7 determination.

8           "(5) If the panel issues a determination in favor of  
9 a person who was denied a permit, the person shall be issued a  
10 permit and shall not be required to pay the permit fees under  
11 subsection (b). If the panel issues a determination in favor  
12 of a person whose license was revoked, the person shall be  
13 reimbursed for the amount paid for the permit that was  
14 revoked.

15           "(b) The license shall be in triplicate, in form to  
16 be prescribed by the Secretary of State, and shall bear the  
17 name, address, description, and signature of the licensee and  
18 the reason given for desiring a license. The original thereof  
19 shall be delivered to the licensee, the duplicate shall,  
20 within seven days, be sent by registered or certified mail to  
21 the Director of Public Safety, and the triplicate shall be  
22 preserved for six years by the authority issuing the same. The  
23 fee for issuing such license shall be one dollar (\$1) which  
24 sheriff may charge a fee as provided by local law for the  
25 issuance of the license. Notwithstanding any provision in a  
26 local law, the fee shall not exceed an aggregate amount of  
27 fifty dollars (\$50) for a five-year period. The fee shall be

1 paid into the county treasury unless otherwise provided by  
2 local law. Prior to issuance or renewal of a license, the  
3 sheriff shall contact available local, state, and federal  
4 criminal history data banks, including the National Instant  
5 Criminal Background Check System, to determine whether  
6 possession of a firearm by an applicant would be a violation  
7 of state or federal law. ~~The sheriff may revoke a license upon~~  
8 ~~proof that the licensee is not a proper person to be licensed.~~

9 "(c) If a person who is not a United States citizen  
10 applies for a license under this section, the sheriff shall  
11 conduct an Immigration Alien Query through the Bureau of  
12 Immigration and Customs Enforcement, or any successor agency,  
13 and the application form shall require information relating to  
14 the applicant's country of citizenship, place of birth, and  
15 any alien or admission number issued by the Bureau of  
16 Immigration and Customs Enforcement, or any successor agency.  
17 The sheriff shall review the results of these inquiries before  
18 making a determination of whether to issue a license or  
19 renewal license. A person who is unlawfully present in this  
20 state may not be issued a license to carry a pistol that is  
21 concealed.

22 ~~"(b) (d)~~ (d) The name, address, and signature collected  
23 from an applicant or licensee under this section shall be kept  
24 confidential, shall be exempt from disclosure under Section  
25 36-12-40, and may only be used for law enforcement purposes  
26 except when a current licensee is charged in any state with a  
27 felony involving the use of a pistol. All other information on



1 licenses under this section, including information concerning  
2 the annual number of applicants, number of licenses issued,  
3 number of licenses denied, revenue from issuance of licenses,  
4 and any other fiscal or statistical data otherwise, shall  
5 remain public writings subject to public disclosure. Except as  
6 provided above, the sheriff of a county shall redact the name,  
7 address, signature, and photograph of an applicant before  
8 releasing a copy of a license for a non-law enforcement  
9 purpose. The sheriff may charge one dollar (\$1) per copy of  
10 any redacted license record requested other than when  
11 requested for law enforcement purposes. To knowingly publish  
12 or release to the public in any form any information or  
13 records related to the licensing process, or the current  
14 validity of any license, except as authorized in this  
15 subsection or in response to a court order or subpoena, is a  
16 Class A misdemeanor.

17 "(e) A license issued under this section shall be  
18 valid for the carrying of a pistol concealed on the licensee's  
19 person throughout the state, unless prohibited by this  
20 section.

21 "(f) This section shall not be construed to limit or  
22 place any conditions upon a person's right to carry a pistol  
23 that is not concealed.

24 "§13A-11-85.

25 "(a) A person licensed to carry a handgun in any  
26 state ~~whose laws recognize and give effect in that state to a~~  
27 ~~license issued under the laws of the State of Alabama shall be~~

1 authorized to carry a handgun in this state. This section  
2 shall apply to a ~~licenseholder~~ license holder from another  
3 state only while the ~~licenseholder~~ license holder is not a  
4 resident of this state. A ~~licenseholder~~ license holder from  
5 another state shall carry the handgun in compliance with the  
6 laws of this state.

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

13 Section 4. Sections 13A-11-7, 13A-11-73, 13A-11-75,  
14 and 13A-11-85, Code of Alabama 1975, are amended to read as  
15 follows:

16 "§13A-11-7.

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

21 " (1) Engages in fighting or in violent tumultuous or  
22 threatening behavior; ~~or.~~

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

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

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

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

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

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

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

10          "§13A-11-73.

11          No person shall carry a pistol ~~in any vehicle or~~  
12 concealed on or about his or her person, except on his or her  
13 land, in his or her own abode or fixed place of business, or  
14 in or on a private motor vehicle or other private means of  
15 conveyance without a license therefor as hereinafter provided.  
16 The mere presence of a pistol in a vehicle does not create a  
17 presumption that the pistol is concealed.

18          "§13A-11-75.

19          "(a) (1) The sheriff of a county, upon the  
20 application of any person residing in that county, ~~may~~ within  
21 30 days from receipt of a complete application and  
22 accompanying fees, shall issue or renew a ~~qualified or~~  
23 ~~unlimited~~ license ~~to such~~ for such person to carry a pistol ~~in~~  
24 ~~a vehicle or~~ concealed on or about his or her person within  
25 this state for ~~not more than one year~~ one to five year  
26 increments, as requested by the person seeking the license,  
27 from date of issue, ~~if it appears that the applicant has good~~

1 ~~reason to fear injury to his or her person or property or has~~  
2 ~~any other proper reason for carrying a pistol, and that he or~~  
3 ~~she is a suitable person to be so licensed. unless the sheriff~~  
4 ~~determines, based upon documented, specific actions of the~~  
5 ~~person, where at least one of the actions occurred within two~~  
6 ~~years immediately preceding the date of the application, that~~  
7 ~~the person is likely to use a weapon unlawfully or in such~~  
8 ~~other manner that would endanger the person's self or others.~~  
9 The sheriff shall provide a written statement of the reasons  
10 for the denial, and the evidence upon which it is based must  
11 be disclosed to the applicant unless disclosure would  
12 interfere with a criminal investigation or the person is  
13 otherwise prohibited under the laws of this state or the  
14 United States from possessing or receiving a firearm.

15 "(2) The sheriff may revoke a license issued under  
16 subdivision (1) if he or she determines, based upon  
17 documented, specific actions of the person, where at least one  
18 of the actions occurred within two years immediately preceding  
19 the date of the application, that the person is likely to use  
20 a weapon unlawfully or in such other manner that would  
21 endanger the person's self or others. The sheriff shall  
22 provide a written statement of the reasons for the revocation,  
23 and the evidence upon which it is based must be disclosed to  
24 the applicant unless disclosure would interfere with a  
25 criminal investigation or the person is otherwise prohibited  
26 under the laws of this state or the United States from  
27 possessing or receiving a firearm.

1           "(3) A person who is denied a license under  
2           subdivision (1), or a person whose license is revoked under  
3           subdivision (2), within 30 days of notification of the denial  
4           or revocation, may file a written appeal of the denial or  
5           revocation to a concealed pistol permit review panel stating  
6           the grounds for which the permit was wrongfully denied or  
7           revoked. Upon a review of a denial under this subdivision, the  
8           sheriff shall have the burden of proving by clear and  
9           convincing evidence that the person would be likely to use a  
10           weapon unlawfully or in such other manner as would endanger  
11           the person's self or others if granted a license to carry a  
12           concealed firearm under this section. The panel shall be  
13           comprised of the following members of the county in which the  
14           application was made:

15           "a. The probate judge.

16           "b. The district attorney.

17           "c. The president of the local bar association.

18           "(4) Within 30 days of receipt of the appeal, the  
19           panel shall review the written appeal and issue a final  
20           determination in writing providing the reasons for the  
21           determination.

22           "(5) If the panel issues a determination in favor of  
23           a person who was denied a permit, the person shall be issued a  
24           permit and shall not be required to pay the permit fees under  
25           subsection (b). If the panel issues a determination in favor  
26           of a person whose license was revoked, the person shall be

1 reimbursed for the amount paid for the permit that was  
2 revoked.

3 "(b) The license shall be in triplicate, in form to  
4 be prescribed by the Secretary of State, and shall bear the  
5 name, address, description, and signature of the licensee and  
6 the reason given for desiring a license. The original thereof  
7 shall be delivered to the licensee, the duplicate shall,  
8 within seven days, be sent by registered or certified mail to  
9 the Director of Public Safety, and the triplicate shall be  
10 preserved for six years by the authority issuing the same. The  
11 fee for issuing such license shall be one dollar (\$1) which  
12 sheriff may charge a fee as provided by local law for the  
13 issuance of the license. Notwithstanding any provision in a  
14 local law, the fee shall not exceed an aggregate amount of  
15 fifty dollars (\$50) for a five-year period. The fee shall be  
16 paid into the county treasury unless otherwise provided by  
17 local law. Prior to issuance or renewal of a license, the  
18 sheriff shall contact available local, state, and federal  
19 criminal history data banks, including the National Instant  
20 Criminal Background Check System, to determine whether  
21 possession of a firearm by an applicant would be a violation  
22 of state or federal law. The sheriff may revoke a license upon  
23 proof that the licensee is not a proper person to be licensed.

24 "(c) If a person who is not a United States citizen  
25 applies for a license under this section, the sheriff shall  
26 conduct an Immigration Alien Query through the Bureau of  
27 Immigration and Customs Enforcement, or any successor agency,

1 and the application form shall require information relating to  
2 the applicant's country of citizenship, place of birth, and  
3 any alien or admission number issued by the Bureau of  
4 Immigration and Customs Enforcement, or any successor agency.  
5 The sheriff shall review the results of these inquiries before  
6 making a determination of whether to issue a license or  
7 renewal license. A person who is unlawfully present in this  
8 state may not be issued a license to carry a pistol that is  
9 concealed.

10 ~~"(b)~~ (d) The name, address, and signature collected  
11 from an applicant or licensee under this section shall be kept  
12 confidential, shall be exempt from disclosure under Section  
13 36-12-40, and may only be used for law enforcement purposes  
14 except when a current licensee is charged in any state with a  
15 felony involving the use of a pistol. All other information on  
16 licenses under this section, including information concerning  
17 the annual number of applicants, number of licenses issued,  
18 number of licenses denied, revenue from issuance of licenses,  
19 and any other fiscal or statistical data otherwise, shall  
20 remain public writings subject to public disclosure. Except as  
21 provided above, the sheriff of a county shall redact the name,  
22 address, signature, and photograph of an applicant before  
23 releasing a copy of a license for a non-law enforcement  
24 purpose. The sheriff may charge one dollar (\$1) per copy of  
25 any redacted license record requested other than when  
26 requested for law enforcement purposes. To knowingly publish  
27 or release to the public in any form any information or

1 records related to the licensing process, or the current  
2 validity of any license, except as authorized in this  
3 subsection or in response to a court order or subpoena, is a  
4 Class A misdemeanor.

5 "(e) A license issued under this section shall be  
6 valid for the carrying of a pistol concealed on the licensee's  
7 person throughout the state, unless prohibited by this  
8 section.

9 "(f) This section shall not be construed to limit or  
10 place any conditions upon a person's right to carry a pistol  
11 that is not concealed.

12 "§13A-11-85.

13 "(a) A person licensed to carry a handgun in any  
14 state ~~whose laws recognize and give effect in that state to a~~  
15 ~~license issued under the laws of the State of Alabama~~ shall be  
16 authorized to carry a handgun in this state. This section  
17 shall apply to a ~~licenseholder~~ license holder from another  
18 state only while the ~~licenseholder~~ license holder is not a  
19 resident of this state. A ~~licenseholder~~ license holder from  
20 another state shall carry the handgun in compliance with the  
21 laws of this state.

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



1                   Section 5. (a) Except as provided in subsections  
2                   (b), (c), and (d), a person may openly carry a pistol or carry  
3                   a pistol concealed on or about his or her person on private or  
4                   public property.

5                   (b) (1) Except as provided in subdivision (2), a  
6                   public or private employer may restrict or prohibit its  
7                   employees, including those with a license issued or recognized  
8                   under Section 13A-11-75, Code of Alabama 1975, from carrying  
9                   firearms while on the employer's property or while engaged in  
10                   the duties of the person's employment.

11                   (2) A public or private employer may not restrict or  
12                   prohibit the transportation or storage of a firearm in an  
13                   employee's privately-owned motor vehicle while parked or  
14                   operated in a public or private parking area if the employee  
15                   satisfies all of the following:

16                   a. The vehicle is operated or parked in a location  
17                   where it is otherwise permitted to be.

18                   b. The firearm is either of the following:

19                   1. In a motor vehicle attended by the employee, kept  
20                   from ordinary observation with the person's vehicle.

21                   2. In a motor vehicle unattended by the employee,  
22                   kept from ordinary observation and locked within the trunk,  
23                   glove box, or interior of the person's privately owned motor  
24                   vehicle or a container securely affixed to the vehicle.

25                   (3) A public or private employer may not inquire  
26                   whether an employee is transporting a firearm or has stored a  
27                   firearm in his or her private motor vehicle.

1           (4) If an employer discovers by other means that an  
2 employee is transporting or storing a firearm in his or her  
3 private vehicle, the employer may not take any adverse  
4 employment action against the employee if the employee has  
5 complied with the requirements in subdivision (2).

6           (5) An employee is entitled to full recovery as  
7 specified in this subsection for any adverse employment action  
8 against the employee if the employee has complied with the  
9 requirements of subdivision (2). If demand for the recovery  
10 has not been satisfied within 45 calendar days, the employee  
11 may file a civil action in the appropriate court of this state  
12 against the public or private employer and is entitled to an  
13 award of all of the following:

14           a. Reinstatement to the same position held at the  
15 time of his or her termination from employment or demotion, or  
16 to an equivalent position.

17           b. Reinstatement of the employee's full fringe  
18 benefits and seniority rights, as appropriate.

19           c. Compensation, if applicable, for lost wages,  
20 benefits, or other lost remuneration caused by the  
21 termination, demotion, or other adverse action.

22           d. Payment of reasonable attorney's fees and legal  
23 costs incurred.

24           (c) A person who owns or controls private property,  
25 including property that is open to the public, may restrict or  
26 prohibit as trespassers those who possess or carry firearms or  
27 other deadly weapons, including those persons with a license

1 issued or recognized under Section 13A-11-75, Code of Alabama  
2 1975, while on the property provided that notice of the  
3 prohibition is prominently posted at any public entrance to  
4 the property, and if a person disregards the notice and  
5 carries a pistol on the property, the person who owns or  
6 controls the property may verbally request, in the presence of  
7 a law enforcement officer, that the person carrying the pistol  
8 leave the property.

9 (d) (1) A person, including a person with a license  
10 issued under Section 13A-11-75, Code of Alabama 1975, may not  
11 knowingly possess or carry a firearm or other deadly weapon in  
12 the following place without the express permission of a person  
13 or entity with authority over the premises:

14 a. Inside any building, facility, or venue to which  
15 access of unauthorized persons and prohibited articles is  
16 limited during normal hours of operation by the continuous  
17 posting of guards and the use of other security features,  
18 including but not limited to, magnetometers, key cards,  
19 biometric screening devices, or turnstiles or other physical  
20 barriers.

21 b. This subdivision shall not prohibit any person  
22 from possessing a firearm within the person's residence or  
23 during ingress or egress thereto.

24 (2) If the state, or a political subdivision  
25 thereof, adopts a policy as described in subdivision (1), the  
26 state or the political subdivision shall provide a means for a  
27 person, upon arrival to the property, to give possession of a

1 pistol to a person designated by the state or political  
2 subdivision at a designated entrance to the property. The  
3 person designated by the state or political subdivision shall  
4 store the pistol in a secure and locked location during the  
5 course of the person's presence on the property.

6 (3)a. A person who is denied the opportunity to  
7 check and store a firearm in violation of subdivision (2) may  
8 file a civil action in the appropriate court to enjoin any  
9 state or political subdivision from violating subdivision (2).

10 b. In any action brought under this subdivision,  
11 court costs and attorney's fees shall be awarded to the  
12 prevailing plaintiff.

13 (4) Any person who violates subdivision (1) shall be  
14 guilty of a Class C misdemeanor.

15 (e) Prohibitions regarding the carrying of a firearm  
16 or other deadly weapon under this section shall not apply to  
17 law enforcement officers engaged in the lawful execution of  
18 their official duties.

19 (f) Nothing in this section shall be construed to  
20 authorize the carrying or possession of a firearm or other  
21 deadly weapon where prohibited by federal law.

22 (g) For the purposes of this section, the term  
23 "deadly weapon" shall have the same meaning as in Section  
24 13A-11-72, Code of Alabama 1975.

25 Section 6. (a) Except as provided in subsections  
26 (b), (c), and (d), a person may openly carry a pistol or carry

1 a pistol concealed on or about his or her person on private or  
2 public property.

3 (b) (1) Except as provided in subdivision (2), a  
4 public or private employer may restrict or prohibit its  
5 employees, including those with a license issued or recognized  
6 under Section 13A-11-75, Code of Alabama 1975, from carrying  
7 firearms while on the employer's property or while engaged in  
8 the duties of the person's employment.

9 (2) A public or private employer may not restrict or  
10 prohibit the transportation or storage of a firearm in an  
11 employee's privately-owned motor vehicle while parked or  
12 operated in a public or private parking area if the employee  
13 satisfies all of the following:

14 a. The vehicle is operated or parked in a location  
15 where it is otherwise permitted to be.

16 b. The firearm is either of the following:

17 1. In a motor vehicle attended by the employee, kept  
18 from ordinary observation with the person's vehicle.

19 2. In a motor vehicle unattended by the employee,  
20 kept from ordinary observation and locked within the trunk,  
21 glove box, or interior of the person's privately owned motor  
22 vehicle or a container securely affixed to the vehicle.

23 (3) A public or private employer may not inquire  
24 whether an employee is transporting a firearm or has stored a  
25 firearm in his or her private motor vehicle.

26 (4) If an employer discovers by other means that an  
27 employee is transporting or storing a firearm in his or her

1 private vehicle, the employer may not take any adverse  
2 employment action against the employee if the employee has  
3 complied with the requirements in subdivision (2).

4 (5) An employee is entitled to full recovery as  
5 specified in this subsection for any adverse employment action  
6 against the employee if the has complied with the requirements  
7 of subdivision (2). If demand for the recovery has not been  
8 satisfied within 45 calendar days, the employee may file a  
9 civil action in the appropriate court of this state against  
10 the public or private employer and is entitled to an award of  
11 all of the following:

12 a. Reinstatement to the same position held at the  
13 time of his or her termination from employment or demotion, or  
14 to an equivalent position.

15 b. Reinstatement of the employee's full fringe  
16 benefits and seniority rights, as appropriate.

17 c. Compensation, if applicable, for lost wages,  
18 benefits, or other lost remuneration caused by the  
19 termination, demotion, or other adverse action.

20 d. Payment of reasonable attorney's fees and legal  
21 costs incurred.

22 (c) A person who owns or controls private property,  
23 including property that is open to the public, may restrict or  
24 prohibit as trespassers those who possess or carry firearms or  
25 other deadly weapons, including those persons with a license  
26 issued or recognized under Section 13A-11-75, Code of Alabama  
27 1975, while on the property provided that notice of the

1 prohibition is prominently posted at any public entrance to  
2 the property or that actual notice is provided.

3 (d) (1) A person, including a person with a license  
4 issued under Section 13A-11-75, Code of Alabama 1975, may not  
5 knowingly possess or carry a firearm or other deadly weapon in  
6 any of the following places without the express permission of  
7 a person or entity with authority over the premises inside any  
8 building, facility, or venue to which access of unauthorized  
9 persons and prohibited articles is limited during normal hours  
10 of operation by the continuous posting of guards and the use  
11 of other security features, including, but not limited to,  
12 magnetometers, key cards, biometric screening devices, or  
13 turnstiles or other physical barriers. This subdivision shall  
14 not prohibit any person from possessing a firearm within the  
15 person's residence or during ingress or egress thereto.

16 (2) If the state, or a political subdivision  
17 thereof, adopts a policy as described in subdivision (1), the  
18 state or the political subdivision shall provide a means for a  
19 person, upon arrival to the property, to give possession of a  
20 pistol to a person designated by the state or political  
21 subdivision at a designated entrance to the property. The  
22 person designated by the state or political subdivision shall  
23 store the pistol in a secure and locked location during the  
24 course of the person's presence on the property.

25 (3)a. A person who is denied the opportunity to  
26 check and store a firearm in violation of subdivision (2) may

1 file a civil action in the appropriate court to enjoin any  
2 state or political subdivision from violating subdivision (2).

3 b. In any action brought under this subdivision,  
4 court costs and attorney's fees shall be awarded to the  
5 prevailing plaintiff.

6 (4) Any person who violates subdivision (1) shall be  
7 guilty of a Class C misdemeanor.

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

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

15 (g) For the purposes of this section, the term  
16 "deadly weapon" shall have the same meaning as in Section  
17 13A-11-72, Code of Alabama 1975.

18 Section 7. (a) For the purposes of this section,  
19 "business entity" means any person or group of persons  
20 performing or engaging in any activity, enterprise,  
21 profession, or occupation for gain, benefit, advantage, or  
22 livelihood, whether for profit or not for profit.

23 (b) A person or business entity has no duty to guard  
24 against the criminal acts of a third party, whether involving  
25 the third party's use of a firearm or otherwise, unless the  
26 person or business entity knows or has reason to know that the  
27 criminal acts are occurring or are about to occur on the



1 premises that pose an imminent probability of harm to an  
2 invitee on the property.

3 Section 8. (a) For the purposes of this section,  
4 "business entity" means any person or group of persons  
5 performing or engaging in any activity, enterprise,  
6 profession, or occupation for gain, benefit, advantage, or  
7 livelihood, whether for profit or not for profit.

8 (b) A person or business entity has no duty to guard  
9 against the criminal acts of a third party, whether involving  
10 the third party's use of a firearm or otherwise, unless the  
11 person or business entity knows or has reason to know that the  
12 criminal acts are occurring or are about to occur on the  
13 premises that pose an imminent probability of harm to an  
14 invitee on the property.

15 Section 9. (a) For the purposes of this section,  
16 "motor vehicle" shall mean any automobile, truck, minivan,  
17 sports utility vehicle, motorcycle, motor scooter, or any  
18 other vehicle required to be registered under state law when  
19 operated on the highways of this state.

20 (b) Except as otherwise provided in this section, a  
21 business entity, or owner, manager, or legal possessor of real  
22 property may not establish, maintain, or enforce a policy or  
23 rule that prohibits or has the effect of prohibiting a  
24 person's transportation or storage of a firearm or ammunition  
25 when the following conditions are satisfied:

26 (1) The firearm or ammunition is either of the  
27 following:

1           a. Kept from ordinary observation within the  
2 person's attended privately owned motor vehicle.

3           b. Kept from ordinary observation and locked within  
4 the trunk, glove box, or interior of the person's privately  
5 owned motor vehicle or a container securely affixed to the  
6 vehicle.

7           (2) The vehicle is operated or parked in a location  
8 where it is otherwise permitted to be.

9           (c) (1) A person who is injured or incurs damages, or  
10 the survivors of a person killed, as a result of a violation  
11 of subsection (b) may file a civil action in the appropriate  
12 court against any business entity, or owner, manager, or legal  
13 possessor of real property who committed or caused the  
14 violation.

15           (2) A person who is denied the opportunity to  
16 transport or store a firearm or ammunition by a policy or rule  
17 prohibited in subsection (b) may file a civil action in the  
18 appropriate court to enjoin any business entity, or owner,  
19 manager, or legal possessor of real property from violating  
20 subsection (b).

21           (3) In any action brought under this subsection,  
22 court costs and attorney's fees shall be awarded to a  
23 prevailing plaintiff.

24           (d) This section shall not apply if any of the  
25 following conditions are satisfied:

26           (1) The person operating the motor vehicle is any of  
27 the following:

1           a. Prohibited from possessing, receiving, or  
2 transporting pistols or other firearms under Section  
3 13A-11-72, Code of Alabama 1975, or 18 U.S.C. § 922(g) or (n)  
4 or by any court order.

5           b. In violation of Section 13A-11-50, Code of  
6 Alabama 1975, relating to the concealed carrying of weapons.

7           c. In violation of Section 13A-11-54, Code of  
8 Alabama 1975, relating to the prohibition of carrying a rifle  
9 or shotgun walking cane.

10          d. In violation of Section 13A-11-60, Code of  
11 Alabama 1975, relating to the possession of prohibited  
12 ammunition.

13          e. In violation of Section 13A-11-63, Code of  
14 Alabama 1975, relating to the position of NFA rifles or  
15 shotguns in violation of federal law.

16          f. In violation of Section 13A-11-64, Code of  
17 Alabama 1975, relating to possession of a firearm with an  
18 altered serial number or manufacturer's identification.

19          g. In violation of Section 13A-11-73, Code of  
20 Alabama 1975, relating to the prohibition on the unlicensed  
21 carrying of a pistol in a vehicle or concealed about one's  
22 person.

23                 (2) The motor vehicle is located in any place where  
24 firearms are expressly prohibited by federal law.

25                 (3) The motor vehicle is owned by a business entity,  
26 property owner, or employer while it is being used by agents

1 or employees of the business entity, property owner, or  
2 employer in the course of their employment.

3 Section 10. (a) For the purposes of this section,  
4 "motor vehicle" shall mean any automobile, truck, minivan,  
5 sports utility vehicle, motorcycle, motor scooter, or any  
6 other vehicle required to be registered under state law when  
7 operated on the highways of this state.

8 (b) Except as otherwise provided in this section, a  
9 business entity, or owner, manager, or legal possessor of real  
10 property may not establish, maintain, or enforce a policy or  
11 rule that prohibits or has the effect of prohibiting a  
12 person's transportation or storage of a firearm or ammunition  
13 when the following conditions are satisfied:

14 (1) The firearm or ammunition is either of the  
15 following:

16 a. Kept from ordinary observation within the  
17 person's attended privately owned motor vehicle.

18 b. Kept from ordinary observation and locked within  
19 the trunk, glove box, or interior of the person's privately  
20 owned motor vehicle or a container securely affixed to the  
21 vehicle.

22 (2) The vehicle is operated or parked in a location  
23 where it is otherwise permitted to be.

24 (c) (1) A person who is injured or incurs damages, or  
25 the survivors of a person killed, as a result of a violation  
26 of subsection (b) may file a civil action in the appropriate  
27 court against any business entity, or owner, manager, or legal

1        possessor of real property who committed or caused the  
2        violation.

3                (2) A person who is denied the opportunity to  
4        transport or store a firearm or ammunition by a policy or rule  
5        prohibited in subsection (b) may file a civil action in the  
6        appropriate court to enjoin any business entity, or owner,  
7        manager, or legal possessor of real property from violating  
8        subsection (b).

9                (3) In any action brought under this subsection,  
10       court costs and attorney's fees shall be awarded to a  
11       prevailing plaintiff.

12                (d) This section shall not apply if any of the  
13       following conditions are satisfied:

14                (1) The person operating the motor vehicle is any of  
15       the following:

16                a. Prohibited from possessing, receiving, or  
17       transporting pistols or other firearms under Section  
18       13A-11-72, Code of Alabama 1975, or 18 U.S.C. § 922(g) or (n)  
19       or by any court order.

20                b. In violation of Section 13A-11-50, Code of  
21       Alabama 1975, relating to the concealed carrying of weapons.

22                c. In violation of Section 13A-11-54, Code of  
23       Alabama 1975, relating to the prohibition of carrying a rifle  
24       or shotgun walking cane.

25                d. In violation of Section 13A-11-60, Code of  
26       Alabama 1975, relating to the possession of prohibited  
27       ammunition.

1 e. In violation of Section 13A-11-63, Code of  
2 Alabama 1975, relating to the position of NFA rifles or  
3 shotguns in violation of federal law.

4 f. In violation of Section 13A-11-64, Code of  
5 Alabama 1975, relating to possession of a firearm with an  
6 altered serial number or manufacturer's identification.

7 g. In violation of Section 13A-11-73, Code of  
8 Alabama 1975, relating to the prohibition on the unlicensed  
9 carrying of a pistol in a vehicle or concealed about one's  
10 person.

11 (2) The motor vehicle is located in any place where  
12 firearms are expressly prohibited by federal law.

13 (3) The motor vehicle is owned by a business entity,  
14 property owner, or employer while it is being used by agents  
15 or employees of the business entity, property owner, or  
16 employer in the course of their employment.

17 Section 11. (a) The purpose of this section is to  
18 establish within the Legislature complete control over  
19 regulation and policy pertaining to firearms, ammunition, and  
20 firearm accessories in order to ensure that such regulation  
21 and policy is applied uniformly throughout this state to each  
22 person subject to the state's jurisdiction and to ensure  
23 protection of the right to keep and bear arms recognized by  
24 the Constitutions of the State of Alabama and the United  
25 States. This section is to be liberally construed to  
26 accomplish its purpose.

1 (b) For the purposes of this section, the following  
2 words shall have the following meanings:

3 (1) AMMUNITION. Fixed cartridge ammunition, shotgun  
4 shells, the individual components of fixed cartridge  
5 ammunition and shotgun shells, projectiles for muzzle-loading  
6 firearms, and any propellant used in firearms or ammunition.

7 (2) EXPRESSLY AUTHORIZED BY A STATUTE OF THIS STATE.  
8 The authority of a political subdivision to regulate firearms,  
9 ammunition, or firearm accessories that is granted by a duly  
10 enacted state law that specifically mentions firearms, a  
11 particular type of firearm, ammunition, or a particular type  
12 of ammunition.

13 (3) FIREARM ACCESSORY. A device specifically  
14 designed or adapted to enable the wearing or carrying about  
15 one's person, or the storage or mounting in or on a  
16 conveyance, of a firearm, or an attachment or device  
17 specifically designed or adapted to be inserted into or  
18 affixed onto a firearm to enable, alter, or improve the  
19 functioning or capabilities of the firearm.

20 (4) FIREARM. This term has the same meaning as in  
21 Section 13A-8-1(4), Code of Alabama 1975.

22 (5) PERSON ADVERSELY AFFECTED. Any of the following:

23 a. A resident of this state who may legally possess  
24 a firearm under the laws of this state and the United States  
25 and who either of the following:

26 1. Is subject to any manner of regulation alleged to  
27 be promulgated or enforced in violation of this section,

1 whether or not specific enforcement action has been initiated  
2 or threatened against that person or another person.

3 2. Would be, if the person were present in the  
4 political subdivision in question, subject to any manner of  
5 regulation alleged to be promulgated or enforced in violation  
6 of this section, whether or not specific enforcement action  
7 has been initiated or threatened against that person or  
8 another person.

9 b. A person who otherwise has standing under the  
10 laws of this state to bring an action under subsection (f).

11 c. A membership organization the members of which  
12 include a person described in paragraphs a. or b. of this  
13 subdivision and that is dedicated in whole or in part to  
14 protecting the legal, civil, or constitutional rights of its  
15 membership.

16 (6) POLITICAL SUBDIVISION. A county, incorporated  
17 city, unincorporated city, public local entity, public-private  
18 partnership, and any other public entity of a county or city  
19 commonly considered to be a political subdivision of the  
20 state.

21 (7) PUBLIC OFFICIAL. Any person elected to public  
22 office, whether or not that person has taken office, by the  
23 vote of the people of a political subdivision or its  
24 instrumentalities, including governmental corporations, and  
25 any person appointed to a position at the municipal level of  
26 government or its instrumentalities, including governmental  
27 corporations.



1           (8) REASONABLE EXPENSES. The expenses involved in  
2 litigation, including, but not limited to, attorney fees,  
3 expert witness fees, court costs, and compensation for loss of  
4 income.

5           (c) Except as otherwise provided in this section or  
6 as otherwise authorized by law, the Legislature hereby  
7 occupies and preempts the entire field of regulation in this  
8 state touching in any way upon firearms, ammunition, and  
9 firearm accessories to the complete exclusion of any order,  
10 ordinance, or rule promulgated or enforced by any political  
11 subdivision of this state.

12           (d) The authority of a political subdivision to  
13 regulate firearms, ammunition, or firearm accessories shall  
14 not be inferred from its proprietary authority, home rule  
15 status, or any other inherent or general power.

16           (e) Any existing or future orders, ordinances, or  
17 rules promulgated or enforced contrary to the terms of this  
18 section are null and void.

19           (f) (1) A person adversely affected by any order,  
20 ordinance, or rule promulgated in violation of this section  
21 may file a petition with the Attorney General requesting that  
22 he or she bring an action in circuit court for declarative and  
23 injunctive relief. The petition must be signed under oath and  
24 under penalty of perjury and must include specific details  
25 regarding the alleged violations.

26           (2) If, after investigation of the enactment or  
27 adoption of the order, ordinance, or rule, the Attorney

1 General determines that there is reasonable cause to proceed  
2 with an action, he or she shall provide the political  
3 subdivision or public official enacting or adopting the order,  
4 ordinance, or rule 30 days' notice of his or her intent to  
5 file an action. Upon the expiration of the 30-days' notice,  
6 the Attorney General may file the suit.

7 (3) If, after investigation of the enactment or  
8 adoption of the order, ordinance, or rule, the Attorney  
9 General determines that there is no reasonable cause to  
10 proceed with an action, he or she shall publicly state in  
11 writing the justification for the determination not to file  
12 suit.

13 (4) The Attorney General shall either bring an  
14 action or publicly state, within 90 days of receipt of the  
15 petition, in the written justification why a violation of the  
16 spirit of this section, specifically subsections (a) and (c),  
17 has not occurred.

18 (5) The court shall award reasonable expenses to a  
19 person adversely affected if an action under this subsection  
20 results in either:

21 a. A final determination in favor of the person  
22 adversely affected.

23 b. Rescission, repeal, or amendment of the  
24 challenged manner of regulation or enforcement after suit has  
25 been filed under this subsection but prior to a final  
26 determination by the court.

1 (g) This section shall not be construed to prevent  
2 any of the following:

3 (1) A duly organized law enforcement agency of a  
4 political subdivision from promulgating and enforcing rules  
5 pertaining to firearms, ammunition, or firearm accessories  
6 that it issues to or that are used by the political  
7 subdivision's peace officers in the course of their official  
8 duties.

9 (2) An employer from regulating or prohibiting an  
10 employee's carrying or possession of firearms, firearm  
11 accessories, or ammunition during and in the course of the  
12 employee's official duties.

13 (3) A court or administrative law judge from hearing  
14 and resolving a case or controversy or issuing an opinion or  
15 order on a matter within its jurisdiction.

16 (4) The enactment or enforcement of a generally  
17 applicable zoning or business ordinance that includes firearms  
18 businesses along with other businesses, provided that an  
19 ordinance designed or enforced effectively to restrict or  
20 prohibit the sale, purchase, transfer, manufacture, or display  
21 of firearms, ammunition, or firearm accessories that is  
22 otherwise lawful under the laws of this state is in conflict  
23 with this section and is void.

24 (5) A political subdivision from enacting and  
25 enforcing rules of operation and use for any firearm range  
26 owned or operated by the political subdivision.

1           (6) A political subdivision from sponsoring or  
2           conducting any firearm-related competition or educational or  
3           cultural program and from enacting and enforcing rules for  
4           participation in or attendance at such program, provided that  
5           nothing in this section authorizes or permits a political  
6           subdivision to offer remuneration for the surrender or  
7           transfer of a privately owned firearm to the political  
8           subdivision or another party as a method of reducing the  
9           number of privately owned firearms within the political  
10          subdivision.

11          (7) Any official of a political subdivision with  
12          appropriate authority and jurisdiction from enforcing any law  
13          enacted by the Legislature.

14          (8) A sheriff of a county from acting on an  
15          application for a license under Section 13A-11-75, Code of  
16          Alabama 1975.

17          (9) A political subdivision from leasing public  
18          property to another person or entity for a gun show or other  
19          firearm-related event on terms agreeable to both parties.

20          (10) The adoption or enforcement by a county or  
21          municipality of ordinances which make the violation of a state  
22          firearm law a violation of an ordinance, provided that the  
23          elements of the local ordinance may not differ from the state  
24          firearm law, nor may the local ordinance impose a higher  
25          penalty than what is imposed under the state firearm law.

26          (11) A municipality from regulating the discharge of  
27          firearms within the limits of the municipality or a county

1 from exercising any authority it has under law enacted prior  
2 to August 1, 2000, to regulate the discharge of firearms  
3 within the jurisdiction of the county. The discharge of a  
4 firearm in defense of one's self or family or in defense of  
5 one's property may not be construed to be a violation of state  
6 law or any ordinance or rule of a political subdivision of  
7 this state.

8 (12) A county or a municipality from exercising any  
9 authority it has to assess, enforce, and collect generally  
10 applicable sales taxes, use taxes, and gross receipts taxes in  
11 the nature of sales taxes as defined by Section 40-2A-3(8),  
12 Code of Alabama 1975, on the retail sale of firearms,  
13 ammunition, and firearm accessories along with other goods,  
14 provided that no such tax imposed by a county or municipality  
15 may apply at a higher rate to firearms, ammunition, or firearm  
16 accessories than to other goods.

17 Section 12. (a) The purpose of this section is to  
18 establish within the Legislature complete control over  
19 regulation and policy pertaining to firearms, ammunition, and  
20 firearm accessories in order to ensure that such regulation  
21 and policy is applied uniformly throughout this state to each  
22 person subject to the state's jurisdiction and to ensure  
23 protection of the right to keep and bear arms recognized by  
24 the Constitutions of the State of Alabama and the United  
25 States. This section is to be liberally construed to  
26 accomplish its purpose.

1 (b) For the purposes of this section, the following  
2 words shall have the following meanings:

3 (1) AMMUNITION. Fixed cartridge ammunition, shotgun  
4 shells, the individual components of fixed cartridge  
5 ammunition and shotgun shells, projectiles for muzzle-loading  
6 firearms, and any propellant used in firearms or ammunition.

7 (2) EXPRESSLY AUTHORIZED BY A STATUTE OF THIS STATE.  
8 The authority of a political subdivision to regulate firearms,  
9 ammunition, or firearm accessories that is granted by a duly  
10 enacted state law that specifically mentions firearms, a  
11 particular type of firearm, ammunition, or a particular type  
12 of ammunition.

13 (3) FIREARM ACCESSORY. A device specifically  
14 designed or adapted to enable the wearing or carrying about  
15 one's person, or the storage or mounting in or on a  
16 conveyance, of a firearm, or an attachment or device  
17 specifically designed or adapted to be inserted into or  
18 affixed onto a firearm to enable, alter, or improve the  
19 functioning or capabilities of the firearm.

20 (4) FIREARM. This term has the same meaning as in  
21 Section 13A-8-1(4), Code of Alabama 1975.

22 (5) PERSON ADVERSELY AFFECTED. Any of the following:

23 a. A resident of this state who may legally possess  
24 a firearm under the laws of this state and the United States  
25 and who either of the following:

26 1. Is subject to any manner of regulation alleged to  
27 be promulgated or enforced in violation of this section,

1 whether or not specific enforcement action has been initiated  
2 or threatened against that person or another person.

3 2. Would be, if the person were present in the  
4 political subdivision in question, subject to any manner of  
5 regulation alleged to be promulgated or enforced in violation  
6 of this section, whether or not specific enforcement action  
7 has been initiated or threatened against that person or  
8 another person.

9 b. A person who otherwise has standing under the  
10 laws of this state to bring an action under subsection (f).

11 c. A membership organization the members of which  
12 include a person described in paragraphs a. or b. of this  
13 subdivision and that is dedicated in whole or in part to  
14 protecting the legal, civil, or constitutional rights of its  
15 membership.

16 (6) POLITICAL SUBDIVISION. A county, incorporated  
17 city, unincorporated city, public local entity, public-private  
18 partnership, and any other public entity of a county or city  
19 commonly considered to be a political subdivision of the  
20 state.

21 (7) PUBLIC OFFICIAL. Any person elected to public  
22 office, whether or not that person has taken office, by the  
23 vote of the people of a political subdivision or its  
24 instrumentalities, including governmental corporations, and  
25 any person appointed to a position at the municipal level of  
26 government or its instrumentalities, including governmental  
27 corporations.

1           (8) REASONABLE EXPENSES. The expenses involved in  
2 litigation, including, but not limited to, attorney fees,  
3 expert witness fees, court costs, and compensation for loss of  
4 income.

5           (c) Except as otherwise provided in this section or  
6 as otherwise authorized by law, the Legislature hereby  
7 occupies and preempts the entire field of regulation in this  
8 state touching in any way upon firearms, ammunition, and  
9 firearm accessories to the complete exclusion of any order,  
10 ordinance, or rule promulgated or enforced by any political  
11 subdivision of this state.

12           (d) The authority of a political subdivision to  
13 regulate firearms, ammunition, or firearm accessories shall  
14 not be inferred from its proprietary authority, home rule  
15 status, or any other inherent or general power.

16           (e) Any existing or future orders, ordinances, or  
17 rules promulgated or enforced contrary to the terms of this  
18 section are null and void.

19           (f) (1) A person adversely affected by any order,  
20 ordinance, or rule promulgated in violation of this section  
21 may file a petition with the Attorney General requesting that  
22 he or she bring an action in circuit court for declarative and  
23 injunctive relief. The petition must be signed under oath and  
24 under penalty of perjury and must include specific details  
25 regarding the alleged violations.

26           (2) If, after investigation of the enactment or  
27 adoption of the order, ordinance, or rule, the Attorney



1 General determines that there is reasonable cause to proceed  
2 with an action, he or she shall provide the political  
3 subdivision or public official enacting or adopting the order,  
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5 file an action. Upon the expiration of the 30-days' notice,  
6 the Attorney General may file the suit.

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11 writing the justification for the determination not to file  
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13 (4) The Attorney General shall either bring an  
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15 petition, in the written justification why a violation of the  
16 spirit of this section, specifically subsections (a) and (c),  
17 has not occurred.

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19 person adversely affected if an action under this subsection  
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10 employee's carrying or possession of firearms, firearm  
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13 (3) A court or administrative law judge from hearing  
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20 prohibit the sale, purchase, transfer, manufacture, or display  
21 of firearms, ammunition, or firearm accessories that is  
22 otherwise lawful under the laws of this state is in conflict  
23 with this section and is void.

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26 owned or operated by the political subdivision.

1           (6) A political subdivision from sponsoring or  
2           conducting any firearm-related competition or educational or  
3           cultural program and from enacting and enforcing rules for  
4           participation in or attendance at such program, provided that  
5           nothing in this section authorizes or permits a political  
6           subdivision to offer remuneration for the surrender or  
7           transfer of a privately owned firearm to the political  
8           subdivision or another party as a method of reducing the  
9           number of privately owned firearms within the political  
10          subdivision.

11          (7) Any official of a political subdivision with  
12          appropriate authority and jurisdiction from enforcing any law  
13          enacted by the Legislature.

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22          firearm law a violation of an ordinance, provided that the  
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24          firearm law, nor may the local ordinance impose a higher  
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12 Code of Alabama 1975, on the retail sale of firearms,  
13 ammunition, and firearm accessories along with other goods,  
14 provided that no such tax imposed by a county or municipality  
15 may apply at a higher rate to firearms, ammunition, or firearm  
16 accessories than to other goods.

17 Section 13. Section 11-45-1.1, Code of Alabama 1975,  
18 relating to the authority of a municipality to enact  
19 ordinances relating to handguns, is repealed. Section  
20 13A-11-52, Code of Alabama 1975, relating to the carry of a  
21 pistol on the property of another, is repealed. Section  
22 13A-11-59, Code of Alabama 1975, relating to the possession of  
23 firearms by persons participating in or attending  
24 demonstrations at public places, is repealed.

25 Section 14. Section 11-45-1.1, Code of Alabama 1975,  
26 relating to the authority of a municipality to enact  
27 ordinances relating to handguns, is repealed. Section

1 13A-11-52, Code of Alabama 1975, relating to the carry of a  
2 pistol on the property of another, is repealed. Section  
3 13A-11-59, Code of Alabama 1975, relating to the possession of  
4 firearms by persons participating in or attending  
5 demonstrations at public places, is repealed.

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

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

22 Section 17. This act shall become effective on the  
23 first day of the third month following its passage and  
24 approval by the Governor, or its otherwise becoming law.

25 Section 18. This act shall become effective on the  
26 first day of the third month following its passage and  
27 approval by the Governor, or its otherwise becoming law.

