

1 SB401  
2 114504-2  
3 By Senator Figures  
4 RFD: Judiciary  
5 First Read: 09-FEB-10

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law, it is not a crime to  
9 store a firearm in a manner that allows a child to  
10 gain access to the firearm.

11 This bill would create the crime of  
12 criminally negligent storage of a firearm and would  
13 provide penalties.

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

1                   The purpose or effect of this bill would be  
2                   to require a new or increased expenditure of local  
3                   funds within the meaning of the amendment. However,  
4                   the bill does not require approval of a local  
5                   governmental entity or enactment by a 2/3 vote to  
6                   become effective because it comes within one of the  
7                   specified exceptions contained in the amendment.  
8

9   A BILL  
10    TO BE ENTITLED  
11    AN ACT  
12

13                   To create the crime of criminally negligent storage  
14                   of a firearm; to provide for penalties; and in connection  
15                   therewith would have as its purpose or effect the requirement  
16                   of a new or increased expenditure of local funds within the  
17                   meaning of Amendment 621 of the Constitution of Alabama of  
18                   1901, now appearing as Section 111.05 of the Official  
19                   Recompilation of the Constitution of Alabama of 1901, as  
20                   amended.

21                   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22                   Section 1. (a) No person shall store or keep any  
23                   firearm, whether loaded with ammunition or unloaded, on any  
24                   premises under the control of the person if he or she knows or  
25                   reasonably should know that a minor is likely to gain access  
26                   to the firearm without the permission of the parent or

1 guardian of the minor, unless the person does any of the  
2 following:

3 (1) Keeps the firearm with a gun lock in a securely  
4 locked box or other container or in a location that a  
5 reasonable person would believe to be secure.

6 (2) Carries the firearm on the person or within such  
7 close proximity thereto that the person readily can retrieve  
8 and use it as if it were carried on the person.

9 (b) For purposes of this act, "minor" means any  
10 person under 17 years of age.

11 Section 2. (a) A person commits the offense of  
12 criminally negligent storage of a firearm in the third degree  
13 if he or she violates Section 1 and a minor obtains the  
14 firearm and a report is filed with a law enforcement officer.

15 (b) Criminally negligent storage of a firearm in the  
16 third degree is a Class A misdemeanor.

17 Section 3. (a) A person commits the offense of  
18 criminally negligent storage of a firearm in the second degree  
19 if he or she violates Section 1 and a minor obtains the  
20 firearm and an injury occurs.

21 (b) Criminally negligent storage of a firearm in the  
22 second degree is a Class C felony.

23 Section 4. (a) A person commits the offense of  
24 criminally negligent storage of a firearm in the first degree  
25 if he or she violates Section 1 and a minor obtains the  
26 firearm and a fatality occurs.

1                   (b) Criminally negligent storage of a firearm in the  
2 first degree is a Class B felony.

3                   Section 5. Sections 2 to 4, inclusive, shall not  
4 apply if the minor obtains the firearm as a result of an  
5 unlawful entry to any premises by any person.

6                   Section 6. 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 7. This act shall become effective on the  
15 first day of the third month following its passage and  
16 approval by the Governor, or its otherwise becoming law.