

1 HB263
2 204973-1
3 By Representatives Greer, Crawford, Ledbetter, Shedd, Hill,
4 Lee, Pettus, Holmes, Wingo, Standridge, South, Clouse, Shiver,
5 Garrett, Brown (K), Sullivan, Nordgren, Rich, Whorton,
6 Reynolds, Wadsworth, Estes, Moore (P), Hanes, Wilcox, Farley,
7 Sorrell, Treadaway, Wood (R), Fridy, Ellis, Oliver, Smith,
8 Sanderford, Johnson, Hurst, Lipscomb, Faust, Carns, Drake,
9 Allen, Sorrells, Marques, Brown (C), Isbell, Fincher, Mooney,
10 Sells, Ingram, Weaver, Blackshear, Pringle and Kitchens
11 RFD: Judiciary
12 First Read: 18-FEB-20

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8 SYNOPSIS: Under existing law, a person is justified in
9 using physical force, including deadly force, in
10 self-defense or in the defense of another person
11 under certain conditions, and an occupant of a
12 dwelling or business property may use deadly
13 physical force, and is legally presumed to be
14 justified in using deadly physical force, in
15 self-defense or the defense of another person
16 against a person committing or attempting to commit
17 certain specified crimes.

18 This bill would further provide for the
19 justification for a person to use deadly physical
20 force in self-defense or in the defense of another
21 person on the premises of a church under certain
22 conditions.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 Relating to self-defense and the defense of others;
2 to create the Alabama Church Protection Act; to further
3 provide for the justification for a person to use deadly
4 physical force in self-defense or in the defense of another
5 person on the premises of a church under certain conditions.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. This act shall be known and may be cited
8 as the Alabama Church Protection Act.

9 Section 2. (a) For the purposes of this section, the
10 following words have the following meanings:

11 (1) CHURCH. A duly constituted religious society or
12 ecclesiastical body of any sect, order, or denomination, or
13 any congregation thereof.

14 (2) PREMISES OF A CHURCH. Any building and any real
15 property of the church, or any building or real property, or
16 portion thereof, upon which the church is authorized,
17 licensed, or permitted to conduct church-sanctioned worship
18 services, meetings, events, or programs. The term does not
19 include a private dwelling.

20 (b) In accordance with Section 13A-3-23, Code of
21 Alabama 1975, a person may use deadly physical force, and is
22 legally presumed to be justified in using deadly physical
23 force, when acting in self-defense or the defense of a third
24 person if the person reasonably believes that another person
25 is using or about to use unlawful deadly physical force
26 against any person who is lawfully present on the premises of

1 a church during a church-sanctioned worship service, meeting,
2 event, or program.

3 (c) A person who uses or attempts to use deadly
4 physical force in accordance with subsection (b) is entitled
5 to all the justifications, defenses, and immunities provided
6 in Section 13A-3-23, Code of Alabama 1975, as well as the
7 procedural provisions provided in that section, and each shall
8 apply to the same extent.

9 (d) The procedure for conducting the pretrial
10 immunity hearing under this section shall be the same as that
11 provided in Section 13A-3-23, Code of Alabama 1975, and a
12 person acting in self-defense or the defense of a third person
13 in accordance with this section shall be legally presumed to
14 be justified in the use or attempted use of deadly physical
15 force upon a prima facie showing of evidence supporting the
16 defense.

17 (e) A person acting in self-defense or the defense
18 of a third person in accordance with this act is not required
19 to wait for the actual use of unlawful deadly physical force
20 by another person before being entitled to the justifications,
21 defenses, and immunities afforded by this section and Section
22 13A-3-23, Code of Alabama 1975, but instead may act to prevent
23 the unlawful use of deadly physical force in accordance with
24 this section.

25 (f) This justifications, defenses, and immunities of
26 this section shall be supplemental to Section 13A-3-23, Code
27 of Alabama 1975, and none of the provisions of this section

1 shall be construed to limit, narrow, restrict, or abridge the
2 justifications, defenses, and immunities provided by Section
3 13A-3-23, Code of Alabama 1975.

4 Section 3. This act shall become effective on the
5 first day of the third month following its passage and
6 approval by the Governor, or its otherwise becoming law.