

1 HB373  
2 207790-2  
3 By Representative Sorrell  
4 RFD: Judiciary  
5 First Read: 09-FEB-21

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

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

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

23                             Amendment 621 of the Constitution of Alabama  
24                             of 1901, now appearing as Section 111.05 of the  
25                             Official Recompilation of the Constitution of  
26                             Alabama of 1901, as amended, prohibits a general  
27                             law whose purpose or effect would be to require a

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

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

16  
17 A BILL  
18 TO BE ENTITLED  
19 AN ACT  
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21 Relating to public safety; to provide that federal  
22 laws, federal and state court decisions, and federal and state  
23 executive orders pertaining to the implementation or  
24 enforcement of extreme risk protection orders are void in this  
25 state; to prohibit this state, any of its agencies, and any of  
26 its political subdivisions or their agencies from accepting  
27 any federal grants that may become available for the intended

1 purpose of implementing or enforcing extreme risk protection  
2 orders against residents of this state; to provide criminal  
3 penalties; and in connection therewith would have as its  
4 purpose or effect the requirement of a anew or increased  
5 expenditure of local funds within the meaning of Amendment 621  
6 of the Constitution of Alabama of 1901, now appearing as  
7 Section 111.05 of the Official ReCompilation of the  
8 Constitution of Alabama of 1901, as amended.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

17 (1) Prohibiting a named individual from having a  
18 firearm in his or her custody or control, or from otherwise  
19 owning, possessing, or receiving a firearm.

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

22 (b) Any federal statute, federal rule, presidential  
23 executive order, federal court order, state court order, or  
24 state executive order that would result in the issuance of an  
25 extreme risk protection order or ex parte extreme risk  
26 protection order against a resident of this state is void and  
27 has no effect in this state.

1 (c) Any federal statute, federal rule, presidential  
2 executive order, federal court order, state court order, or  
3 state executive order that would have the effect of enforcing  
4 an extreme risk protection order or ex parte extreme risk  
5 protection order against a resident of this state is void in  
6 this state.

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

13 (e) An individual, including a law enforcement  
14 officer, who enforces, or attempts to enforce, an extreme risk  
15 protection order upon a resident of this state is guilty of a  
16 Class D felony.

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

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

