

**HB64 ENGROSSED**



1 UT9BDD-2  
2 By Representative Bolton  
3 RFD: Judiciary  
4 First Read: 07-Mar-23  
5 2023 Regular Session



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A BILL  
TO BE ENTITLED  
AN ACT

Relating to firearms; to amend Section 13A-11-72, Code of Alabama 1975, to further provide for persons prohibited from possessing a firearm; to prohibit aliens unlawfully in the United States or aliens admitted under a nonimmigrant visa from possessing a firearm; to provide a penalty for persons in violation of this provision; to make nonsubstantive, technical revisions to update the existing code language to current style; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-11-72, Code of Alabama 1975, is amended to read as follows:

"§13A-11-72

(a) (1) No person who has been convicted in this state or elsewhere of committing or attempting to commit a crime of violence, misdemeanor offense of domestic violence, violent offense as listed in Section 12-25-32(15), anyone who is



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29 subject to a valid protection order for domestic abuse, or  
30 anyone of unsound mind shall own a firearm or have one in his  
31 or her possession or under his or her control.

32 (2) A violation of this subsection is a Class C felony.

33 (b) (1) No person who is a minor, except under the  
34 circumstances provided in this section, ~~a drug addict, or an~~  
35 ~~habitual drunkard~~ or who has a drug or alcohol addiction  
36 shall own a pistol or have one in his or her possession or  
37 under his or her control.

38 (2) A violation of this subsection is a Class A  
39 misdemeanor.

40 (c) (1) No person who is an alien and is illegally or  
41 unlawfully in the United States or has been admitted to the  
42 United States under a nonimmigrant visa as defined in 8 U.S.C  
43 § 1101(a) (26), provided no exception to the this subsection as  
44 listed in 18 U.S.C § 922(y) (2) applies, shall own a pistol or  
45 other firearm or have one in his or her possession or under  
46 his or her control.

47 (2) A violation of this subsection is a Class C felony.

48 ~~(e)~~ (d) (1) Subject to the exceptions provided by Section  
49 13A-11-74, no person shall knowingly with intent to do bodily  
50 harm carry or possess a deadly weapon on the premises of a  
51 public school.

52 ~~(d) (2) Possession of a deadly weapon with the intent to~~  
53 ~~do bodily harm on the premises of a public school in~~ A  
54 violation of this subsection ~~(c) of this section~~ is a Class C  
55 felony.

56 (e) School security personnel and school resource



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57 officers qualified under ~~subsection (a) of~~ Section  
58 16-1-44.1 (a), employed by a local board of education, and  
59 authorized by the employing local board of education to carry  
60 a deadly weapon while on duty are exempt from subsection (d)  
61 ~~(e) of this section~~. Law enforcement officers are exempt from  
62 this section, and persons with ~~pistol~~ permits issued pursuant  
63 to Section 13A-11-75, are exempt from subsection (d) ~~(e) of~~  
64 ~~this section~~.

65 (f) A person shall not be in violation of Section  
66 13A-11-57 or 13A-11-76 and a minor shall not be in violation  
67 of this section if the minor has permission to possess a  
68 pistol from a parent or legal guardian who is not prohibited  
69 from possessing a firearm under state or federal law, and any  
70 of the following are satisfied:

71 (1) The minor is attending a hunter education course or  
72 a firearms safety course under the supervision of an adult who  
73 is not prohibited from possessing a firearm under state or  
74 federal law.

75 (2) The minor is engaging in practice in the use of a  
76 firearm or target shooting at an established range under the  
77 supervision of an adult who is not prohibited from possessing  
78 a firearm under state or federal law.

79 (3) The minor is engaging in an organized competition  
80 involving the use of a firearm or participating in or  
81 practicing for a performance by an organized group under 26  
82 U.S.C. § 501(c)(3) which uses firearms as part of the  
83 performance.

84 (4) The minor is hunting or fishing pursuant to a valid



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85 license, if required, and the person has the license in his or  
86 her possession; has written permission of the owner or legal  
87 possessor of the land on which the activities are being  
88 conducted; and the pistol, when loaded, is carried only in a  
89 manner discernible by ordinary observation.

90 (5) The minor is on real property under the control of  
91 the minor's parent, legal guardian, or grandparent.

92 (6) The minor is a member of the armed services or  
93 National Guard and the minor is acting in the line of duty.

94 (7) The minor is traveling by motor vehicle to any of  
95 the locations or activities listed in subdivisions (1) through  
96 (6), has written permission to possess the pistol or firearm  
97 by his or her parent or legal guardian, and the pistol or  
98 firearm is unloaded, locked in a compartment or container that  
99 is in or affixed securely to the motor vehicle, and is out of  
100 reach of the driver and any passenger in the motor vehicle.

101 (g) This section does not apply to a minor who uses a  
102 pistol or other firearm while acting in self-defense of  
103 himself, ~~or~~ herself, or other persons against an intruder into  
104 the residence of the minor or a residence in which the minor  
105 is an invited guest.

106 (h) For the purposes of this section, the following  
107 terms have the following meanings:

108 ~~(h) The term "school resource officer" as used in this~~  
109 ~~section~~ (6) SCHOOL RESOURCE OFFICER. means an An Alabama Peace  
110 Officers' Standards and Training Commissioner-certified law  
111 enforcement officer employed by a law enforcement agency who  
112 is specifically selected and specially trained for the school



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113 setting.

114 ~~(i) The term "public school" as used in this section~~  
115 ~~applies only to~~ (4) PUBLIC SCHOOL. ~~a~~ A school composed of  
116 grades K-12 and shall include a school bus used for grades  
117 K-12.

118 ~~(j) The term "deadly weapon" as used in this section~~  
119 ~~means a~~ (2) DEADLY WEAPON. A firearm or anything manifestly  
120 designed, made, or adapted for the purposes of inflicting  
121 death or serious physical injury, and ~~such~~ the term includes,  
122 but is not limited to, a bazooka, hand grenade, missile, or  
123 explosive or incendiary device; a pistol, rifle, or shotgun;  
124 or a switch-blade knife, gravity knife, stiletto, sword, or  
125 dagger; or any club, baton, billy, black-jack, bludgeon, or  
126 metal knuckles.

127 ~~(k) (1) The term "convicted" as used in this section~~  
128 ~~requires that the~~ (1) CONVICTED. a. Means a person was  
129 represented by counsel in the case, or knowingly and  
130 intelligently waived the right to counsel in the case if  
131 required by law, and either the case was tried before a judge,  
132 tried by a jury, or the person knowingly and intelligently  
133 waived the right to have the case tried, by guilty plea or  
134 otherwise.

135 ~~(2)~~ b. A person ~~may~~ is not ~~be~~ considered to have been  
136 convicted for the purposes of this section if the person is  
137 not considered to have been convicted in the jurisdiction in  
138 which the proceedings were held or the conviction has been  
139 expunged, set aside, or is of an offense for which the person  
140 has been pardoned or has had his or her civil rights restored,



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141 unless the pardon, expungement, or restoration of civil rights  
142 expressly provides that the person may not ship, transport,  
143 possess, or receive firearms.

144 ~~(1) The term "misdemeanor offense of domestic violence"~~  
145 ~~as used in this section means a~~ (3) MISDEMEANOR OFFENSE OF  
146 DOMESTIC VIOLENCE. A misdemeanor offense that has, as its  
147 elements, the use or attempted use of physical force or the  
148 threatened use of a dangerous instrument or deadly weapon, and  
149 the victim is a current or former spouse, parent, child,  
150 person with whom the defendant has a child in common, or a  
151 present or former household member.

152 ~~(m) The term "valid protection order" as used in this~~  
153 ~~section means an.~~ (8) VALID PROTECTION ORDER. An order issued  
154 after a hearing of which the person received actual notice,  
155 and at which the person had an opportunity to participate,  
156 that does ~~any~~ either of the following:

157 ~~(1)~~ a. Restrains the person from harassing, stalking, or  
158 threatening a qualified individual or child of the qualified  
159 individual or person or engaging in other conduct that would  
160 place a qualified individual in reasonable fear of bodily  
161 injury to the individual or child and that includes a finding  
162 that the person represents a credible threat to the physical  
163 safety of the qualified individual or child.

164 ~~(2)~~ b. By its terms, explicitly prohibits the use,  
165 attempted use, or threatened use of physical force against the  
166 qualified individual or child that would reasonably be  
167 expected to cause bodily injury.

168 ~~(n) The term "qualified individual" as used in~~



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169 ~~subsection (m),~~ (5) QUALIFIED INDIVIDUAL. ~~As used in~~  
170 ~~subdivision (6) of this subsection,~~ means a A spouse or former  
171 spouse of the person, an individual who is a parent of a child  
172 of the person, or an individual who cohabitates or has  
173 cohabited with the person.

174 ~~(o) The term "unsound mind" as used in this section~~  
175 ~~includes~~ (7) UNSOUND MIND. Includes any person who is subject  
176 to any of the findings listed below, and who has not had his  
177 or her rights to possess a firearm reinstated by operation of  
178 law or legal process:

179 ~~(1)~~ a. Found by a court, board, commission, or other  
180 lawful authority that, as a result of marked subnormal  
181 intelligence, mental illness, incompetency, condition, or  
182 disease, is a danger to himself, ~~or~~ herself, or others or  
183 lacks the mental capacity to contract or manage his or her own  
184 affairs.

185 ~~(2)~~ b. Found to be insane, not guilty by reason of  
186 mental disease or defect, found mentally incompetent to stand  
187 trial, or found not guilty by a reason of lack of mental  
188 responsibility by a court in a criminal case, to include  
189 state, federal, and military courts.

190 ~~(3)~~ c. Involuntarily committed for a final commitment  
191 for inpatient treatment to the Department of Mental Health or  
192 a Veterans' Administration hospital by a court after a  
193 hearing."

194 Section 2. Although this bill would have as its purpose  
195 or effect the requirement of a new or increased expenditure of  
196 local funds, the bill is excluded from further requirements





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197 and application under Section 111.05 of the Constitution of  
198 Alabama of 2022, because the bill defines a new crime or  
199 amends the definition of an existing crime.

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



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### House of Representatives

206 Read for the first time and referred .....07-Mar-23  
207 to the House of Representatives  
208 committee on Judiciary  
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210 Read for the second time and placed .....05-Apr-23  
211 on the calendar:  
212 0 amendments  
213  
214 Read for the third time and passed .....24-May-23  
215 as amended  
216 Yeas 101  
217 Nays 0  
218 Abstains 2  
219  
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John Treadwell  
Clerk