

1 HB272
2 218888-3
3 By Representatives Stringer, Jones (M), McCutcheon, Brown (C),
4 Marques, Oliver, Gaston, Sorrell, Lipscomb, Wilcox, Wheeler,
5 Shedd, Stadthagen, Collins, Treadaway, Estes, Moore (P),
6 Hanes, Smith, Standridge, Robbins, Mooney, Meadows, Whorton,
7 Crawford, Ledbetter, Fincher, Wingo, Holmes, Dismukes, Carns,
8 Isbell, Robertson, Wadsworth, Wood (D), Kiel and Harbison
9 RFD: Public Safety and Homeland Security
10 First Read: 03-FEB-22

1
2 ENROLLED, An Act,

3 Relating to firearms; to amend Sections 13A-11-7,
4 13A-11-50, 13A-11-61.2, 13A-11-62, 13A-11-71, 13A-11-74,
5 13A-11-85, and 13A-11-90, Code of Alabama 1975, to delete
6 certain language regarding the carrying of a visible pistol;
7 to revise certain penalties for carrying weapons unlawfully;
8 to delete certain language regarding the carrying of a
9 concealed pistol; to revise certain restrictions on the
10 carrying or possession of firearms at certain locations; to
11 eliminate the requirement for a person to obtain a concealed
12 carry permit to lawfully carry a pistol; to revise the
13 definition of shotgun; to revise language regarding an
14 employee storing a firearm in the employee's vehicle; to
15 require persons to disclose a concealed pistol or firearm to a
16 law enforcement officer under certain conditions; to authorize
17 a law enforcement officer to temporarily take a person's
18 firearm into custody, under certain conditions; to prohibit
19 the knowing touching of a firearm during a law enforcement
20 investigative stop, under certain conditions; to create a
21 program to issue grants to offices of sheriff to replace
22 pistol permit revenue; to make nonsubstantive, technical
23 revisions to update the existing code language to current
24 style; to repeal Sections 13A-11-55 and 13A-11-73, Code of
25 Alabama 1975, relating to the carrying or possession of a

1 weapon, to repeal certain restrictions on the carrying or
 2 possession of a firearm on certain property or in a motor
 3 vehicle; to authorize the temporary taking into custody of a
 4 firearm by a law enforcement officer, under certain
 5 conditions; to provide further for policies of two-year or
 6 four-year institutions of higher education regarding firearm
 7 possession on grounds of that institution; and in connection
 8 therewith would have as its purpose or effect the requirement
 9 of a new or increased expenditure of local funds within the
 10 meaning of Amendment 621 of the Constitution of Alabama of
 11 1901, as amended by Amendment 890, now appearing as Section
 12 111.05 of the Official Recompilation of the Constitution of
 13 Alabama of 1901, as amended.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Sections 13A-11-7, 13A-11-50,
 16 13A-11-61.2, 13A-11-62, 13A-11-71, 13A-11-74, 13A-11-85, and
 17 13A-11-90, Code of Alabama 1975, are amended to read as
 18 follows:

19 "§13A-11-7.

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

24 "(1) Engages in fighting or in violent tumultuous or
 25 threatening behavior.

1 "(2) Makes unreasonable noise.

2 "(3) In a public place uses abusive or obscene
3 language or makes an obscene gesture.

4 "(4) Without lawful authority, disturbs any lawful
5 assembly or meeting of persons.

6 "(5) Obstructs vehicular or pedestrian traffic, or a
7 transportation facility.

8 "(6) Congregates with other person in a public place
9 and refuses to comply with a lawful order of law enforcement
10 to disperse.

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

12 "(c) ~~It shall be a rebuttable presumption that the~~
13 The mere carrying of a ~~visible~~ pistol, holstered or otherwise
14 secured on or about one's person, without brandishing the
15 weapon, in a public place, in and of itself, is not a
16 violation of this section. For purposes of this subsection,
17 "brandishing" shall mean the waving, flourishing, displaying,
18 or holding of an item in a manner that is threatening or would
19 appear threatening to a reasonable person, with or without
20 explicit verbal threat, or in a wanton or reckless manner.

21 "(d) Nothing in Act 2013-283 shall be construed to
22 prohibit law enforcement personnel who have reasonable
23 suspicion from acting to prevent a breach of the peace or from
24 taking action to preserve public safety.

25 "§13A-11-50.

1 ~~"Except as otherwise provided in this Code, a A~~
2 ~~person who, in violation of this article, carries concealed~~
3 ~~about his or her person a bowie knife or knife or instrument~~
4 ~~of like kind or description or in a vehicle a pistol or~~
5 ~~firearm of any other kind or an air gun shall, on conviction,~~
6 ~~be fined not less than \$50.00 nor more than \$500.00, and may~~
7 ~~also be imprisoned in the county jail or sentenced to hard~~
8 ~~labor for the county for not more than six months guilty of a~~
9 ~~Class B misdemeanor.~~

10 "§13A-11-61.2.

11 "(a) In addition to any other place limited or
12 prohibited by state or federal law, a person, including a
13 person with a permit issued under Section 13A-11-75~~(a)(1)~~ or
14 recognized under Section 13A-11-85, may not knowingly possess
15 or carry a firearm in any of the following places without the
16 express permission of a person or entity with authority over
17 the premises:

18 "(1) Inside the building of a police, sheriff, or
19 highway patrol station.

20 "(2) Inside or on the premises of a prison, jail,
21 halfway house, community corrections facility, or other
22 detention facility for those who have been charged with or
23 convicted of a criminal or juvenile offense.

1 "(3) Inside a facility ~~which~~ that provides inpatient
 2 or custodial care of those with psychiatric, mental, or
 3 emotional disorders.

4 "(4)a. Inside a courthouse, courthouse annex, a
 5 building in which a district attorney's office is located, ~~or~~
 6 a building in which a county commission or city council is
 7 currently having a regularly scheduled or specially called
 8 meeting or the primary office of any elected official.

9 "b. For purposes of this subdivision, "courthouse
 10 annex" means either of the following:

11 "1. A building constructed, purchased, or repurposed
 12 as part of a courthouse complex, judicial complex, or probate
 13 court, for so long as the building is actively and regularly
 14 used for that purpose.

15 "2. A building or part of a building that, by order
 16 of any judge or probate judge, is having regularly scheduled
 17 or specially called judicial proceedings. A building or part
 18 of a building that is a courthouse annex pursuant to this
 19 subparagraph shall be a courthouse annex only for the duration
 20 of the judicial proceedings and any other related activities
 21 that the judge orders necessary.

22 "(5) Inside any facility hosting an athletic event
 23 not related to or involving firearms which is sponsored by a
 24 private or public elementary or secondary school or any
 25 private or public institution of postsecondary education,

1 unless the person has a permit issued under Section
2 13A-11-75~~(a)(1)~~ or recognized under Section 13A-11-85.

3 "(6) Inside any facility hosting a professional
4 athletic event not related to or involving firearms, unless
5 the person has a permit issued under Section 13A-11-75~~(a)(1)~~
6 or recognized under Section 13A-11-85.

7 "(b) (1) Notwithstanding the provisions of subsection
8 (a), and in addition to any other place where possession of a
9 firearm or a pistol is prohibited by federal or state law or
10 may be prohibited pursuant to federal or state law, including,
11 but not limited to, Section 13A-11-52, a person, including a
12 person with a permit issued under Section 13A-11-75~~(a)(1)~~ or
13 recognized under Section 13A-11-85, ~~may not,~~ without the
14 express permission of a person or entity with authority over
15 the premises, may not knowingly possess or carry a firearm
16 inside any building or facility to which access of
17 unauthorized persons and prohibited articles is limited during
18 normal hours of operation by the continuous posting of guards
19 and the use of other security features, including, but not
20 limited to, magnetometers, key cards, biometric screening
21 devices, or turnstiles or other physical barriers that prevent
22 all persons entering the facility from bringing prohibited
23 items into the facility.

24 "(2) It is not a violation of subsection (a) or (b)
25 to knowingly possess or carry a firearm at a location

1 described in subsection (a) or (b) if the location is also a
2 sheriff's office that issues pistol permits and the pistol
3 remains inside of a locked vehicle at all times while the
4 person is on the premises.

5 "(3) Nothing in this subsection otherwise restricts
6 the possession, transportation, or storage of a lawfully
7 possessed firearm or ammunition in an employee's privately
8 owned motor vehicle while parked or operated in a public or
9 private parking area provided the employee complies with the
10 requirements of Section 13A-11-90.

11 "(c) The person or entity with authority over the
12 premises set forth in subdivisions (1) to (6), inclusive, of
13 subsection (a) and subsection (b) shall place a notice at the
14 public entrances of such premises or buildings alerting those
15 entering that firearms are prohibited.

16 "~~(d) Except as provided in subdivisions (5) and (6)~~
17 ~~of subsection (a), any~~ Any firearm on the premises of any
18 facility set forth in subdivision (1) of subsection (a), or
19 subdivisions (4) to (6) inclusive, of subsection (a), or
20 subsection (b) ~~must~~ shall be kept from ordinary observation
21 and locked within a compartment or in the interior of the
22 person's motor vehicle or in a compartment or container
23 securely affixed to the motor vehicle.

24 "(e) A violation of subsection (a), (b), or (d) is a
25 Class C misdemeanor.

1 "(f) This section shall not prohibit any person from
2 possessing a firearm within the person's residence or during
3 ingress or egress thereto.

4 "(g) Prohibitions regarding the carrying of a
5 firearm under this section shall not apply to law enforcement
6 officers engaged in the lawful execution of their official
7 duties or a qualified retired law enforcement officer. For
8 purposes of this section, qualified retired law enforcement
9 officer shall mean a retired officer who meets all of the
10 following requirements:

11 "(1) Was separated from service in good standing
12 from service with a public agency as a law enforcement
13 officer.

14 "(2) Before separation, was authorized by law to
15 engage in or supervise the prevention, detection,
16 investigation, or prosecution of, or the incarceration of any
17 person for, any violation of law, and had statutory powers of
18 arrest.

19 "(3) Before separation, served as a law enforcement
20 officer for an aggregate of 10 years or more and separated
21 from service with such agency, after completing any applicable
22 probationary period of such service, due to a
23 service-connected disability, as determined by the agency.

24 "(4) During the most recent 12-month period, has
25 met, at the expense of the individual, the standards for

1 qualification in firearms training for active law enforcement
2 officers, as determined by the former agency of the
3 individual, the state in which the individual resides or, if
4 the state has not established such standards, either a law
5 enforcement agency within the state in which the individual
6 resides or the standards used by a certified firearms
7 instructor that is qualified to conduct a firearms
8 qualification test for active duty officers within that state.

9 "(5) Has not been officially found by a qualified
10 medical professional employed by the agency to be unqualified
11 for reasons relating to mental health, and as a result, will
12 not be issued the photographic identification described in
13 subdivision (8) and has not entered into an agreement with the
14 agency from which the individual is separating from service in
15 which that individual acknowledges he or she is not qualified
16 under this section for reasons relating to mental health and
17 for those reasons will not receive or accept the photographic
18 identification as described in ~~subsection~~ subdivision (8).

19 "(6) Is not under the influence of alcohol or
20 another intoxicating or hallucinatory drug or substance.

21 "(7) Is not prohibited by state or federal law from
22 receiving a firearm.

23 "(8) Is carrying any of the following identification
24 documents:

1 "a. A photographic identification issued by the
2 agency from which the individual separated from service as a
3 law enforcement officer that identifies the person as having
4 been employed as a police officer or law enforcement officer
5 and indicates that the individual has, not less recently than
6 one year before the date the individual is carrying the
7 concealed firearm, been tested or otherwise found by the
8 agency to meet the active duty standards for qualification in
9 firearms training as established by the agency to carry a
10 firearm of the same type as the concealed firearm.

11 "b. A photographic identification issued by the
12 agency from which the individual separated from service as a
13 law enforcement officer that identifies the person as having
14 been employed as a police officer or law enforcement officer,
15 and a certification issued by the state in which the
16 individual resides or by a certified firearms instructor who
17 is qualified to conduct a firearms qualification test for
18 active duty officers within that state that indicates that the
19 individual, not less than one year before the date the
20 individual is carrying the concealed firearm, has been tested
21 or otherwise found by the state or a certified firearms
22 instructor who is qualified to conduct a firearms
23 qualification test for active duty officers within that state
24 to have met either of the following:

1 "1. The active duty standards for qualification in
2 firearms training, as established by the state, to carry a
3 firearm of the same type as the concealed firearm.

4 "2. If the state has not established such standards,
5 standards set by any law enforcement agency within that state
6 to carry a firearm of the same type as the concealed firearm.

7 "(h) Nothing in this section shall be construed to
8 authorize the carrying or possession of a firearm where
9 prohibited by federal law.

10 "§13A-11-62.

11 "For purposes of this division, the following terms
12 shall have the following meanings, unless the context clearly
13 indicates otherwise:

14 "(1) FIREARM. ~~Definition is same as provided in~~ As
15 defined under Section 13A-8-1(4).

16 "(2) RIFLE. Any weapon designed or redesigned, made
17 or remade, and intended to be fired from the shoulder and
18 designed or redesigned and made or remade to use the energy of
19 the explosive in a fixed metallic cartridge to fire only a
20 single projectile through a rifled bore for each pull of the
21 trigger.

22 "~~(3)~~ (5) SHOTGUN. A weapon designed or redesigned,
23 ~~made or remade, and intended to be fired from the shoulder and~~
24 ~~designed or redesigned~~ and made or remade to use the energy of
25 the explosive in a fixed shotgun shell to fire through a

1 smooth bore either a number of ~~ball~~ shot or a single
2 projectile for each single pull of the trigger.

3 "~~(4)~~ (3) SHORT-BARRELED RIFLE. A rifle having one or
4 more barrels less than 16 inches in length and any weapon made
5 from a rifle (whether by alteration, modification, or
6 otherwise) if such weapon, as modified, has an overall length
7 of less than 26 inches.

8 "~~(5)~~ (4) SHORT-BARRELED SHOTGUN. A shotgun having
9 one or more barrels less than 18 inches in length and any
10 weapon made from a shotgun (whether by alteration,
11 modification, or otherwise) if such weapon as modified has an
12 overall length of less than 26 inches.

13 "§13A-11-71.

14 "Any person who commits or attempts to commit ~~if any~~
15 ~~person shall commit or attempt to commit~~ a crime of violence
16 when armed with a pistol, ~~he may~~, in addition to the
17 punishment provided for the crime, may additionally be
18 punished ~~also~~ as provided by this division. ~~In the trial of a~~
19 ~~person for committing or attempting to commit a crime of~~
20 ~~violence, the fact that he was armed with a pistol and had no~~
21 ~~license to carry the same shall be prima facie evidence of his~~
22 ~~intention to commit said crime of violence.~~

23 "§13A-11-74.

24 "The provisions of Section ~~13A-11-73~~ 13A-11-72(c)
25 shall not apply to marshals, sheriffs, prison and jail wardens

1 and their regularly employed deputies, ~~police~~ police
2 officers and other law enforcement officers of any state or
3 political subdivision thereof, or to the members of the Army,
4 Navy ~~or,~~ Marine Corps, Air Force, or Space Force of the United
5 States or of the National Guard, or to the members of the
6 National Guard organized reserves or state guard organizations
7 when on duty or going to or from duty, or to the regularly
8 enrolled members of any organization duly authorized to
9 purchase or receive ~~such~~ the weapons from the United States or
10 from this state; provided, that ~~such~~ those members are at or
11 are going to or from their places of assembly or target
12 practices, or to officers or employees of the United States
13 duly authorized to carry a pistol, or to any person engaged in
14 manufacturing, repairing, ~~or~~ dealing in pistols, or the agent
15 or representative of ~~such~~ a person possessing, using, or
16 carrying a pistol in the usual or ordinary course of ~~such~~
17 pistol manufacturing, repairing, or dealing business, or to
18 any common carrier, except taxicabs, licensed as a common
19 carrier, or to any person permitted by law to possess a pistol
20 while carrying it unloaded in a secure wrapper, from the place
21 of purchase to his or her home or place of business, or to or
22 from a place of repair or in moving from one place of abode or
23 business to another.

24 "§13A-11-85.

1 "(a) A person licensed to carry a handgun in any
2 state shall be authorized to carry a handgun in this state.
3 This section shall apply to a license holder from another
4 state only while the license holder is not a resident of this
5 state. A license holder from another state shall carry the
6 handgun in compliance with the laws of this state. The
7 issuance of a permit to carry a pistol pursuant to Section
8 13A-11-75 or the recognition of a nonresident license under
9 this section does not impose a general prohibition on the
10 carrying of a pistol without a permit.

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

16 "§13A-11-90.

17 "(a) Except as provided in subdivision (b), a public
18 or private employer may restrict or prohibit its employees,
19 including those with a permit issued or recognized under
20 Section 13A-11-75, from carrying firearms while on the
21 employer's property or while engaged in the duties of the
22 person's employment.

23 "(b) (1)A public or private employer may not restrict
24 or prohibit the transportation or storage of a lawfully
25 possessed ~~firearm~~ pistol or ammunition for that pistol in an

1 employee's privately owned motor vehicle while parked or
2 operated in a public or private parking area; provided, that
3 the employee satisfies all of the following conditions:

4 "a. The motor vehicle is operated or parked in a
5 location where it is otherwise permitted to be.

6 "b. The pistol is either of the following:

7 "1. In a motor vehicle attended by the employee,
8 kept from ordinary observation within the person's motor
9 vehicle.

10 "2. In a motor vehicle unattended by the employee,
11 kept from ordinary observation and locked within a
12 compartment, container, or in the interior of the person's
13 privately owned motor vehicle or in a compartment or container
14 securely affixed to the motor vehicle.

15 "(2) A public or private employer may not restrict
16 or prohibit the transportation or storage of a lawfully
17 possessed firearm legal for use for hunting in Alabama other
18 than a pistol, or ammunition for that firearm, in an
19 employee's privately owned motor vehicle while parked or
20 operated in a public or private parking area if the employee
21 satisfies all of the following:

22 ~~"(1) The employee either:~~

23 ~~"a. Has a valid concealed weapon permit; or~~

24 ~~"b. If the weapon is any firearm legal for use for~~
25 ~~hunting in Alabama other than a pistol:~~

1 ~~"i.~~ a. The employee possesses a valid Alabama
2 hunting license~~.~~

3 ~~"ii.~~ b. The weapon is unloaded at all times on the
4 property~~.~~

5 ~~"iii.~~ c. It is during a season in which hunting is
6 permitted by Alabama law or regulation~~.~~

7 ~~"iv.~~ d. The employee has never been convicted of any
8 crime of violence as that term is defined in Section
9 13A-11-70, nor of any crime set forth in Chapter 6 of Title
10 13A, nor is subject to a Domestic Violence Order, as that term
11 is defined in Section 13A-6-141~~.~~

12 ~~"v. The employee does not meet any of the factors
13 set forth in Section 13A-11-75(a)(1)a.1-8; and~~

14 ~~"vi.~~ e. The employee has no documented prior
15 workplace incidents involving the threat of physical injury or
16 which resulted in physical injury.

17 ~~"(2)~~ f. The motor vehicle is operated or parked in a
18 location where it is otherwise permitted to be.

19 ~~"(3)~~ g. The firearm is either of the following:

20 ~~"a.~~ 1. In a motor vehicle attended by the employee,
21 kept from ordinary observation within the person's motor
22 vehicle.

23 ~~"b.~~ 2. In a motor vehicle unattended by the
24 employee, kept from ordinary observation and locked within a
25 compartment, container, or in the interior of the person's

1 privately owned motor vehicle or in a compartment or container
2 securely affixed to the motor vehicle.

3 "(c) If an employer believes that an employee
4 presents a risk of harm to ~~himself/herself~~ himself, herself,
5 or to others, the employer may inquire as to whether the
6 employee possesses a firearm in his or her private motor
7 vehicle. If the employee does possess a firearm in his or her
8 private motor vehicle on the property of the employer, the
9 employer may make any inquiry necessary to establish that the
10 employee is in compliance with subsection (b).

11 "(1) If the employee is not in compliance with
12 subsection (b), the employer may take adverse employment
13 action against the employee, in the discretion of the
14 employer.

15 "(2) If the employee has been in compliance with
16 subsection (b) at all times, the employer may not take adverse
17 employment action against the employee based solely on the
18 presence of the firearm.

19 "(d) If an employer discovers by other means that an
20 employee is transporting or storing a firearm in his or her
21 private motor vehicle, the employer may not take any adverse
22 employment action against the employee based solely on the
23 possession of that firearm if the employee has complied with
24 the requirements in subsection (b).

1 "(e) Nothing in this section shall prohibit an
2 employer from reporting to law enforcement a complaint based
3 upon information and belief that there is credible evidence of
4 any of the following:

5 "(1) That the employee's motor vehicle contains:

6 "a. A firearm prohibited by state or federal law.

7 "b. Stolen property or a prohibited or illegal item
8 other than a firearm.

9 "(2) A threat made by an employee to cause bodily
10 harm to themselves or others.

11 "(f) If law enforcement officers, pursuant to a
12 valid search warrant or valid warrantless search based upon
13 probable cause, exigent circumstances, or other lawful
14 exception to the search warrant requirement, discover a
15 firearm prohibited by state or federal law, stolen property,
16 or a prohibited or illegal item other than a firearm, the
17 employer may take adverse employment action against the
18 employee.

19 "(g) ~~However,~~ Notwithstanding subsection (f), if the
20 employee has fully complied with the requirements of
21 subsection (b) and does not possess a firearm prohibited by
22 state or federal law, that employee is entitled to recovery as
23 specified in this subsection for any adverse employment action
24 against the employee. If demand for the recovery has not been
25 satisfied within 45 calendar days, the employee may file a

1 civil action in the appropriate court of this state against
 2 the public or private employer. A plaintiff is entitled to
 3 seek an award of all of the following:

4 "(1) Compensation, if applicable, for lost wages or
 5 benefits.

6 "(2) Compensation, if applicable, for other lost
 7 remuneration caused by the termination, demotion, or other
 8 adverse action.

9 "(h) The license requirements set forth in ~~sections~~
 10 ~~(b)(1)a. and (b)(1)b.i.~~ subdivision (b)(1) are for the
 11 purposes of this section only in order to determine whether an
 12 employee may transport or store a lawfully possessed firearm
 13 or ammunition in an employee's privately owned motor vehicle
 14 while parked or operated in a public or private parking area
 15 owned by the employer and shall not be construed to otherwise
 16 expand the requirements for the lawful possession of a
 17 firearm. These requirements shall not be interpreted to mean
 18 that the laws of the State of Alabama create any new
 19 connection between the possession of a hunting license and the
 20 right of a citizen to keep and bear arms.

21 "(i) Prohibitions regarding the carrying of a
 22 firearm under this section shall not apply to law enforcement
 23 officers engaged in the lawful execution of their official
 24 duties.

1 "(j) Nothing in this section shall be construed to
2 authorize the transportation, carrying, storing, or possession
3 of a firearm or ammunition where prohibited by federal law."

4 Section 2. The issuance of a permit to carry a
5 pistol pursuant to Section 13A-11-75, Code of Alabama 1975, or
6 the recognition of a nonresident license pursuant to Section
7 13A-11-85, Code of Alabama 1975, does not impose a general
8 prohibition on the carrying of a pistol without a permit.

9 Section 3. Any person who knowingly possesses a
10 pistol or firearm concealed on or about his or her person or
11 in a vehicle occupied by the person, and who is asked by a law
12 enforcement officer operating in the line or scope of his or
13 her official duties whether he or she is armed with a
14 concealed pistol or firearm, shall immediately inform the law
15 enforcement officer that the person is in possession of a
16 pistol or firearm.

17 Section 4. (a) A person who is the driver or
18 occupant of any motor vehicle that is stopped as a result of a
19 traffic stop or as a result of a stop for another law
20 enforcement purpose and who is transporting or has a loaded
21 handgun in the motor vehicle or commercial motor vehicle shall
22 not knowingly touch the handgun with his or her hands or
23 fingers at any time after a person known to be a law
24 enforcement officer begins approaching and before the law
25 enforcement officer terminates contact with the person, unless

1 the person has contact with the loaded handgun pursuant to,
2 and in accordance with, directions given by the law
3 enforcement officer.

4 (b) A violation of this section is a Class A
5 misdemeanor.

6 Section 5. (a) If at any time during an
7 investigation a law enforcement officer acting in the lawful
8 discharge of the officer's official duties has a reasonable
9 suspicion that an individual is engaged or is about to be
10 engaged in criminal conduct, or the officer determines that a
11 reasonable person would believe that it is necessary for the
12 protection of the officer, individual, or any other
13 individual, the officer may temporarily take into custody the
14 firearm that could be used to engage in criminal conduct or to
15 cause harm to the officer, individual, or any other
16 individual.

17 (b) While the firearm is in the law enforcement
18 officer's possession, and if the officer has a reasonable
19 suspicion that an individual is engaged or is about to be
20 engaged in criminal conduct, the law enforcement officer may
21 conduct a search of any available local, state, or federal
22 criminal history and weapons databases to determine whether
23 the individual is prohibited from possessing the firearm or
24 whether the firearm should not be returned to the individual
25 pursuant to state or federal law.

1 (c) The law enforcement officer shall return the
2 firearm to the individual before discharging the individual
3 from the scene if the officer determines that both of the
4 following are fulfilled:

5 (1) The individual is not an immediate threat to the
6 officer, individual, or any other individual.

7 (2) The individual has not committed a violation
8 that results in the arrest of the individual.

9 Section 6. (a) There is created in the State
10 Treasury a fund to be known as the Local Government Pistol
11 Permit Revenue Loss Fund, into which there is automatically
12 appropriated five million dollars (\$5,000,000) annually or so
13 much as necessary to maintain a balance of two million dollars
14 (\$2,000,000) in the fund, at the beginning of each fiscal year
15 for the three fiscal years following the effective date of
16 this section. The fund shall consist of both of the following:

17 (1) All appropriations made to the fund.

18 (2) Any gifts, grants, or donations made to the fund
19 from any source.

20 (b) The Alabama Department of Economic and Community
21 Affairs shall use and expend the fund pursuant to subsection
22 (c). Any necessary expenses of the department in implementing
23 the provisions of this section shall also be paid out of the
24 fund.

1 (c) (1) The Alabama Department of Economic and
 2 Community Affairs may make quarterly grants to any county in
 3 which the sheriff has provided the required reports as set out
 4 in the Minimum Accounting Requirements for the Office of
 5 Sheriff established by the Department of Examiners of Public
 6 Accounts, specifically regarding the number of pistol permits
 7 purchased in that county and the revenue received from pistol
 8 permit fees issued pursuant to Section 13A-11-75, Code of
 9 Alabama 1975, for fiscal years 2022 and 2023. Any grants
 10 awarded to a county pursuant to this subsection may not exceed
 11 the amount of revenue received from pistol permit fees by that
 12 county in fiscal year 2022, as indicated within the reports to
 13 the Department of Examiners of Public Accounts. Any amounts
 14 exceeding these revenues shall be remitted back to the Local
 15 Government Pistol Permit Revenue Loss fund at the end of each
 16 fiscal year. Grant funds shall be used by a county only for
 17 the same purposes for which pistol permit fees were authorized
 18 to be expended within that county on the effective date of
 19 this section.

20 (2) The Department of Economic and Community Affairs
 21 shall make grants under this subsection only to an office of
 22 sheriff that, at time of submission of a report to the
 23 Department of Examiners of Public Accounts pursuant to
 24 subdivision (1), has certified in writing that each pistol
 25 permit issued by that office of sheriff in the preceding

1 quarter was issued only following completion of a background
2 check through the National Instant Criminal Background Check
3 System (NICS) and that the office of sheriff, within the
4 preceding 12 months, has trained each employee, officer, or
5 agent involved in the issuance of pistol permits on how and
6 when to perform a NICS background check.

7 (d) No later than January 15, 2023, and thereafter
8 on a quarterly basis, the Department of Examiners of Public
9 Accounts shall provide all reports referenced in subsection
10 (c) to the Department of Economic and Community Affairs.

11 (e) This section shall be repealed four years
12 following the effective date of this section. At that time,
13 any monies remaining in the fund that are not committed for
14 the purpose of this section shall be transferred to the State
15 General Fund.

16 (f) No monies may be withdrawn or expended from the
17 fund for any purpose unless the monies have been appropriated
18 by the Legislature. Any monies appropriated shall be budgeted
19 and allotted pursuant to the Budget Management Act in
20 accordance with Article 4 of Chapter 4 of Title 41, and only
21 in the amounts provided by the Legislature in the general
22 appropriations act or other appropriations act, and only for
23 the purposes of this act.

1 (g) Each county receiving grant funds pursuant (c)
2 shall establish a separate fund in the county treasury to
3 account for the grant funds and expenditure of the funds.

4 Section 7. Nothing within Article 3 of Chapter 11 of
5 Title 13A, Code of Alabama 1975, shall be construed to
6 diminish or otherwise affect property rights under state law
7 not within that title.

8 Section 8. (a) Notwithstanding any provision of
9 state law to the contrary, the governing body of each two-year
10 or four-year institution of higher education may adopt
11 policies governing the possession of firearms or other weapons
12 on grounds owned or controlled by the institution. The
13 governing body may not adopt a policy in conflict with federal
14 law.

15 (b) A policy adopted under subsection (a) shall
16 allow for individuals not otherwise prohibited from possession
17 of a firearm by state or federal law to possess a firearm and
18 ammunition for that firearm in the individual's privately
19 owned motor vehicle while parked or operated on the grounds of
20 the institution; provided, that the individual satisfies all
21 of the following conditions:

22 (1) If the firearm is a pistol, the individual is
23 not generally prohibited from possession of a pistol by state
24 or federal law.

1 (2) If the firearm is any firearm legal for use for
2 hunting in Alabama other than a pistol:

3 a. The individual possesses a valid Alabama hunting
4 license.

5 b. The firearm is unloaded at all times on the
6 grounds.

7 c. It is during a season in which hunting is
8 permitted by Alabama law or regulation.

9 d. The individual has never been convicted of any
10 crime of violence as that term is defined in Section
11 13A-11-70, Code of Alabama 1975, nor of any crime set forth in
12 Chapter 6 of Title 13A, Code of Alabama 1975, nor is subject
13 to a domestic violence order, as that term is defined in
14 Section 13A-6-141, Code of Alabama 1975.

15 e. The individual has no documented prior incidents
16 on the grounds of the institution involving the threat of
17 physical injury or which resulted in physical injury to
18 another.

19 (3) The motor vehicle is operated or parked in a
20 location where it is otherwise permitted to be.

21 (4) The firearm is either of the following:

22 a. In a motor vehicle attended by the individual,
23 kept from ordinary observation within the individual's motor
24 vehicle.

1 b. In a motor vehicle unattended by the individual,
2 kept from ordinary observation and locked within a
3 compartment, container, or in the interior of the individual's
4 privately owned motor vehicle or in a compartment or container
5 securely affixed to the motor vehicle.

6 (c) It is the intent of the Legislature that
7 constitutionally created boards of trustees of institutions of
8 higher education comply with this section.

9 Section 9. The following sections are hereby
10 repealed:

11 (1) Section 13A-11-55, Code of Alabama 1975,
12 relating to indictments for carrying weapons unlawfully.

13 (2) Section 13A-11-73, Code of Alabama 1975,
14 relating to possession of an unloaded pistol in motor vehicle.

15 Section 10. This act shall not be construed to
16 diminish or otherwise limit the power of a law enforcement
17 officer under existing law to detain, investigate, or arrest a
18 person for a violation of law.

19 Section 11. Although this bill would have as its
20 purpose or effect the requirement of a new or increased
21 expenditure of local funds, the bill is excluded from further
22 requirements and application under Amendment 621, as amended
23 by Amendment 890, now appearing as Section 111.05 of the
24 Official ReCompilation of the Constitution of Alabama of 1901,

1 as amended, because the bill defines a new crime or amends the
2 definition of an existing crime.

3 Section 12. This act shall become effective on
4 January 1, 2023, following its passage and approval by the
5 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 22-FEB-22, as amended.

Jeff Woodard
Clerk

Senate	03-MAR-22	Amended and Passed
House	10-MAR-22	Passed, as amended by Conference Com- mittee Report
Senate	10-MAR-22	Passed, as amended by Conference Com- mittee Report