

HB12 INTRODUCED



1 HGSV33-1
2 By Representative England
3 RFD: Public Safety and Homeland Security - House
4 First Read: 07-Mar-23
5 PFD: 08-Feb-23



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SYNOPSIS:

Under existing law, a person has a duty to inform law enforcement upon request when he or she is in possession of a concealed pistol or firearm.

Under existing law, no penalty for a violation of this duty is listed.

This bill would provide that failure by a person to inform a law enforcement officer that he or she is in possession of a concealed pistol or firearm upon request is a Class A misdemeanor.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. If this bill is not enacted by a 2/3 vote, it will not become effective with regard to a local entity unless approved by the



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29 local entity or until, and only as long as, the
30 Legislature appropriates funds or provides for a local
31 source of revenue.

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A BILL

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TO BE ENTITLED

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AN ACT

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38 Relating to firearms; to amend Section 13A-11-95, Code
39 of Alabama 1975, as added by Act 2022-133, 2022 Regular
40 Session, to provide that failure by a person to inform a law
41 enforcement officer that he or she is in possession of a
42 concealed pistol or firearm upon request is a Class A
43 misdemeanor; and in connection therewith would have as its
44 purpose or effect the requirement of a new or increased
45 expenditure of local funds within the meaning of Section
46 111.05 of the Constitution of Alabama 2022.

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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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Section 1. Section 13A-11-95, Code of Alabama 1975, as
49 added by Act 2022-133, 2022 Regular Session, is amended to
50 read as follows:

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"§13A-11-95

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(a) Any person who knowingly possesses a pistol or
53 firearm concealed on or about his or her person or in a
54 vehicle occupied by the person, and who is asked by a law
55 enforcement officer operating in the line or scope of his or
56 her official duties whether he or she is armed with a



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57 concealed pistol or firearm, shall immediately inform the law
58 enforcement officer that the person is in possession of a
59 pistol or firearm.

60 (b) A violation of this section is a Class A
61 misdemeanor."

62 Section 2. The purpose or effect of this bill would be
63 to require a new or increased expenditure of local funds
64 within the meaning of Section 111.05 of the Constitution of
65 Alabama of 2022. If this bill is not enacted by a 2/3 vote, it
66 will not become effective with regard to a local entity unless
67 approved by the local entity or until, and only as long as,
68 the Legislature appropriates funds or provides for a local
69 source of revenue.

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