

1 HB450
2 127749-2
3 By Representatives Hurst, Johnson (R), Oden, Morrow, Hill,
4 Galliher, Greeson and Thomas
5 RFD: Judiciary
6 First Read: 05-APR-11

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ENROLLED, An Act,

Relating to firearms; to provide for the crime of soliciting, persuading, encouraging, or enticing a licensed dealer or private seller of firearms to transfer a firearm or ammunition under circumstances which a person knows violates the laws of this state or the United States; to provide for the crime of providing a licensed dealer or private seller of firearms or ammunition with false information with the intent to deceive the dealer or seller about the legality of the transfer of a firearm or ammunition; to provide penalties and exceptions; 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 Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For the purposes of this act, the following words have the following meanings:

(1) AMMUNITION. Any cartridge, shell, or projectile designed for use in a firearm.

(2) LICENSED DEALER. A person who is licensed pursuant to 18 U.S.C. § 923 or Section 13A-11-79, Code of

1 Alabama 1975, to engage in the business of dealing in firearms.

2 (3) MATERIALLY FALSE INFORMATION. Information that
3 portrays an illegal transaction as legal or a legal
4 transaction as illegal.

5 (4) PRIVATE SELLER. A person who sells or offers for
6 sale any firearm, as defined in Section 13A-8-1(4), Code of
7 Alabama 1975, or ammunition.

8 (b) A person who knowingly solicits, persuades,
9 encourages, or entices a licensed dealer or private seller of
10 a firearm or ammunition to transfer a firearm or ammunition
11 under circumstances which the person knows would violate the
12 laws of this state or the United States is guilty of a Class C
13 felony.

14 (c) A person who provides to a licensed dealer or
15 private seller of firearms or ammunition what the person knows
16 to be materially false information with intent to deceive the
17 dealer or seller about the legality of the transfer of a
18 firearm or ammunition is guilty of a Class C felony.

19 (d) This section does not apply to a peace officer
20 acting in his or her official capacity or to a person acting
21 at the direction of a peace officer.

22 Section 2. Although this bill would have as its
23 purpose or effect the requirement of a new or increased
24 expenditure of local funds, the bill is excluded from further
25 requirements and application under Amendment 621, now

1 appearing as Section 111.05 of the Official ReCompilation of
2 the Constitution of Alabama of 1901, as amended, because the
3 bill defines a new crime or amends the definition of an
4 existing crime.

5 Section 3. This act shall become effective on the
6 first day of the third month following its passage and
7 approval by the 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 05-MAY-11.

Greg Pappas
Clerk

Senate

02-JUN-11

Passed