

1 HB450
2 127749-1
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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8 SYNOPSIS: This bill would make it a crime to solicit,
9 persuade, encourage, or entice a licensed dealer or
10 private seller of firearms or ammunition to
11 transfer a firearm or ammunition under
12 circumstances which the person knows violates the
13 laws of this state or the United States.

14 This bill would make it a crime to provide a
15 licensed dealer or private seller of firearms or
16 ammunition with false information with the intent
17 to deceive the dealer or seller about the legality
18 of the transfer of a firearm or ammunition.

19 Amendment 621 of the Constitution of Alabama
20 of 1901, now appearing as Section 111.05 of the
21 Official Recompilation of the Constitution of
22 Alabama of 1901, as amended, prohibits a general
23 law whose purpose or effect would be to require a
24 new or increased expenditure of local funds from
25 becoming effective with regard to a local
26 governmental entity without enactment by a 2/3 vote
27 unless: it comes within one of a number of

1 specified exceptions; it is approved by the
2 affected entity; or the Legislature appropriates
3 funds, or provides a local source of revenue, to
4 the entity for the purpose.

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

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT
16

17 Relating to firearms; to provide for the crime of
18 soliciting, persuading, encouraging, or enticing a licensed
19 dealer or private seller of firearms to transfer a firearm or
20 ammunition under circumstances which a person knows violates
21 the laws of this state or the United States; to provide for
22 the crime of providing a licensed dealer or private seller of
23 firearms or ammunition with false information with the intent
24 to deceive the dealer or seller about the legality of the
25 transfer of a firearm or ammunition; to provide penalties and
26 exceptions; and in connection therewith would have as its
27 purpose or effect the requirement of a new or increased

1 expenditure of local funds within the meaning of Amendment 621
2 of the Constitution of Alabama of 1901, now appearing as
3 Section 111.05 of the Official Recompilation of the
4 Constitution of Alabama of 1901, as amended.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

10 (2) LICENSED DEALER. A person who is licensed
11 pursuant to 18 U.S.C. § 923 or Section 13A-11-79, Code of
12 Alabama 1975, to engage in the business of dealing in
13 firearms.

14 (3) MATERIALLY FALSE INFORMATION. Information that
15 portrays an illegal transaction as legal or a legal
16 transaction as illegal.

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

20 (b) A person who knowingly solicits, persuades,
21 encourages, or entices a licensed dealer or private seller of
22 a firearm or ammunition to transfer a firearm or ammunition
23 under circumstances which the person knows would violate the
24 laws of this state or the United States is guilty of a Class C
25 felony.

26 (c) A person who provides to a licensed dealer or
27 private seller of firearms or ammunition what the person knows

1 to be materially false information with intent to deceive the
2 dealer or seller about the legality of the transfer of a
3 firearm or ammunition is guilty of a Class C felony.

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

7 Section 2. Although this bill would have as its
8 purpose or effect the requirement of a new or increased
9 expenditure of local funds, the bill is excluded from further
10 requirements and application under Amendment 621, now
11 appearing as Section 111.05 of the Official Recompilation of
12 the Constitution of Alabama of 1901, as amended, because the
13 bill defines a new crime or amends the definition of an
14 existing crime.

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