

1 SB129
2 147285-3
3 By Senators Beason, Glover, Holley, Holtzclaw, Marsh and
4 Sanford
5 RFD: Business and Labor
6 First Read: 05-FEB-13

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8 SYNOPSIS:

 This bill would consolidate certain
9 preemption language regarding the authority of
10 counties and municipalities to regulate certain
11 activity related to firearms and would provide
12 civil remedies for persons adversely affected by
13 unauthorized action of a county or municipality
14 relating to firearm regulation.

 This bill would provide penalties for public
15 officials who participate in the enactment of
16 unlawful ordinances, rules, or regulations relating
17 to firearms, ammunition, and firearm accessories.
18

 This bill would provide that lawfully
19 carrying a firearm under certain conditions does
20 not, in and of itself, constitute the crime of
21 disorderly conduct.
22

 This bill would require a sheriff to issue
23 or deny a concealed pistol permit within 30 days of
24 receipt of the application and accompanying fees
25 and would specify that the license must be renewed
26 from one to five years from the date of issuance.
27

1 This bill would specify certain eligibility
2 requirements for the issuance of a pistol permit
3 and would require an annual permit fee of \$10.

4 This bill would provide for the issuance of
5 pistol permits to applicants who are not United
6 States citizens under certain conditions and would
7 authorize employers to restrict employees from
8 carrying concealed pistols under limited
9 circumstances.

10 This bill would require a report from the
11 National Instant Background Check System as part of
12 the investigation process relating to the issuance
13 of a concealed pistol permit.

14 This bill would authorize a judge to
15 determine who may possess or carry a firearm or
16 other weapon in his or her courtroom.

17 This bill would authorize the Attorney
18 General to enter into reciprocal agreements with
19 other states for the mutual recognition of licenses
20 to carry pistols.

21 This bill would repeal the prohibition
22 against the possession of a firearm at a public
23 demonstration.

24 Amendment 621 of the Constitution of Alabama
25 of 1901, now appearing as Section 111.05 of the
26 Official Recompilation of the Constitution of
27 Alabama of 1901, as amended, prohibits a general

1 law whose purpose or effect would be to require a
2 new or increased expenditure of local funds from
3 becoming effective with regard to a local
4 governmental entity without enactment by a 2/3 vote
5 unless: it comes within one of a number of
6 specified exceptions; it is approved by the
7 affected entity; or the Legislature appropriates
8 funds, or provides a local source of revenue, to
9 the entity for the purpose.

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

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

21
22 Relating to firearms; to amend Section 11-80-1, Code
23 of Alabama 1975, to consolidate certain preemption language
24 regarding the authority of counties and municipalities to
25 regulate certain activity related to firearms; to provide
26 civil remedies to persons adversely affected by unauthorized
27 action of a county or municipality relating to firearm

1 regulation; to amend Section 13A-11-7, Code of Alabama 1975,
2 to provide that the lawful carrying of a firearm under certain
3 conditions does not constitute the crime of disorderly
4 conduct; to amend Section 13A-11-52, Code of Alabama 1975, to
5 clarify where pistols may be carried; to amend Section
6 13A-11-75, Code of Alabama 1975, to require a sheriff to issue
7 a concealed pistol permit within a certain timeframe; to
8 increase the renewal period; to provide certain eligibility
9 requirements for the issuance of the permit; to further
10 provide for the permit fee; to provide for the issuance of
11 permits to applicants who are not United States citizens under
12 certain conditions; to require a report from the National
13 Instant Background Check System as part of the investigation
14 process relating to the issuance of a concealed pistol permit;
15 to specify locations where concealed pistols may not be
16 carried; to amend Section 13A-11-85, Code of Alabama 1975, to
17 authorize the Attorney General to enter into reciprocal
18 agreements with other states for the mutual recognition of
19 licenses to carry pistols; to repeal Section 11-45-1.1, Code
20 of Alabama 1975, relating to the authority of a municipality
21 to enact ordinances relating to handguns and Section
22 13A-11-59, Code of Alabama 1975, relating to the possession of
23 firearms by persons participating in or attending
24 demonstrations at public places; and in connection therewith
25 would have as its purpose or effect the requirement of a new
26 or increased expenditure of local funds within the meaning of
27 Amendment 621 of the Constitution of Alabama of 1901, now

1 appearing as Section 111.05 of the Official Recompilation of
2 the Constitution of Alabama of 1901, as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 11-80-1, Code of Alabama 1975, is
5 amended to read as follows:

6 "§11-80-11.

7 ~~"(a) No county or municipal corporation,~~
8 ~~instrumentality, or political subdivision thereof, by~~
9 ~~ordinance, resolution, or other enactment, shall regulate in~~
10 ~~any manner gun shows, the possession, ownership, transport,~~
11 ~~carrying, transfer, sale, purchase, licensing, registration or~~
12 ~~use of firearms, ammunition, components of firearms, firearms~~
13 ~~dealers, or dealers in firearm components.~~

14 ~~"(b) (1) Subsection (a) does not affect the authority~~
15 ~~a municipality has under law to regulate the discharge of~~
16 ~~firearms within the limits of the municipality or the~~
17 ~~authority a county has under law enacted prior to August 1,~~
18 ~~2000, to regulate the discharge of firearms within the~~
19 ~~jurisdiction of the county.~~

20 ~~"(2) Subsection (a) does not affect the authority of~~
21 ~~the state, a county, or a municipality to assess, enforce, and~~
22 ~~collect sales taxes, use taxes, and gross receipts taxes in~~
23 ~~the nature of sales taxes as defined by Section 40-2A-3(8), on~~
24 ~~the retail sale of firearms and ammunition or to assess,~~
25 ~~enforce, and collect business licenses from firearms or~~
26 ~~ammunition manufacturers, trade associations, distributors, or~~
27 ~~dealers for the privilege of engaging in business.~~

1 ~~"Further, nothing herein shall exempt any business~~
2 ~~which uses firearms or ammunition in the conduct of its~~
3 ~~business or any business which leases or sells firearms or~~
4 ~~ammunition from the provisions of county and municipal~~
5 ~~planning and zoning laws, as long as the code, ordinance, or~~
6 ~~regulations are not used to circumvent the intent of~~
7 ~~subsection (a).~~

8 ~~"This section shall not be construed to limit or~~
9 ~~restrict the power of a municipality to adopt or enforce~~
10 ~~ordinances which make the violation of a state firearm law a~~
11 ~~violation of a municipal ordinance to the same extent as other~~
12 ~~state law violations.~~

13 ~~"(c) The authority to bring or settle any lawsuit in~~
14 ~~which the state has an exclusive interest or right to recover~~
15 ~~against any firearm or ammunition manufacturer, trade~~
16 ~~association, or dealer, and the authority to bring or settle~~
17 ~~any lawsuit on behalf of any governmental unit created by or~~
18 ~~pursuant to an act of the Legislature or the Constitution of~~
19 ~~Alabama of 1901, or any department, agency, or authority~~
20 ~~thereof, for damages, abatement, injunctive relief, or other~~
21 ~~equitable relief resulting from or relating to the design,~~
22 ~~manufacture, marketing, or lawful sale of firearms or~~
23 ~~ammunition, or both, shall be reserved exclusively to the~~
24 ~~Attorney General, by and with the consent of the Governor.~~
25 ~~This section shall not prohibit a county or municipal~~
26 ~~corporation from bringing an action against a firearms or~~
27 ~~ammunition manufacturer or dealer for breach of contract or~~

1 warranty as to firearms or ammunition purchased by the
2 political subdivision or local governmental authority.

3 Section 2. Sections 13A-11-7, 13A-11-52, 13A-11-75
4 and 13A-11-85, Code of Alabama 1975, are amended to read as
5 follows:

6 "§13A-11-7.

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

11 "(1) Engages in fighting or in violent tumultuous or
12 threatening behavior;~~or.~~

13 "(2) Makes unreasonable noise;~~or.~~

14 "(3) In a public place uses abusive or obscene
15 language or makes an obscene gesture;~~or.~~

16 "(4) Without lawful authority, disturbs any lawful
17 assembly or meeting of persons;~~or.~~

18 "(5) Obstructs vehicular or pedestrian traffic, or a
19 transportation facility;~~or.~~

20 "(6) Congregates with other person in a public place
21 and refuses to comply with a lawful order of the police to
22 disperse.

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

24 "(c) The mere carrying of a visible, holstered
25 firearm in a public place, in and of itself, shall not be a
26 violation of this section.

27 "§13A-11-52.

1 "(a) Except as otherwise provided in this article,
2 no person shall carry a pistol about his person on ~~premises~~
3 private property not his own or under his control unless the
4 property is open to the public; but this section shall not
5 apply to any sheriff or his deputy or police officer of an
6 incorporated town or city in the lawful discharge of the
7 duties of his office, or to United States marshal or his
8 deputies, rural free delivery mail carriers in the discharge
9 of their duties as such, bonded constables in the discharge of
10 their duties as such, conductors, railway mail clerks, and
11 express messengers in the discharge of their duties.

12 "(b) (1) A person who owns or controls private
13 property, including property that is open to the public, may
14 restrict or prohibit persons from carrying pistols while on
15 the property by verbally asking the person carrying the pistol
16 to remove the pistol from the property, provided that no
17 person who owns or controls private property may prohibit the
18 otherwise lawful possession, transportation, or storage of a
19 firearm or ammunition that is kept out of sight within the
20 locked or attended private means of conveyance of an invitee
21 who is otherwise permitted to operate or park the conveyance
22 on the property.

23 "(2) A person in violation of this subsection shall
24 be guilty of a Class C misdemeanor.

25 "(c) A public or private employer may restrict or
26 prohibit its employees from carrying concealed pistols while
27 on the employer's property or while engaged in the duties of

1 the person's employment, provided that no employer may
2 prohibit the otherwise lawful possession, transportation, or
3 storage of a firearm or ammunition that is kept out of sight
4 within an employee's locked or attended private means of
5 conveyance, even if the conveyance is parked on the employer's
6 premises or in a parking area provided by the employer for
7 employees.

8 "§13A-11-75.

9 "(a) The sheriff of a county, upon the application
10 of any person residing in that county, ~~may~~ within 30 days from
11 receipt of a complete application and accompanying fees, shall
12 issue or renew a ~~qualified or unlimited~~ license to such for
13 the person to carry a pistol ~~in a vehicle or~~ concealed on or
14 about his or her person within this state for ~~not more than~~
15 one year one to five year increments, as requested by the
16 person seeking the license, from date of issue, if it appears
17 that the applicant has good reason to fear injury to his or
18 her person or property or has any other proper reason for
19 carrying a pistol, and that he or she is a suitable person to
20 be so licensed. unless any of the following applies to the
21 person:

22 "(1) The applicant is less than 18 years of age.

23 "(2) The applicant is prohibited under the laws of
24 this state or the United States from possessing or receiving a
25 firearm.

26 "(3) The applicant is subject to a court order not
27 to possess or receive a firearm.

1 "(4) The applicant is currently the subject of a
2 prosecution or commitment or incompetency proceeding that
3 could lead to a prohibition on the possession or receipt of a
4 firearm under the laws of this state or the United States.

5 "(b) The license shall be in triplicate, in form to
6 be prescribed by the Secretary of State, and shall bear the
7 name, address, description, and signature of the licensee and
8 the reason given for desiring a license. The original thereof
9 shall be delivered to the licensee, the duplicate shall,
10 within seven days, be sent by registered or certified mail to
11 the Director of Public Safety, and the triplicate shall be
12 preserved for six years by the authority issuing the same. The
13 fee for issuing such license shall be one dollar (\$1) which
14 sheriff may charge a fee of five times the annual fee set by
15 local law or an aggregate fee of fifty dollars (\$50),
16 whichever is less, for the issuance of the license. shall be
17 paid into the county treasury unless otherwise provided by
18 local law. Prior to issuance or renewal of a license, the
19 sheriff shall contact available local, state, and federal
20 criminal history data banks, including the National Instant
21 Criminal Background Check System, to determine whether
22 possession of a firearm by an applicant would be a violation
23 of state or federal law. The sheriff may revoke a license upon
24 proof that the licensee is not a proper person to be licensed.

25 "(c) If a person who is not a United States citizen
26 applies for a license under this section, the sheriff shall
27 conduct an Immigration Alien Query through the Bureau of

1 Immigration and Customs Enforcement, or any successor agency,
2 and the application form shall require information relating to
3 the applicant's country of citizenship, place of birth, and
4 any alien or admission number issued by the Bureau of
5 Immigration and Customs Enforcement, or any successor agency.
6 The sheriff shall review the results of these inquiries before
7 making a determination of whether to issue a license or
8 renewal license.

9 "~~(b)~~(d) The name, address, and signature collected
10 from an applicant or licensee under this section shall be kept
11 confidential, shall be exempt from disclosure under Section
12 36-12-40, and may only be used for law enforcement purposes
13 except when a current licensee is charged in any state with a
14 felony involving the use of a pistol. All other information on
15 licenses under this section, including information concerning
16 the annual number of applicants, number of licenses issued,
17 number of licenses denied, revenue from issuance of licenses,
18 and any other fiscal or statistical data otherwise, shall
19 remain public writings subject to public disclosure. Except as
20 provided above, the sheriff of a county shall redact the name,
21 address, signature, and photograph of an applicant before
22 releasing a copy of a license for a non-law enforcement
23 purpose. The sheriff may charge one dollar (\$1) per copy of
24 any redacted license record requested other than when
25 requested for law enforcement purposes. To knowingly publish
26 or release to the public in any form any information or
27 records related to the licensing process, or the current

1 validity of any license, except as authorized in this
2 subsection or in response to a court order or subpoena, is a
3 Class A misdemeanor.

4 "(e) A license issued under this section shall be
5 valid for the carrying of a concealed pistol on the licensee's
6 person throughout the state, except for any of the following
7 locations:

8 "(1) Inside a police, sheriff, or highway patrol
9 station.

10 "(2) Inside or on the premises of a prison, jail,
11 halfway house, or other detention facility for those who have
12 been charged with or convicted of a criminal or juvenile
13 offense.

14 "(3) Inside or on the premises of a facility
15 providing inpatient or custodial care of those with
16 psychiatric, mental, or emotional disorders.

17 "(f) A public or private employer may restrict or
18 prohibit its employees who are licensed under this section
19 from carrying concealed pistols while on the employer's
20 property or while engaged in the duties of the person's
21 employment, provided that no employer may prohibit the
22 otherwise lawful possession, transportation, or storage of a
23 firearm or ammunition that is kept out of sight within an
24 employee's locked or attended private means of conveyance,
25 even if the conveyance is parked on the employer's premises or
26 in a parking area provided by the employer for employees.

1 "(g) A person who owns or controls private property,
2 unless the property is open to the public, may restrict or
3 prohibit persons who are licensed under this section from
4 carrying concealed pistols while on the property, provided
5 that no person who owns or controls private property may
6 prohibit the otherwise lawful possession, transportation, or
7 storage of a firearm or ammunition that is kept out of sight
8 within the locked or attended private means of conveyance of
9 an invitee who is otherwise permitted to operate or park the
10 conveyance on the property.

11 "(h) Notwithstanding the provisions of this section,
12 a judge may determine who may possess or carry a firearm or
13 other weapon in the judge's chambers or in a courtroom over
14 which the judge is presiding and to establish conditions or
15 guidelines for the possession or carrying of firearms or other
16 weapons in such locations.

17 "(i) This section shall not be construed to limit or
18 place any conditions upon an individual's right to carry a
19 pistol that is not concealed.

20 "§13A-11-85.

21 "(a) A person licensed to carry a handgun in any
22 state ~~whose laws recognize and give effect in that state to a~~
23 ~~license issued under the laws of the State of Alabama~~ shall be
24 authorized to carry a handgun in this state. This section
25 shall apply to a licenseholder from another state only while
26 the licenseholder is not a resident of this state. A

1 licenseholder from another state shall carry the handgun in
2 compliance with the laws of this state.

3 "(b) The Attorney General is authorized to enter
4 into reciprocal agreements with other states for the mutual
5 recognition of licenses to carry handguns and shall
6 periodically publish a list of states ~~which meet the~~
7 ~~requirements of subsection (a)~~ recognizes licenses issued
8 pursuant to Section 13A-11-75."

9 Section 3. (a) The purpose of this section is to
10 establish within the Legislature complete control over
11 regulation and policy pertaining to firearms, ammunition, and
12 firearm accessories in order to ensure that such regulation
13 and policy is applied uniformly throughout this state to each
14 person subject to the state's jurisdiction and to ensure
15 protection of the right to keep and bear arms recognized by
16 the constitutions of the United States and of this state. This
17 section is to be liberally construed to accomplish its
18 purpose.

19 (b) For the purposes of this section, the following
20 words shall have the following meanings:

21 (1) AMMUNITION. Fixed cartridge ammunition, shotgun
22 shells, the individual components of fixed cartridge
23 ammunition and shotgun shells, projectiles for muzzle-loading
24 firearms, and any propellant used in firearms or ammunition.

25 (2) EXPRESSLY AUTHORIZED BY A STATUTE OF THIS STATE.
26 The authority of a political subdivision to regulate firearms,
27 ammunition, or firearm accessories that is granted by a duly

1 enacted state law that specifically mentions firearms, a
2 particular type of firearm, ammunition, or a particular type
3 of ammunition.

4 (3) FIREARM ACCESSORY. A device specifically
5 designed or adapted to enable the wearing or carrying about
6 one's person, or the storage or mounting in or on a
7 conveyance, of a firearm, or an attachment or device
8 specifically designed or adapted to be inserted into or
9 affixed onto a firearm to enable, alter, or improve the
10 functioning or capabilities of the firearm.

11 (4) FIREARM. This term has the same meaning as in
12 Section 13A-8-1(4), Code of Alabama 1975.

13 (5) PERSON ADVERSELY AFFECTED. Any of the following:

14 a. A resident of this state who may legally possess
15 a firearm under the laws of this state and the United States
16 and who either of the following:

17 1. Is subject to any manner of regulation alleged to
18 be promulgated or enforced in violation of this section,
19 whether or not specific enforcement action has been initiated
20 or threatened against that person or another person.

21 2. Would be, if the person were present in the
22 political subdivision in question, subject to any manner of
23 regulation alleged to be promulgated or enforced in violation
24 of this section, whether or not specific enforcement action
25 has been initiated or threatened against that person or
26 another person.

1 b. A person who otherwise has standing under the
2 laws of this state to bring an action under subsection (f).

3 c. A membership organization the members of which
4 include a person described in paragraphs a. or b. of this
5 subdivision and that is dedicated in whole or in part to
6 protecting the legal, civil, or constitutional rights of its
7 membership.

8 (6) POLITICAL SUBDIVISION. A county, incorporated
9 city, unincorporated city, public local entity, public-private
10 partnership, and any other public entity of a county or city,
11 including local boards of education.

12 (7) PUBLIC OFFICIAL. Any person elected to public
13 office, whether or not that person has taken office, by the
14 vote of the people of a political subdivision or its
15 instrumentalities, including governmental corporations, and
16 any person appointed to a position at the municipal level of
17 government or its instrumentalities, including governmental
18 corporations.

19 (8) REASONABLE EXPENSES. The expenses involved in
20 litigation, including, but not limited to, attorney fees,
21 expert witness fees, court costs, and compensation for loss of
22 income.

23 (c) Except as otherwise provided in this section or
24 as otherwise authorized by law, the Legislature hereby
25 occupies and preempts the entire field of regulation in this
26 state touching in any way upon firearms, ammunition, and
27 firearm accessories to the complete exclusion of any order,

1 ordinance, or rule promulgated or enforced by any political
2 subdivision of this state.

3 (d) The authority of a political subdivision to
4 regulate firearms, ammunition, or firearm accessories shall
5 not be inferred from its proprietary authority, home rule
6 status, or any other inherent or general power.

7 (e) Any existing or future orders, ordinances, or
8 rules promulgated or enforced contrary to the terms of this
9 section are null and void.

10 (f) (1) A person adversely affected by any order,
11 ordinance, or rule promulgated or enforced in violation of
12 this section may file suit in an appropriate court for
13 declarative and injunctive relief and for all actual and
14 consequential damages attributable to the violation.

15 (2) The court shall award reasonable expenses to a
16 person adversely affected if an action under this subsection
17 results in either:

18 a. A final determination in favor of the person
19 adversely affected.

20 b. Rescission, repeal, or amendment of the
21 challenged manner of regulation or enforcement after suit has
22 been filed under subdivision (1) but prior to a final
23 determination by the court.

24 (g) This section shall not be construed to prevent
25 any of the following:

26 (1) A duly organized law enforcement agency of a
27 political subdivision from promulgating and enforcing rules

1 pertaining to firearms, ammunition, or firearm accessories
2 that it issues to or that are used by the political
3 subdivision's peace officers in the course of their official
4 duties.

5 (2) An employer from regulating or prohibiting an
6 employee's carrying or possession of firearms, firearm
7 accessories, or ammunition during and in the course of the
8 employee's official duties.

9 (3) A court or administrative law judge from hearing
10 and resolving a case or controversy or issuing an opinion or
11 order on a matter within its jurisdiction.

12 (4) The enactment or enforcement of a generally
13 applicable zoning or business ordinance that includes firearms
14 businesses along with other businesses, provided that an
15 ordinance designed or enforced effectively to restrict or
16 prohibit the sale, purchase, transfer, manufacture, or display
17 of firearms, ammunition, or firearm accessories that is
18 otherwise lawful under the laws of this state is in conflict
19 with this section and is void.

20 (5) A political subdivision from enacting and
21 enforcing rules of operation and use for any firearm range
22 owned or operated by the political subdivision.

23 (6) A political subdivision from sponsoring or
24 conducting any firearm-related competition or educational or
25 cultural program and from enacting and enforcing rules for
26 participation in or attendance at such program, provided that
27 nothing in this section authorizes or permits a political

1 subdivision to offer remuneration for the surrender or
2 transfer of a privately owned firearm to the political
3 subdivision or another party as a method of reducing the
4 number of privately owned firearms within the political
5 subdivision.

6 (7) Any official of a political subdivision with
7 appropriate authority and jurisdiction from enforcing any law
8 enacted by the Legislature.

9 (8) A sheriff of a county from acting on an
10 application for a license under Section 13A-11-75, Code of
11 Alabama 1975.

12 (9) A political subdivision from leasing public
13 property to another person or entity for a gun show or other
14 firearm-related event on terms agreeable to both parties.

15 (10) The adoption or enforcement by a county or
16 municipality of ordinances which make the violation of a state
17 firearm law a violation of an ordinance, provided that the
18 elements of the local ordinance may not differ from the state
19 firearm law, nor may the local ordinance impose a higher
20 penalty than what is imposed under the state firearm law.

21 (11) A municipality from regulating the discharge of
22 firearms within the limits of the municipality or a county
23 from exercising any authority it has under law enacted prior
24 to August 1, 2000, to regulate the discharge of firearms
25 within the jurisdiction of the county.

26 (12) A county or a municipality from exercising any
27 authority it has to assess, enforce, and collect generally

1 applicable sales taxes, use taxes, and gross receipts taxes in
2 the nature of sales taxes as defined by Section 40-2A-3(8),
3 Code of Alabama 1975, on the retail sale of firearms,
4 ammunition, and firearm accessories along with other goods,
5 provided that no such tax imposed by a county or municipality
6 may apply at a higher rate to firearms, ammunition, or firearm
7 accessories than to other goods.

8 (h) (1) A public official who knowingly and willfully
9 violates the state law relating to firearm, ammunition, or
10 firearm accessory regulation as declared in this section by
11 participating in the enactment or enforcement of unlawful
12 local ordinances, rules, or administrative regulations shall
13 be subject to investigation by the district attorney in the
14 county in which the municipality is situated. If the district
15 attorney determines that probable cause exists that the public
16 official knowingly and willfully violated this section, the
17 district attorney shall file a petition in the circuit court
18 with jurisdiction over the public official for a hearing and
19 determination of whether the public official knowingly and
20 willfully violated this section.

21 (2) If the court determines that a public official
22 knowingly and willfully violated this section, the court shall
23 assess a fine of not less than ten thousand dollars (\$10,000)
24 and not more than one hundred thousand dollars (\$100,000)
25 against the public official.

26 (3) Public funds may not be used to defend a public
27 official at a hearing under subdivision (1).

1 Section 4. Section 11-45-1.1, Code of Alabama 1975,
2 relating to the authority of a municipality to enact
3 ordinances relating to handguns, is repealed. Section
4 13A-11-59, Code of Alabama 1975, relating to the possession of
5 firearms by persons participating in or attending
6 demonstrations at public places, is repealed.

7 Section 5. 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 6. The provisions provided in subsection (f)
16 of Section 3 shall become effective 90 days following its
17 passage and approval by the Governor, or its otherwise
18 becoming law. The remaining provisions of this act shall
19 become effective on the first day of the third month following
20 its passage and approval by the Governor, or its otherwise
21 becoming law.