

1 SB70
2 147435-2
3 By Senator McGill
4 RFD: Judiciary
5 First Read: 05-FEB-13
6 PFD: 02/04/2013

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8 SYNOPSIS: This bill would provide that any federal law
9 attempting to ban semi-automatic firearms or to
10 limit the size of a magazine of a firearm or any
11 other limitation on firearms in this state shall be
12 unenforceable.

13 This bill would provide that any official,
14 agent, or employee of the United States government
15 who enforces or attempts to enforce any act, order,
16 law, or rule or regulation adopted by the federal
17 government upon a personal firearm, firearm
18 accessory, or ammunition, that is manufactured
19 commercially or privately in this state and that
20 remains exclusively within the borders of this
21 state is guilty of a Class C felony.

22 This bill also would authorize the Attorney
23 General to defend a citizen of this state who is
24 prosecuted by the federal government for a
25 violation of a federal law relating to the
26 manufacture, sale, transfer, or possession of a
27 firearm, a firearm accessory, or ammunition owned

1 or manufactured and retained exclusively in this
2 state.

3 Amendment 621 of the Constitution of Alabama
4 of 1901, now appearing as Section 111.05 of the
5 Official Recompilation of the Constitution of
6 Alabama of 1901, as amended, prohibits a general
7 law whose purpose or effect would be to require a
8 new or increased expenditure of local funds from
9 becoming effective with regard to a local
10 governmental entity without enactment by a 2/3 vote
11 unless: it comes within one of a number of
12 specified exceptions; it is approved by the
13 affected entity; or the Legislature appropriates
14 funds, or provides a local source of revenue, to
15 the entity for the purpose.

16 The purpose or effect of this bill would be
17 to require a new or increased expenditure of local
18 funds within the meaning of the amendment. However,
19 the bill does not require approval of a local
20 governmental entity or enactment by a 2/3 vote to
21 become effective because it comes within one of the
22 specified exceptions contained in the amendment.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 Relating to firearms, to provide that any federal
2 law banning or attempting to ban semi-automatic firearms or to
3 limit the size of a magazine of a firearm or other limitation
4 on firearms in this state shall be unenforceable in this
5 state; to provide criminal penalties; to authorize the
6 Attorney General to defend state citizens for certain
7 violations of federal law relating to firearms manufactured or
8 retained in this state; and in connection therewith would have
9 as its purpose or effect the requirement of a new or increased
10 expenditure of local funds within the meaning of Amendment 621
11 of the Constitution of Alabama of 1901, now appearing as
12 Section 111.05 of the Official ReCompilation of the
13 Constitution of Alabama of 1901, as amended.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. (a) No law enforcement officer or dealer
16 selling any firearm in this state shall enforce or attempt to
17 enforce any act, law, statute, rule or regulation, of the
18 United States government relating to a personal firearm,
19 firearm accessory, or ammunition that is owned or manufactured
20 commercially or privately in this state and remains
21 exclusively within the borders of this state.

22 (b) Any official, agent, or employee of the United
23 States government who enforces or attempts to enforce any act,
24 order, law, rule, or regulation of the United States
25 government upon a personal firearm, a firearm accessory, or
26 ammunition that is owned or manufactured commercially or

1 privately in this state and that remains exclusively within
2 the borders of this state shall be guilty of a Class C felony.

3 (c) The Attorney General may defend a resident of
4 this state who is prosecuted by the United States government
5 for a violation of a federal law relating to the manufacture,
6 sale, transfer, or possession of a firearm, a firearm
7 accessory, or ammunition owned or manufactured and retained
8 exclusively within the borders of this state.

9 (d) Any federal law, rule, regulation, or order
10 created or effective on or after the effective date of this
11 act shall be unenforceable within the borders of this state if
12 the law, rule, regulation, or order attempts to do any of the
13 following:

14 (1) Ban or restrict ownership of a semi-automatic
15 firearm or any magazine of a firearm.

16 (2) Require any firearm, magazine, or other firearm
17 accessory to be registered in any manner.

18 (e) Nothing in this act shall be construed to amend
19 or otherwise supersede any state or federal law relating to
20 the carrying of firearms on public school property.

21 Section 2. Although this bill would have as its
22 purpose or effect the requirement of a new or increased
23 expenditure of local funds, the bill is excluded from further
24 requirements and application under Amendment 621, now
25 appearing as Section 111.05 of the Official Recompilation of
26 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an
2 existing crime.

3 Section 3. This act shall become effective
4 immediately following its passage and approval by the
5 Governor, or its otherwise becoming law.