

1 HB504
2 210986-1
3 By Representatives Sorrell, Whorton, Wadsworth and Ball
4 RFD: Public Safety and Homeland Security
5 First Read: 04-MAR-21

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8 SYNOPSIS: Under existing law, there are prohibitions
9 against carrying a firearm inside certain places,
10 including prisons, courthouses, police stations,
11 and psychiatric facilities.

12 Also under existing law, there are
13 prohibitions against carrying a firearm inside any
14 facility to which access of unauthorized persons
15 and prohibited articles is limited during normal
16 hours of operation by the continuous posting of
17 guards and the use of other security features. The
18 prohibitions apply to all persons, even to persons
19 who have been issued a concealed carry permit,
20 unless the person has express permission to carry a
21 firearm on the premises.

22 This bill would further provide for the
23 requirement to post guards by limiting application
24 of the term guard to those individuals whose
25 principal purpose of employment is to protect
26 persons or property from criminal activity; who
27 wear a security uniform; and who wear, carry,

1 possess, or have access to a firearm in the
2 performance of official duty.

3 Amendment 621, as amended by Amendment 890,
4 of the Constitution of Alabama of 1901, now
5 appearing as Section 111.05 of the Official
6 Recompilation of the Constitution of Alabama of
7 1901, as amended, prohibits a general law whose
8 purpose or effect would be to require a new or
9 increased expenditure of local funds from becoming
10 effective with regard to a local governmental
11 entity without enactment by a 2/3 vote unless: it
12 comes within one of a number of specified
13 exceptions; it is approved by the affected entity;
14 or the Legislature appropriates funds, or provides
15 a local source of revenue, to the entity for the
16 purpose.

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

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25 A BILL
26 TO BE ENTITLED
27 AN ACT

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2 Relating to firearms; to amend Section 13A-11-61.2,
3 Code of Alabama 1975, to further provide for the prohibition
4 on the possession of a firearm in certain places without
5 authorization; and in connection therewith would have as its
6 purpose or effect the requirement of a new or increased
7 expenditure of local funds within the meaning of Amendment
8 621, as amended by Amendment 890, of the Constitution of
9 Alabama of 1901, now appearing as Section 111.05 of the
10 Official Recompilation of the Constitution of Alabama of 1901,
11 as amended.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 13A-11-61.2, Code of Alabama
14 1975, is amended to read as follows:

15 "§13A-11-61.2.

16 "(a) In addition to any other place limited or
17 prohibited by state or federal law, a person, including a
18 person with a permit issued under Section 13A-11-75(a) (1) or
19 recognized under Section 13A-11-85, may not knowingly possess
20 or carry a firearm in any of the following places without the
21 express permission of a person or entity with authority over
22 the premises:

23 "(1) Inside the building of a police, sheriff, or
24 highway patrol station.

25 "(2) Inside or on the premises of a prison, jail,
26 halfway house, community corrections facility, or other

1 detention facility for those who have been charged with or
2 convicted of a criminal or juvenile offense.

3 "(3) Inside a facility which provides inpatient or
4 custodial care of those with psychiatric, mental, or emotional
5 disorders.

6 "(4) Inside a courthouse, courthouse annex, a
7 building in which a district attorney's office is located, or
8 a building in which a county commission or city council is
9 currently having a regularly scheduled or specially called
10 meeting.

11 "(5) Inside any facility hosting an athletic event
12 not related to or involving firearms which is sponsored by a
13 private or public elementary or secondary school or any
14 private or public institution of postsecondary education,
15 unless the person has a permit issued under Section
16 13A-11-75(a) (1) or recognized under Section 13A-11-85.

17 "(6) Inside any facility hosting a professional
18 athletic event not related to or involving firearms, unless
19 the person has a permit issued under Section 13A-11-75(a) (1)
20 or recognized under Section 13A-11-85.

21 "(b) Notwithstanding the provisions of subsection
22 (a), a person, including a person with a permit issued under
23 Section 13A-11-75(a) (1) or recognized under Section 13A-11-85,
24 may not, without the express permission of a person or entity
25 with authority over the premises, knowingly possess or carry a
26 firearm inside any building or facility to which access of
27 unauthorized persons and prohibited articles is limited during

1 normal hours of operation by the continuous posting of ~~guards~~
2 two or more armed security officers, as defined under Section
3 34-27C-1, and the use of other security features, including,
4 but not limited to, magnetometers, key cards, biometric
5 screening devices, or turnstiles or other physical barriers.
6 Nothing in this subsection otherwise restricts the possession,
7 transportation, or storage of a lawfully possessed firearm or
8 ammunition in an employee's privately owned motor vehicle
9 while parked or operated in a public or private parking area
10 provided the employee complies with the requirements of
11 Section 13A-11-90.

12 "(c) The person or entity with authority over the
13 premises set forth in subdivisions (1) to (6), inclusive, of
14 subsection (a) and subsection (b) shall place a notice at the
15 public entrances of such premises or buildings alerting those
16 entering that firearms are prohibited.

17 "(d) Except as provided in subdivisions (5) and (6)
18 of subsection (a), any firearm on the premises of any facility
19 set forth in subdivision (1) of subsection (a), or
20 subdivisions (4) to (6) inclusive, of subsection (a), or
21 subsection (b) must be kept from ordinary observation and
22 locked within a compartment or in the interior of the person's
23 motor vehicle or in a compartment or container securely
24 affixed to the motor vehicle.

25 "(e) A violation of subsection (a), (b), or (d) is a
26 Class C misdemeanor.

1 "(f) This section shall not prohibit any person from
2 possessing a firearm within the person's residence or during
3 ingress or egress thereto.

4 "(g) Prohibitions regarding the carrying of a
5 firearm under this section shall not apply to law enforcement
6 officers engaged in the lawful execution of their official
7 duties or a qualified retired law enforcement officer. For
8 purposes of this section, qualified retired law enforcement
9 officer shall mean a retired officer who meets all of the
10 following requirements:

11 "(1) Was separated from service in good standing
12 from service with a public agency as a law enforcement
13 officer.

14 "(2) Before separation, was authorized by law to
15 engage in or supervise the prevention, detection,
16 investigation, or prosecution of, or the incarceration of any
17 person for, any violation of law, and had statutory powers of
18 arrest.

19 "(3) Before separation, served as a law enforcement
20 officer for an aggregate of 10 years or more and separated
21 from service with such agency, after completing any applicable
22 probationary period of such service, due to a
23 service-connected disability, as determined by the agency.

24 "(4) During the most recent 12-month period, has
25 met, at the expense of the individual, the standards for
26 qualification in firearms training for active law enforcement
27 officers, as determined by the former agency of the

1 individual, the state in which the individual resides or, if
2 the state has not established such standards, either a law
3 enforcement agency within the state in which the individual
4 resides or the standards used by a certified firearms
5 instructor that is qualified to conduct a firearms
6 qualification test for active duty officers within that state.

7 "(5) Has not been officially found by a qualified
8 medical professional employed by the agency to be unqualified
9 for reasons relating to mental health, and as a result, will
10 not be issued the photographic identification described in
11 subdivision (8) and has not entered into an agreement with the
12 agency from which the individual is separating from service in
13 which that individual acknowledges he or she is not qualified
14 under this section for reasons relating to mental health and
15 for those reasons will not receive or accept the photographic
16 identification as described in subsection (8).

17 "(6) Is not under the influence of alcohol or
18 another intoxicating or hallucinatory drug or substance.

19 "(7) Is not prohibited by state or federal law from
20 receiving a firearm.

21 "(8) Is carrying any of the following identification
22 documents:

23 "a. A photographic identification issued by the
24 agency from which the individual separated from service as a
25 law enforcement officer that identifies the person as having
26 been employed as a police officer or law enforcement officer
27 and indicates that the individual has, not less recently than

1 one year before the date the individual is carrying the
2 concealed firearm, been tested or otherwise found by the
3 agency to meet the active duty standards for qualification in
4 firearms training as established by the agency to carry a
5 firearm of the same type as the concealed firearm.

6 "b. A photographic identification issued by the
7 agency from which the individual separated from service as a
8 law enforcement officer that identifies the person as having
9 been employed as a police officer or law enforcement officer,
10 and a certification issued by the state in which the
11 individual resides or by a certified firearms instructor who
12 is qualified to conduct a firearms qualification test for
13 active duty officers within that state that indicates that the
14 individual, not less than one year before the date the
15 individual is carrying the concealed firearm, has been tested
16 or otherwise found by the state or a certified firearms
17 instructor who is qualified to conduct a firearms
18 qualification test for active duty officers within that state
19 to have met either of the following:

20 "1. The active duty standards for qualification in
21 firearms training, as established by the state, to carry a
22 firearm of the same type as the concealed firearm.

23 "2. If the state has not established such standards,
24 standards set by any law enforcement agency within that state
25 to carry a firearm of the same type as the concealed firearm.

1 "(h) Nothing in this section shall be construed to
2 authorize the carrying or possession of a firearm where
3 prohibited by federal law."

4 Section 2. Although this bill would have as its
5 purpose or effect the requirement of a new or increased
6 expenditure of local funds, the bill is excluded from further
7 requirements and application under Amendment 621, as amended
8 by Amendment 890, now appearing as Section 111.05 of the
9 Official Recompilation of the Constitution of Alabama of 1901,
10 as amended, because the bill defines a new crime or amends the
11 definition of an existing crime.

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