

HB36 INTRODUCED



1 HB36
2 9H36BBP-1
3 By Representative Ensler
4 RFD: Judiciary
5 First Read: 06-Feb-24
6 PFD: 12-Jan-24



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SYNOPSIS:

This bill would prohibit persons from possessing any part or combination of parts designed or intended to convert a firearm into a machine gun.

This bill would also provide penalties for violating this prohibition.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

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



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29 A BILL
30 TO BE ENTITLED
31 AN ACT

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33 Relating to firearms; to prohibit persons from
34 possessing any part or combination of parts designed or
35 intended to convert a firearm into a machine gun; to provide
36 penalties for violations; and in connection therewith would
37 have as its purpose or effect the requirement of a new or
38 increased expenditure of local funds within the meaning of
39 Section 111.05 of the Constitution of Alabama of 2022.

40 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

41 Section 1. (a) For purposes of this section, the term
42 "machine gun" means any firearm that shoots, is designed or
43 intended to shoot, or can be readily restored to shoot more
44 than one shot automatically without manual reloading and by a
45 single function of the trigger.

46 (b) (1) No person shall knowingly own or have in his or
47 her possession, control, care, or custody any part or
48 combination of parts designed or intended to convert a firearm
49 into a machine gun.

50 (2) A first violation of this subsection is punishable
51 by the completion of not less than 100 hours of community
52 service. A second or subsequent violation of this subsection
53 is a Class C felony.

54 (c) This section does not apply to a state or local law
55 enforcement officer while acting in an official capacity or
56 any machine gun lawfully owned or possessed under federal law.



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58 Section 2. Although this bill would have as its purpose
59 or effect the requirement of a new or increased expenditure of
60 local funds, the bill is excluded from further requirements
61 and application under Section 111.05 of the Constitution of
62 Alabama of 2022, because the bill defines a new crime or
63 amends the definition of an existing crime.

64 Section 3. This act shall become effective on October
65 1, 2024.