

HB74 INTRODUCED



1 HB74
2 EWLZ2C2-1
3 By Representative Givan
4 RFD: Public Safety and Homeland Security
5 First Read: 06-Feb-24
6 PFD: 30-Jan-24



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SYNOPSIS:

Under existing law, an individual is prohibited from possessing certain types of firearms.

This bill would prohibit an individual from possessing a bump stock in this state.

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.

A BILL



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TO BE ENTITLED
AN ACT

Relating to firearms; to amend Sections 13A-11-62 and 13A-11-63 of the Code of Alabama 1975, to prohibit persons from possessing a bump stock; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 13A-11-62 and 13A-11-63 of the Code of Alabama 1975, are amended to read as follows:

"§13A-11-62

For purposes of this division, the following terms shall have the following meanings, unless the context clearly indicates otherwise:

(1) BUMP STOCK. Any part, device, accessory, or combination thereof designed or intended to be attached to or installed on a firearm that, when installed or attached to a firearm, harnesses the recoil energy from firing the firearm to generate a reciprocating action that causes the repeated activation of the firearm's trigger.

~~(1)~~ (2) FIREARM. As defined under Section 13A-8-1.

~~(2)~~ (3) RIFLE. Any weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each pull of the



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57 trigger.

58 ~~(3)~~ (4) SHORT-BARRELED RIFLE. A rifle having one or more
59 barrels less than 16 inches in length and any weapon made from
60 a rifle (whether by alteration, modification, or otherwise) if
61 such weapon, as modified, has an overall length of less than
62 26 inches.

63 ~~(4)~~ (5) SHORT-BARRELED SHOTGUN. A shotgun having one or
64 more barrels less than 18 inches in length and any weapon made
65 from a shotgun (whether by alteration, modification, or
66 otherwise) if such weapon as modified has an overall length of
67 less than 26 inches.

68 ~~(5)~~ (6) SHOTGUN. A weapon designed or redesigned, made
69 or remade, and intended to be fired from the shoulder and
70 designed or redesigned and made or remade to use the energy of
71 the explosive in a fixed shotgun shell to fire through a
72 smooth bore either a number of ball shot or a single
73 projectile for each single pull of the trigger."

74 "§13A-11-63

75 (a) A person who possesses, obtains, receives, sells,
76 or uses a short-barreled rifle ~~or a~~, short-barreled shotgun ~~in~~
77 ~~violation of federal law, or bump stock~~ is guilty of a Class C
78 felony.

79 (b) This section does not apply to a peace officer who
80 possesses, obtains, receives, sells, or uses a short-barreled
81 rifle or a short-barreled shotgun in the course of or in
82 connection with his or her official duties.

83 (c) Nothing in this section shall be construed to
84 prohibit a person from manufacturing, importing, selling,



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85 offering for sale, possessing, receiving, transferring, or
86 transporting a firearm or part or device designed or intended
87 to be used in conjunction with a firearm that is lawfully
88 owned or possessed under federal law."

89 Section 2. Although this bill would have as its purpose
90 or effect the requirement of a new or increased expenditure of
91 local funds, the bill is excluded from further requirements
92 and application under Section 111.05 of the Constitution of
93 Alabama of 2022, because the bill defines a new crime or
94 amends the definition of an existing crime.

95 Section 3. This act shall become effective on October
96 1, 2024.