

Pistol Permit Webinar
February 9, 2017
3:00 p.m.

AGENDA

- I. **Welcome, Opening Comments**
Wally Olson, President, Alabama Sheriffs Association

- II. **Overview of SB 24**
 - Repeal of Existing Laws
 - Amendments to Existing Code Sections
Sonny Brasfield, ACCA Executive Director

- III. **Possible Legislative Timeline**
 - Hearing in Senate Judiciary Committee (Feb. 22?)
 - Floor Action as early as Feb. 28, 2017
Sonny Brasfield, ACCA Executive Director

- IV. **Proactive Lobbying Suggestions**

- V. **Closing Comments**
Wally Olson, President, Alabama Sheriffs Association

- VI. **Other**

- VII. **Adjourn**

Code Sections Repealed by SB 24

Section 9-11-304

Carrying or possession of firearms.

The carrying or possession of firearms within any wildlife management area, except while in possession of a valid permit allowing this privilege, is prohibited; provided, that the provisions of this section shall not apply to any authorized law enforcement officer nor to any officer of the United States forest service, the United States Bureau of Biological Survey, or of the Alabama Department of Conservation and Natural Resources while in the pursuit of his official duty.

Section 13A-11-50

Carrying concealed weapons.

Except as otherwise provided in this Code, a person who carries concealed about his person a bowie knife or knife or instrument of like kind or description or a pistol or firearm of any other kind or an air gun shall, on conviction, be fined not less than \$50.00 nor more than \$500.00, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

Section 13A-11-51

Evidence of apprehension of attack may mitigate punishment, etc.

The defendant being tried under the provisions of Section 13A-11-50 may give evidence that at the time of carrying the weapon concealed, he had good reason to apprehend an attack, which the jury may consider in mitigation of the punishment or in justification of the offense.

Section 13A-11-52

Carrying pistol on private property; who may carry pistol.

Except as otherwise provided in this article, no person shall carry a pistol about his person on private property not his own or under his control unless the person possesses a valid concealed weapon permit or the person has the consent of the owner or legal possessor of the premises; but this section shall not apply to any law enforcement officer in the lawful discharge of the duties of his office, or to United States marshal or his deputies, rural free delivery mail carriers in the discharge of their duties as such, bonded constables in the discharge of their duties as such, conductors, railway mail clerks and express messengers in the discharge of their duties.

Section 13A-11-59

Possession of firearms by persons participating in, attending, etc., demonstrations at public places.

(a) For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them in this subsection, except in those instances where the context clearly indicates a different meaning:

(1) DEMONSTRATION. Demonstrating, picketing, speechmaking or marching, holding of vigils and all other like forms of conduct which involve the communication or expression of views or grievances engaged in by one or more persons, the conduct of which has the effect, intent or propensity to draw a crowd or onlookers. Such term shall not include casual use of property by visitors or tourists which does not have an intent or propensity to attract a crowd or onlookers.

(2) FIREARM. Any pistol, rifle, shotgun or firearm of any kind, whether loaded or not.

(3) LAW ENFORCEMENT OFFICER. Any duly appointed and acting federal, state, county or municipal law enforcement officer, peace officer or investigating officer, or any military or militia personnel called out or directed by constituted authority to keep the law and order, and any park ranger while acting as such on the grounds of a public park and who is on regular duty and present to actively police and control the

demonstration, and who is assigned this duty by his department or agency. Such term does not include a peace officer on strike or a peace officer not on duty.

(4) PUBLIC PLACE. Any place to which the general public has access and a right to resort for business, entertainment or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. Such term shall include the front or immediate area or parking lot of any store, shop, restaurant, tavern, shopping center or other place of business. Such term shall also include any public building, the grounds of any public building, or within the curtilage of any public building, or in any public parking lot, public street, right-of-way, sidewalk right-of-way, or within any public park or other public grounds.

(b) It shall be unlawful for any person, other than a law enforcement officer, to have in his or her possession or on his or her person or in any vehicle any firearm while participating in or attending any demonstration being held at a public place.

(c) It shall be unlawful for any person, other than a law enforcement officer as defined in subsection (a) of this section, to have in his or her possession or about his or her person or in any vehicle at a point within 1,000 feet of a demonstration at a public place, any firearm after having first been advised by a law enforcement officer that a demonstration was taking place at a public place and after having been ordered by such officer to remove himself or herself from the prescribed area until such time as he or she no longer was in possession of any firearm. This subsection shall not apply to any person in possession of or having on his or her person any firearm within a private dwelling or other private building or structure.

(d) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be punished as provided by law.

Section 13A-11-71

Committing crime when armed; evidence of intent.

If any person shall commit or attempt to commit a crime of violence when armed with a pistol, he may, in addition to the punishment provided for the crime, be punished also as provided

by this division. In the trial of a person for committing or attempting to commit a crime of violence, the fact that he was armed with a pistol and had no license to carry the same shall be prima facie evidence of his intention to commit said crime of violence.

Section 13A-11-73

Permit to carry pistol in vehicle or concealed on person - Required; possession of unloaded pistol in motor vehicle.

(a) Except on land under his or her control or in his or her own abode or his or her own fixed place of business, no person shall carry a pistol in any vehicle or concealed on or about his or her person without a permit issued under Section 13A-11-75(a)(1) or recognized under Section 13A-11-85.

(b) Except as otherwise prohibited by law, a person legally permitted to possess a pistol, but who does not possess a valid concealed weapon permit, may possess an unloaded pistol in his or her motor vehicle if the pistol is locked in a compartment or container that is in or affixed securely to the vehicle and out of reach of the driver and any passenger in the vehicle.

Section 13A-11-74

License to carry pistol in vehicle or concealed on person - Exceptions.

The provisions of Section 13A-11-73 shall not apply to marshals, sheriffs, prison and jail wardens and their regularly employed deputies, policemen and other law enforcement officers of any state or political subdivision thereof, or to the members of the Army, Navy or Marine Corps of the United States or of the National Guard, or to the members of the National Guard organized reserves or state guard organizations when on duty or going to or from duty, or to the regularly enrolled members of any organization duly authorized to purchase or receive such weapons from the United States or from this state; provided, that such members are at or are going to or from their places of assembly or target practices, or to officers or employees of the United States duly authorized to carry a pistol, or to any person engaged in manufacturing, repairing or dealing in

pistols, or the agent or representative of such person possessing, using, or carrying a pistol in the usual or ordinary course of such business, or to any common carrier, except taxicabs, licensed as a common carrier, or to any person permitted by law to possess a pistol while carrying it unloaded in a secure wrapper, from the place of purchase to his home or place of business, or to or from a place of repair or in moving from one place of abode or business to another.

1 SB24
2 181196-1
3 By Senator Allen
4 RFD: Judiciary
5 First Read: 07-FEB-17
6 PFD: 01/18/2017

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8 SYNOPSIS: This bill would repeal certain restrictions
9 on the carrying or possession of a firearm on
10 certain property or in a motor vehicle by persons
11 with or without a concealed pistol permit.

12 This bill would also revise certain
13 restrictions on the carrying or possession of
14 firearms at certain locations.

15 Amendment 621 of the Constitution of Alabama
16 of 1901, now appearing as Section 111.05 of the
17 Official Recompilation of the Constitution of
18 Alabama of 1901, as amended, prohibits a general
19 law whose purpose or effect would be to require a
20 new or increased expenditure of local funds from
21 becoming effective with regard to a local
22 governmental entity without enactment by a 2/3 vote
23 unless: it comes within one of a number of
24 specified exceptions; it is approved by the
25 affected entity; or the Legislature appropriates
26 funds, or provides a local source of revenue, to
27 the entity for the purpose.

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

8
9 A BILL
10 TO BE ENTITLED
11 AN ACT

12
13 Relating to firearms; to repeal Sections 9-11-304,
14 13A-11-50, 13A-11-51, 13A-11-52, 13A-11-59, 13A-11-71,
15 13A-11-73, and 13A-11-74, Code of Alabama 1975, relating to
16 the carrying or possession of a firearm or pistol, to repeal
17 certain restrictions on the carrying or possession of a
18 firearm on certain property or in a motor vehicle; to amend
19 Section 13A-11-61.2, Code of Alabama 1975, to revise certain
20 restrictions on the carrying or possession of firearms at
21 certain locations; and in connection therewith would have as
22 its purpose or effect the requirement of a new or increased
23 expenditure of local funds within the meaning of Amendment 621
24 of the Constitution of Alabama of 1901, now appearing as
25 Section 111.05 of the Official ReCompilation of the
26 Constitution of Alabama of 1901, as amended.
27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. The following sections of the Code of
2 Alabama 1975, are repealed:

3 (1) Section 9-11-304, Code of Alabama 1975, relating
4 to the carrying of a firearm in wildlife management areas.

5 (2) Sections 13A-11-50 and 13A-11-51, Code of
6 Alabama 1975, relating to the carrying of concealed weapons.

7 (3) Section 13A-11-52, Code of Alabama 1975,
8 relating to the carrying of a pistol on private property.

9 (4) Section 13A-11-59, Code of Alabama 1975,
10 relating to the possession of firearms at demonstrations.

11 (5) Section 13A-11-71, Code of Alabama 1975,
12 relating to the commission of a crime when armed.

13 (5) Sections 13A-11-73 and 13A-11-74, Code of
14 Alabama 1975, relating to pistols and pistol permits.

15 Section 2. Section 13A-11-61.2, Code of Alabama
16 1975, is amended to read as follows:

17 "§13A-11-61.2.

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

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

1 "(2) Inside or on the premises of a prison, jail,
2 halfway house, community corrections facility, or other
3 detention facility for those who have been charged with or
4 convicted of a criminal or juvenile offense. It is not a
5 violation of this subsection to knowingly possess or carry a
6 firearm at a location described in this subdivision if the
7 location is also a sheriff's office that issues pistol permits
8 and the pistol remains inside of a locked vehicle at all times
9 while the person is on the premises.

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

13 "(4)a. Inside a courthouse, courthouse annex, a
14 building in which a district attorney's office is located, or
15 a building in which a county commission or city council is
16 currently having a regularly scheduled or specially called
17 meeting.

18 "b. For the purposes of this subdivision,
19 "courthouse annex" means a building which is currently having
20 regularly scheduled or specially called court hearings.

21 "(5) Inside any facility hosting an athletic event
22 not related to or involving firearms which is sponsored by a
23 private or public elementary or secondary school or any
24 private or public institution of postsecondary education,
25 unless the person has a permit issued under Section
26 13A-11-75(a) (1) or recognized under Section 13A-11-85.

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

5 "(b) Notwithstanding the provisions of subsection
6 (a), a person, including a person with a permit issued under
7 Section 13A-11-75(a)(1) or recognized under Section 13A-11-85,
8 may not, without the express permission of a person or entity
9 with authority over the premises, knowingly possess or carry a
10 firearm inside any building or facility to which access of
11 unauthorized persons and prohibited articles is limited during
12 normal hours of operation by the continuous on-site posting of
13 guards who are responsible for the prevention of prohibited
14 items from entering the facility, and the use of other
15 security features, ~~including, but not limited to,~~
16 magnetometers, key cards, biometric screening devices, or
17 turnstiles or other physical barriers that prevent all persons
18 entering the facility from bringing prohibited items into the
19 facility. Nothing in this subsection otherwise restricts the
20 possession, transportation, or storage of a lawfully possessed
21 firearm or ammunition in an employee's privately owned motor
22 vehicle while parked or operated in a public or private
23 parking area provided the employee complies with the
24 requirements of Section 13A-11-90.

25 "(c) The person or entity with authority over the
26 premises set forth in subsection (a)(1)-(6) and subsection (b)
27 shall place a notice at the public entrances of such premises

1 or buildings alerting those entering that firearms are
2 prohibited.

3 "(d) Except as provided in subsections (a)(5) and
4 (a)(6), any firearm on the premises of any facility set forth
5 in subsection (a)(1), (a)(2), or subsection (a)(4)-(6), or
6 subsection (b) must be kept from ordinary observation and
7 locked within a compartment or in the interior of the person's
8 motor vehicle or in a compartment or container securely
9 affixed to the motor vehicle.

10 "(e) A violation of subsections (a), (b), or (d) is
11 a Class C misdemeanor.

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

15 "(g) Prohibitions regarding the carrying of a
16 firearm under this section shall not apply to law enforcement
17 officers engaged in the lawful execution of their official
18 duties.

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

22 Section 3. Although this bill would have as its
23 purpose or effect the requirement of a new or increased
24 expenditure of local funds, the bill is excluded from further
25 requirements and application under Amendment 621, now
26 appearing as Section 111.05 of the Official Recompilation of
27 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 4. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.

Senate Judiciary Committee

Chairperson: Sen. Cam Ward

Vice Chairperson: Sen. Phillip W Williams

Sen. Greg Albritton

Sen. Linda Coleman

Sen. Vivian Davis Figures

Sen. Arthur Orr

Sen. Greg J. Reed

Sen. Hank Sanders

Sen. Clay Scofield

Sen. Bobby Singleton

Sen. Rodger M. Smitherman

Sen. Larry Stutts

Sen. Tom Whatley