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Senate Bill 286 Senate Bill 113
Act 2013-283 Act 2018-400

November 2016
House Bill 42
Act 2016-453

Alabama Gun Law



Franklin County Sheriff's Office, Sheriff Shannon Oliver

SB 286/Act 2013-283

Enrolled, An Act,

Relating to firearms; to amend Section 11-80-11, Code of Alabama 1975, to consolidate certain preemption language regarding the authority of counties and municipalities to regulate certain activity related to firearms; to provide civil remedies to persons adversely affected by unauthorized action of a county or municipality relating to firearm regulation; to amend Section 13A-11-7, Code of Alabama 1975, to establish a rebuttable presumption that the carrying of a firearm under certain conditions does not constitute the crime of disorderly conduct; to amend Section 13A-11-52, Code of Alabama 1975, to allow a person to carry a pistol on the property of another under certain conditions; to amend section 13A-11-70, Code of Alabama 1975, to further define the term "crime of violence" or the purposes of determining who may legally possess a pistol; to amend Section 13A-11-73, Code of Alabama 1975, to further provide for the possession of a pistol in a motor vehicle under certain conditions; to amend Section 13A-11-75, Code of Alabama 1975, to require a sheriff to issue a concealed weapon permit within a certain time frame; to increase the renewal period; to provide certain eligibility requirements for the issuance of permits; to provide for the revocation of a permit; to provide an appeals process for denials and revocations of permits; to provide for the issuance of permits to applicants who are not United States citizens under certain conditions; to require a report from the National Instant Background Check System as part of the investigation process relating to the issuance of a concealed weapon permit; to provide for electronic applications and renewal of concealed weapon permits; to authorize electronic payment methods for accompanying fees; to amend Section 13A-11-85, Code of Alabama 1975, to authorize the Attorney General to enter into reciprocal agreements with other states of the mutual recognition of permits to carry pistols; to amend Section 40-12-143, Code of Alabama 1975, relating to the levy of business license taxes of persons participating in gun show; to allow employees to transport or store a firearm in the employee's privately-owned motor vehicle under certain conditions; to provide protection from civil liability to employers, businesses and property owners from damages, harm or injury resulting from the presence of a firearm; to provide that a person may not possess a firearm in certain places without the permission of a person with authority over the premises; to amend Section 13A-3-23, Code of Alabama 1975, relating to the use of physical force to allow the use of force on business property; to repeal section 11-45-1.1, Code of Alabama 1975, relating to the authority of a municipality to enact ordinances relating to handguns; 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 Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

Act Section 2

Amended 13A-11-7

A person commits the crime of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he or she does any of the following:

- (1) Engages in fighting or in violent tumultuous or threatening behavior.
- (2) Makes unreasonable noise.
- (3) In a public place uses abusive or obscene language or makes an obscene gesture.

Act Section 1

Amended Section 11-80-11

The authority to bring or settle any lawsuit in which the state has an exclusive interest or right to recover against any firearm or ammunition manufacturer, trade association, or dealer, and the authority to bring or settle any lawsuit on behalf of any governmental unit created by or pursuant to an act of the Legislature or the Constitution of Alabama of 1901, or any department, agency, or authority thereof, for damages, abatement, injunctive relief, or other equitable relief resulting from or relating to the design, manufacture, marketing, or lawful sale of firearms or ammunition, or both, shall be reserved exclusively to the Attorney General, by and with the consent of the Governor. This section shall not prohibit a county or municipal corporation from bringing an action against a firearms or ammunition manufacturer or dealer for breach of contract or warranty as to firearms or ammunition purchased by the political subdivision or local governmental authority.

(4) Without lawful authority, disturbs any lawful assembly or meeting of persons.

(5) Obstructs vehicular or pedestrian traffic, or a transportation facility.

(6) Congregates with other person in a public place and refuses to comply with a lawful order of the police to disperse.

(b) Disorderly conduct is a Class C misdemeanor.

(c) It shall be a rebuttable presumption that the mere carrying of a visible pistol, holstered or secured, in a public place, in and of itself, is not a violation of this section.

Act Section 2**Amended 13A-11-52**

"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.

**Act Section 2****Amended 13A-11-70**

"For the purposes of this division, the following terms shall have the respective meanings ascribed by this section:

"(1) PISTOL. Any firearm with a barrel less than 12 inches in length.

"(2) CRIME OF VIOLENCE. Any of the following crimes or an attempt to commit any of them, namely, murder, manslaughter, (except manslaughter arising out of the operation of a vehicle), rape, mayhem, assault with in-

tent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, and kidnapping.

"Crime of violence" shall also mean any Class A felony or any Class B felony that has as an element serious physical injury, the distribution or manufacture of a controlled substance, or is of a sexual nature involving a child under the age of 12.

"(3) PERSON. Such term includes any firm, partnership, association or corporation.

Act Section 2**Amended 13A-11-73**

"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.

Act Section 2**Amended 13A-11-75 (This code further amended by Act 2018-400)**

"(a)(1)a. The sheriff of a county, upon the application of any person residing in that county, within 30 days from receipt of a complete application and accompanying fee, shall issue or renew a permit for such person to carry a pistol in a vehicle or concealed on or about his or her person within this state for one to five year increments, as requested by the person seeking the permit, from date of issue, unless the sheriff determines that the person is prohibited from the possession of a pistol or firearm pursuant to state or federal law, or has a reasonable suspicion that the person may use a weapon unlawfully or in such other manner that would endanger the person's self or others. In making such determination, the sheriff may consider whether the applicant:

"1. Was found guilty but mentally ill in a criminal case.

"2. Was found not guilty in a criminal case by reason of insanity or mental disease or defect.

"3. Was declared incompetent to stand trial in a criminal case.

"4. Asserted a defense in a criminal case of not guilty by reason of insanity or mental disease or defect.

"5. Was found not guilty only by reason of lack of mental responsibility under the Uniform Code of Military Justice.

"6. Required involuntary inpatient treatment in a psychiatric hospital or similar treatment facility.

"7. Required involuntary outpatient treatment in a psychiatric hospital or similar treatment facility based on a finding that the person is an imminent danger to himself or herself or to others.

"8. Required involuntary commitment to a psychiatric hospital or similar treatment facility for any reason, including drug use.

"9. Is or was the subject of a prosecution

or of a commitment or incompetency proceeding that could lead to a prohibition on the receipt or possession of a firearm under the laws of Alabama or the United States.

"10. Falsified any portion of the permit application.

"11. Caused justifiable concern for public safety.

"b. The sheriff shall take into account how recent any consideration under paragraph a. is in relation to the date of the application. The sheriff shall provide a written statement of the reasons for a denial of a permit and the evidence upon which it is based must be disclosed to the applicant, unless disclosure would interfere with a criminal investigation.

"c. Except as otherwise provided by the laws of this state, a permit issued under this subdivision is valid throughout the state.

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"d. Except as expressly provided in this section, a sheriff may not place conditions or requirements on the issuance of a pistol permit or limit its scope or applicability.

"(2)a. The sheriff may revoke a permit issued under subdivision (1) for any reason that could lead to a denial of a permit under that subdivision.

"b. The sheriff shall provide a written statement of the reasons for the revocation and the evidence upon which it is based must be disclosed to the applicant, unless disclosure would interfere with a criminal investigation.

"(3) A person who is denied a permit under subdivision (1), or a person whose permit is revoked under subdivision (2), within 30 days of notification of the denial or revocation, may appeal the denial or revocation to the district court of the county where the denial or revocation was issued. Upon a review of a denial under this subdivision, the sheriff shall have the burden of proving by clear and convincing evidence that the person is prohibited from possession of a pistol or other firearm pursuant to state or federal law or, based on any of the considerations enumerated in the subsection (a)(1) of this section that the person may use a weapon unlawfully or in such other manner as would endanger the person's self or others if granted a permit to carry a concealed weapon under this section.

"(4) Within 30 days of receipt of the appeal, the district court shall review the appeal and issue a determination providing the reasons for the determination.

"(5) If the district court issues a determination in favor of a person whose permit was denied or revoked, the person shall be issued a permit or the permit must be reinstated.

"(6) Nothing in this section shall be construed to permit a sheriff to disregard any federal law or regulation pertaining to the purchase or possession of a firearm.

"(b) Each permit shall be written or in an electronic or digital form to be prescribed by the Secretary of State in consultation with the Alabama Sheriff's Association, and shall bear the name, address, description, and signature of the permittee. The original hard-copy of the permit shall be issued to the per-

mittee, and a duplicate shall, within seven days, be sent by registered or certified mail to the Director of Public Safety. The application and a copy, shall be preserved for six years by the authority issuing the same. The sheriff may charge a fee as provided by local law for the issuance of the permit under subdivision (1) of subsection (a). The amount of the fee for a period of one year up to five years shall be the amount of the fee as prescribed by local law multiplied by the number of years of the permit requested by the applicant. The fee shall be paid into the county treasury unless otherwise provided by local law. Prior to issuance or renewal of a permit, the sheriff shall contact available local, state, and federal criminal history data banks, including the National Instant Criminal Background Check System, to determine whether possession of a firearm by an applicant would be a violation of state or federal law.

"(c) A sheriff may not place a time constraint or other requirement upon the applicant after he or she has been notified that his or her pistol permit has been approved.

"(d) For the convenience of the applicant, the sheriff may provide for application or renewal of a permit under subdivision (1) through electronic means. The sheriff may also accept payment for a permit by debit or credit card or other consumer electronic payment method. Any transaction or banking fee charged for the electronic payment method shall be paid by the applicant.

"(e) If a person who is not a United States citizen applies for a permit under this section, the sheriff shall conduct an Immigration Alien Query through U.S. Immigration and Customs Enforcement, or any successor agency, and the application form shall require information relating to the applicant's country of citizenship, place of birth, and any alien or admission number issued by U.S. Immigration and Customs Enforcement, or any successor agency.

The sheriff shall review the results of

these inquiries before making a determination of whether to issue a permit or renewal permit.

A person who is unlawfully present in this state may not be issued a permit under this section.

"(f) The name, address, signature, photograph, and any other personally identifying information collected from an applicant or permittee under this section shall be kept confidential, shall be exempt from disclosure under Section 36-12-40, and may only be used for law enforcement purposes except when a current permittee is charged in any state with a felony involving the use of a pistol. All other information on permits under this section, including information concerning the annual number of applicants, number of permits issued, number of permits denied or revoked, revenue from issuance of permits, and any other fiscal or statistical data otherwise, shall remain public writings subject to public disclosure. Except as provided above, the sheriff of a county shall redact the name, address, signature, photograph, and any other personally identifying information of an applicant permit holder before releasing a copy of a permit for a non-law enforcement purpose.

The sheriff may charge one dollar (\$1) per copy of any redacted license permit record requested other than when requested for law enforcement purposes. To knowingly publish or release to the public in any form any information or records related to the licensing process, or the current validity of any license permit, except as authorized in this subsection or in response to a court order or subpoena, is a Class A misdemeanor.

"(g) A concealed pistol permit issued under this section shall be valid for the carrying of a pistol in a motor vehicle or concealed on the permittee's person throughout the state, unless prohibited by this section.

"(h) This section shall not be construed to limit or place any conditions upon a person's right to carry a pistol that is not in a motor vehicle or not concealed.

"(i) If a person issued a pistol permit in this state establishes residence in another state, the pistol permit shall expire upon the establishment of residence in the other state.



13A-11-75.1 (This section added by Act 2016-453)

"(a) The words retired military veteran as used in this section, unless the context clearly requires a different meaning, means only those persons who are retirees from active duty in the Army, or the Navy, or the Marine Corps, or the Air Force, or the Coast Guard of the United States or any Reserve or National Guard component thereof.

"(b) Any retired military veteran who meets the conditions for issuance of a pistol permit pursuant to Section 13A-11-75 shall be eligible to obtain the pistol permit without paying a fee for the permit. Upon approval of the pistol permit application, the pistol permit shall be issued by the sheriff of the county in which the veteran resides upon presentation by the military veteran of the United States government issued Veteran Identification Card or a DD-214 Proof of Military Service form and sufficient proof that the person is a military retiree. The retired military veteran shall apply for renewal as required by law, but shall be eligible to obtain renewed pistol permits without paying a fee as long as he or she meets the conditions for renewal of the permit.

"(c) In the event a retired veteran, to whom a pistol permit has been issued pursuant to

subsection (b), is suspected of or is charged with any crime, then the sheriff of the county in which the retired veteran resides may revoke the pistol permit. The sheriff shall notify the retired veteran in writing and by registered mail that his or her pistol permit is revoked. The sheriff shall state the reasons for the revocation and order the retiree to return his or her pistol permit to the sheriff within 30 days. Should the retired veteran refuse to return the pistol permit within the 30-day limit and continue to carry the handgun, he or she shall be guilty of carrying a weapon without a license or carrying a concealed weapon, whichever might be the case."

**Act Section 2
Amended 13A-11-85**

"(a) A person licensed to carry a handgun in any state shall be authorized to carry a handgun in this state. This section shall apply to a license holder from another state only while the license holder is not a resident of this state. A license holder from another state shall carry the handgun in compliance with the laws of this state.

"(b) The Attorney General is authorized to enter into reciprocal agreements with other states for the mutual recognition of licenses to carry handguns and shall periodically publish a list of states which recognize licenses issued pursuant to Section 13A-11-75."

**Act Section 3
Amended 40-12-143**

"Persons dealing in pistols, revolvers, maxim silencers, bowie knives, dirk knives, brass knuckles or knucks of like kind, whether principal stock in trade or not shall pay the following license tax: In cities and towns of 35,000 inhabitants and over, \$150; and in all other places, \$100. The required license amounts shall be paid for each place of business from which sales of such items are made. In addition to any other required licenses, a person may organize and conduct a gun and knife show of no more than seven days, by paying the maximum license tax prescribed in this section, as well as the maximum license taxes provided in Sections 40-12-158 and 40-12-174(d), for each such show. Participants shall not be required to pay the license taxes provided in this section, nor in Section 40-12-158 or 40-12-174 for participating in such shows, provided the organizer has paid the license taxes prescribed in this section prior to the

commencement of the event. It shall be the duty of the organizer of such show to determine if each participant is licensed under the sales tax laws of this state as well as the particular county and municipality in which the show is conducted. The organizer shall be responsible for providing a list of participants to the county and municipality in which the gun show is held and for collecting and remitting all state and local sales taxes for any participant not licensed under state or local sales tax laws. In the event the organizer does not provide the information required herein or pay the license taxes prescribed in this section, prior to the commencement of the event, each participant shall be responsible for his or her applicable licenses. The organizer and all participants shall abide by applicable federal, state, and local laws and regulations. All persons dealing in pistols, revolvers, and maxim silencers shall be required to keep a permanent record of the sale of every pistol, revolver, or maxim silencer, showing the date of sale, serial number, or other identification marks,

manufacturer's name, caliber and type, and also the name and address of the purchaser.

The records shall always be open for inspection by any peace officer of the State of Alabama or any municipality thereof. The failure to keep such record shall subject such person to having his or her license revoked by the probate judge of the county where such license was issued on motion of any district attorney of the State of Alabama."

Act Section 4**Employer/Employee Rights Guns on Property**

(a) Except as provided in subdivision (b), a public or private employer may restrict or prohibit its employees, including those with a permit issued or recognized under Section 13A-11-75, Code of Alabama 1975, from carrying firearms while on the employer's property or while engaged in the duties of the person's employment.

(b) A public or private employer may not restrict or prohibit the transportation or storage of a lawfully possessed firearm or ammunition in an employee's privately owned motor vehicle while parked or operated in a public or private parking area if the employee satisfies all of the following:

(1) The employee either:

- a. Has a valid concealed weapon permit; or
- b. If the weapon is any firearm legal for use for hunting in Alabama other than a pistol:
 - i. The employee possesses a valid Alabama hunting license;
 - ii. The weapon is unloaded at all times on the property;
 - iii. It is during a season in which hunting is permitted by Alabama law or regulation;
 - iv. The employee has never been convicted of any crime of violence as that term is defined in Section 13A-11-70, Code of Alabama 1975, nor of any crime set forth in Article 6 of Title 13A, Code of Alabama 1975, nor is subject to a Domestic Violence Order, as that term is defined in Section 13A-6-141, Code of Alabama 1975;
 - v. The employee does not meet any of the factors set forth in Section 13A-11-75(a)(1)a.1-8; and
 - vi. The employee has no documented prior workplace incidents involving the threat of physical injury or which resulted in physical injury.

(2) The motor vehicle is operated or parked in a location where it is otherwise permitted to be.

(3) The firearm is either of the following:

a. In a motor vehicle attended by the employee, kept from ordinary observation within the person's motor vehicle.

b. In a motor vehicle unattended by the employee, kept from ordinary observation and locked within a compartment, container, or in the interior of the person's privately owned motor vehicle or in a compartment or container securely affixed to the motor vehicle.

(c) If an employer believes that an employee presents a risk of harm to himself/herself or to others, the employer may inquire as to whether the employee possesses a firearm in his or her private motor vehicle. If the employee does possess a firearm in his or her private motor vehicle on the property of the employer, the employer may make any inquiry necessary to establish that the employee is in compliance with subsection (b) of this section.

(1) If the employee is not in compliance with subsection (b), the employer may take adverse employment action against the employee, in the discretion of the employer.

(2) If the employee has been in compliance with subsection (b) of this section at all times, the employer may not take adverse employment action against the employee based solely on the presence of the firearm.

(d) If an employer discovers by other means that an employee is transporting or storing a firearm in his or her private motor vehicle, the employer may not take any adverse employment action against the employee based solely on the possession of that firearm if the employee has complied with the requirements in subsection (b).

(e) Nothing in this section shall prohibit an employer from reporting to law enforcement a complaint based upon information and belief that there is credible evidence of any of the following:

(1) That the employee's motor vehicle contains:

a. A firearm prohibited by state or federal law.

b. Stolen property or a prohibited or illegal item other than a firearm.

(2) A threat made by an employee to cause

bodily harm to themselves or others.

(f) If law enforcement officers, pursuant to a valid search warrant or valid warrantless search based upon probable cause, exigent circumstances, or other lawful exception to the search warrant requirement, discover a firearm prohibited by state or federal law, stolen property, or a prohibited or illegal item other than a firearm, the employer may take adverse employment action against the employee.

(g) However, if the employee has fully complied with the requirements of subsection (b) and does not possess a firearm prohibited by state or federal law, that employee is entitled to recovery as specified in this subsection for any adverse employment action against the employee. If demand for the recovery has not been satisfied within 45 calendar days, the employee may file a civil action in the appropriate court of this state against the public or private employer. A plaintiff is entitled to seek an award of all of the following:

(1) Compensation, if applicable, for lost wages or benefits.

(2) Compensation, if applicable, for other lost remuneration caused by the termination, demotion, or other adverse action.

(h) The license requirements set forth in sections (b)(1)a. and (b)(1)b.i. are for the purposes of this section only in order to determine whether an employee may transport or store a lawfully possessed firearm or ammunition in an employee's privately owned motor vehicle while parked or operated in a public or private parking area owned by the employer and shall not be construed to otherwise expand the requirements for the lawful possession of a firearm. These requirements shall not be interpreted to mean that the laws of the State of Alabama create any new connection between the possession of a hunting license and the right of a citizen to keep and bear arms.

(i) Prohibitions regarding the carrying of a firearm under this section shall not apply to law enforcement officers engaged in the lawful execution of their official duties.

(j) Nothing in this section shall be construed to authorize the transportation, carrying, storing, or possession of a firearm or ammunition where prohibited by federal law.

Act Section 5**Employer/Employee Suits, Judgment, Appeals**

(a) Except as provided in subsection 4(g), an employer and the owner and/or lawful possessor of the property on which the employer is situated shall be absolutely immune from any claim, cause of action or lawsuit that may be brought by any person seeking any form of damages that are alleged to arise, directly or indirectly, as a result of any firearm brought onto the property of the employer, owner or lawful possessor by an employee, including a firearm that is transported in an employee's privately owned motor vehicle.

(b) The presence of a firearm or ammunition on an employer's property under the authority of this act does not, by itself, constitute the failure by the employer to provide a safe workplace.

(c) For the purposes of this act, a public or private employer, or the employer's principal, officer, director, employee, or agent, does not have a duty:

(1) To patrol, inspect, or secure:

a. Any parking lot, parking garage, or other parking area the employer provides for employees; or

b. Any privately owned motor vehicle located in a parking lot,

parking garage, or other parking area the employer provides for employees; or

(2) To investigate, confirm, or determine an employee's compliance with laws related to the ownership or possession of a firearm or ammunition or the transportation and storage of a firearm or ammunition.

(d) Nothing in this section shall be construed to provide immunity from liability to an employer, business entity or property owner for his or her own affirmative wrongful acts that cause harm, damage or injury to another.

(e) The denial by a Court of a Motion to Dismiss based on immunity grounds shall be appealable in the same manner as a final order to the appellate court which would otherwise have jurisdiction over the appeal from a final order of the action. Such appeal may only be filed within 42 days of the order denying the Motion to Dismiss. The filing of such appeal, the failure to file an appeal, or the affirmance of the denial of the Motion to Dismiss shall in no way affect the right of the Defendant, after entry of judgment, to appeal the denial of immunity. During the pendency of such appeal, the action in the trial court shall be stayed in all respects.

(f) Nothing in this act is intended to expand or limit the rights an employer or employee currently has under Section 25-5-1 et seq., Code of Alabama 1975.

Act Section 6**NO GUN Zones**

(a) In addition to any other place limited or prohibited by state or federal law, a person, including a person with a permit issued under Section 13A-11-75(a)(1) or recognized under Section 13A-11-85, Code of Alabama 1975, may not knowingly possess or carry a firearm in any of the following places without the express permission of a person or entity with authority over the premises:

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

(2) Inside or on the premises of a prison, jail, halfway house, community corrections facility, or other detention facility for those who have been charged with or convicted of a criminal or juvenile offense.

(3) Inside or on the premises of a facility which provides inpatient or custodial care of those with psychiatric, mental, or emotional disorders.

(4) Inside a courthouse, courthouse annex, a building in which a District Attorney's office is located, or a building in which a county commission or city council is currently having a regularly scheduled or specially called meeting.

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

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

(b) Notwithstanding the provisions of subsection (a), a person, including a person with a permit issued under Section 13A-11-75(a)(1) or recognized under Section 13A-11-85, Code of Alabama 1975, may not, without the express permission of a person or entity with authority over the premises, knowingly possess or carry a firearm inside any building or facility to which access of unauthorized persons and prohibited articles is limited during normal hours of operation by the continuous posting of guards and the use of other security features, including, but not limited to, magnetometers, key cards, biometric

screening devices, or turnstiles or other physical barriers.

(c) The person or entity with authority over the premises set forth in subsections (a)(1)-(6) and subsection (b) shall place a notice at the public entrances of such premises or buildings alerting those entering that firearms are prohibited.

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

(e) A violation of subsections (a) or (d) is a Class C misdemeanor.

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

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

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

Act Section 7**Legislature Control; Second Amendment Protection; definitions**

(a) The purpose of this section is to establish within the Legislature complete control over regulation and policy pertaining to firearms, ammunition, and firearm accessories in order to ensure that such regulation and policy is applied uniformly throughout this state to each person subject to the state's jurisdiction and to ensure protection of the right to keep and bear arms recognized by the Constitutions of the State of Alabama and the United States. This section is to be liberally construed to accomplish its purpose.

(b) For the purposes of this section, the following words shall have the following meanings:

(1) **AMMUNITION.** Fixed cartridge ammunition, shotgun shells, the individual components of fixed cartridge ammunition and shotgun shells, projectiles for muzzle-loading firearms, and any propellant used in firearms or ammunition.

(2) **EXPRESSLY AUTHORIZED BY A STATUTE OF THIS STATE.**

The authority of a political subdivision to regulate firearms, ammunition, or firearm accessories that is granted by a duly enacted state law that specifically mentions firearms, a particular type of firearm, ammunition, or a particular type of ammunition.

(3) **FIREARM ACCESSORY.** A device specifically designed or adapted to enable the wearing or carrying about one's person, or the storage or mounting in or on a conveyance, of a firearm, or an attachment or device specifically designed or adapted to be inserted into or affixed onto a firearm to enable, alter, or improve the functioning or capabilities of the firearm.

(4) **FIREARM.** This term has the same meaning as in Section 13A-8-1(4), Code of Alabama 1975.

(5) **PERSON ADVERSELY AFFECTED.** Any of the following:

a. A resident of this state who may legally possess a firearm under the laws of this state and the United States and who is either of the following:

1. Subject to any manner of regulation alleged to be promulgated or enforced in violation of this section, whether or not specific enforcement action has been initiated or threatened against that person or another person.

2. If the person were present in the political subdivision in question, subject to any manner of regulation alleged to be promulgated or enforced in violation of this section, whether or not specific enforcement action has been initiated or threatened against that person or another person.

b. A person who otherwise has standing under the laws of this state to bring an action under subsection (f).

c. A membership organization if its members would otherwise have standing to sue in their own right, if the interests it seeks to protect are germane to the organization's purpose, and neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.

(6) **POLITICAL SUBDIVISION.** A county, incorporated city, unincorporated city, public local entity, public-private partnership, and any other public entity of a county or city commonly considered to be a political subdivision of the state.

(7) **PUBLIC OFFICIAL.** Any person elected to public office, whether or not that person has taken office, by the vote of the people of a political subdivision or its instrumentalities, including governmental corporations, and any person appointed to a position at the municipal level of government or its instrumentalities, including governmental corporations.

(8) **REASONABLE EXPENSES.** The expenses involved in litigation, including, but not limited to, expert witness fees, court costs, and compensation for loss of income.

(c) Except as otherwise provided in this act or as expressly authorized by a statute of this state, the Legislature hereby occupies and preempts the entire field of regulation in this state touching in any way upon firearms, ammunition, and firearm accessories to the complete exclusion of any order, ordinance, or rule promulgated or enforced by any political subdivision of this state.

(d) The authority of a political subdivision to regulate firearms, ammunition, or firearm accessories shall not be inferred from its proprietary authority, home rule status, or any other inherent or general power.

(e) Any existing orders, ordinances, or rules promulgated or enforced contrary to the terms of this section are null and void and any future order, ordinance, or rules shall comply with this section.

(f)(1) A person adversely affected by any order, ordinance, or rule promulgated in violation of this section may file a petition with the Attorney General requesting that he or she bring an action in circuit court for declarative and injunctive relief. The petition must be signed under oath and under penalty of perjury and must include specific details regarding the alleged violations.

(2) If, after investigation of the enactment or adoption of the order, ordinance, or rule, the Attorney General determines that there is reasonable cause to proceed with an action, he or she shall provide the political subdivision or public official enacting or adopting the order, ordinance, or rule 60 days' notice of his or her intent to file an action. Upon the expiration of the 60 days' notice, the Attorney General may file the suit.

(3) If, after investigation of the enactment or adoption of the order, ordinance, or rule, the Attorney General determines that there is no reasonable cause to proceed with an action, he or she shall publicly state in writing the justification for the determination not to file suit.

(4) The Attorney General shall either bring an action or publicly state, within 90 days of receipt of the petition, in the written justification why a violation of the spirit of this section, specifically subsections (a) and (c), has not occurred.

(5) The court may award reimbursement for actual and reasonable expenses to a person adversely affected if an action under this subsection results in a final determination in favor of the person adversely affected.

(g) This section shall not be construed to prevent any of the following:

(Continued on page 8)

(Continued from page 7)

(1) A duly organized law enforcement agency of a political subdivision from promulgating and enforcing rules pertaining to firearms, ammunition, or firearm accessories that it issues to or that are used by the political subdivision's peace officers in the course of their official duties.

(2) An employer from regulating or prohibiting an employee's carrying or possession of firearms, firearm accessories, or ammunition during and in the course of the employee's official duties.

(3) A prosecutor, court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.

(4) The enactment or enforcement of a generally applicable zoning or business ordinance that includes firearms businesses along with other businesses, provided that an ordinance designed or enforced effectively to restrict or prohibit the sale, purchase, transfer, manufacture, or display of firearms, ammunition, or firearm accessories that is otherwise lawful under the laws of this state is in conflict with this section and is void.

(5) A political subdivision from enacting and enforcing rules of operation and use for any firearm range owned or operated by the political subdivision.

(6) A political subdivision from sponsoring or conducting any firearm-related competition or educational or cultural program and from enacting and enforcing rules for participation in or attendance at such program, provided that nothing in this section authorizes or permits a political subdivision to offer remuneration for the surrender or transfer of a privately owned firearm to the political subdivision or another party as a method of reducing the number of privately owned firearms within the political subdivision.

(7) Any official of a political subdivision, a sheriff, or other law enforcement officer with appropriate authority and jurisdiction from enforcing any law enacted by the Legislature.

(8) A sheriff of a county from acting on an application for a permit under Section 13A-11-75, Code of Alabama 1975.

(9) A political subdivision from leasing public property to another person or entity for a gun show or other firearm related event on terms agreeable to both parties.

(10) The adoption or enforcement by a

county or municipality of ordinances which make the violation of a state firearm law a violation of an ordinance, provided that the elements of the local ordinance may not differ from the state firearm law, nor may the local ordinance impose a higher penalty than what is imposed under the state firearm law.

(11) A municipality from regulating the discharge of firearms within the limits of the municipality or a county from exercising any authority it has under law, to regulate the discharge of firearms within the jurisdiction of the county. The discharge of a firearm in defense of one's self or family or in defense of one's property may not be construed to be a violation of state law or any ordinance or rule of a political subdivision of this state.

(12) A county or a municipality from exercising any authority it has to assess, enforce, and collect generally applicable sales taxes, use taxes, and gross receipts taxes in the nature of sales taxes as defined by Section 40-2A-3(8), Code of Alabama 1975, on the retail sale of firearms, ammunition, and firearm accessories along with other goods, provided that no such tax imposed by a county or municipality may apply at a higher rate to firearms, ammunition, or firearm accessories than the general sales tax rate of the jurisdiction.

Act Section 8

Amended 13A-3-23

"(a) A person is justified in using physical force upon another person in order to defend himself or herself or a third person from what he or she reasonably believes to be the use or imminent use of unlawful physical force by that other person, and he or she may use a degree of force which he or she reasonably believes to be necessary for the purpose. A person may use deadly physical force, and is legally presumed to be justified in using deadly physical force in self-defense or the defense of another person pursuant to subdivision (4), if the person reasonably believes that another person is:

"(1) Using or about to use unlawful deadly physical force.

"(2) Using or about to use physical force against an occupant of a dwelling while committing or attempting to commit a burglary of such dwelling.

"(3) Committing or about to commit a kidnapping in any degree, assault in the first or second degree, burglary in any degree, robbery in any degree, forcible rape, or forcible sodomy.

"(4) Using or about to use physical force against an owner, employee, or other person authorized to be on business property when the business is closed to the public while committing or attempting to commit a crime involving death, serious physical injury, robbery, kidnapping, rape, sodomy, or a crime of a sexual nature involving a child under the age of 12.

"(5) In the process of unlawfully

and forcefully entering, or has unlawfully and forcefully entered, a dwelling, residence, business property, or occupied vehicle, or federally licensed nuclear power facility, or is in the process of sabotaging or attempting to sabotage a federally licensed nuclear power facility, or is attempting to remove, or has forcefully removed, a person against his or her will from any dwelling, residence, business property, or occupied vehicle when the person has a legal right to be there, and provided that the person using the deadly physical force knows or has reason to believe that an unlawful and forcible entry or unlawful and forcible act is occurring. The legal presumption that a person using deadly physical force is justified to do so pursuant to this subdivision does not apply if:

"a. The person against whom the defensive force is used has the right to be in or is a lawful resident of the dwelling, residence, or vehicle, such as an owner or lessee, and there is not an injunction for protection from domestic violence or a written pre-trial supervision order of no contact against that person;

"b. The person sought to be removed is a child or grandchild, or is otherwise in the lawful custody or under the lawful guardianship of, the person against whom the defensive force is used;

"c. The person who uses defensive force is engaged in an unlawful activity or is using the dwelling, residence, or occupied vehicle to further an unlawful activity; or

(Continued on page 9)

(Continued from page 8)

"d. The person against whom the defensive force is used is a law enforcement officer acting in the performance of his or her official duties.

"(b) A person who is justified under subsection (a) in using physical force, including deadly physical force, and who is not engaged in an unlawful activity and is in any place where he or she has the right to be has no duty to retreat and has the right to stand his or her ground.

"(c) Notwithstanding the provisions of subsection (a), a person is not justified in using physical force if:

"(1) With intent to cause physical injury or death to another person, he

or she provoked the use of unlawful physical force by such other person.

"(2) He or she was the initial aggressor, except that his or her use of physical force upon another person under the circumstances is justifiable if he or she withdraws from the encounter and effectively communicates to the other person his or her intent to do so, but the latter person nevertheless continues or threatens the use of unlawful physical force.

"(3) The physical force involved was the product of a combat by agreement not specifically authorized by law.

"(d) A person who uses force, including deadly physical force, as justified

and permitted in this section is immune from criminal prosecution and civil action for the use of such force, unless the force was determined to be unlawful.

"(e) A law enforcement agency may use standard procedures for investigating the use of force described in subsection (a), but the agency may not arrest the person for using force unless it determines that there is probable cause that the force used was unlawful."

Act Section 9

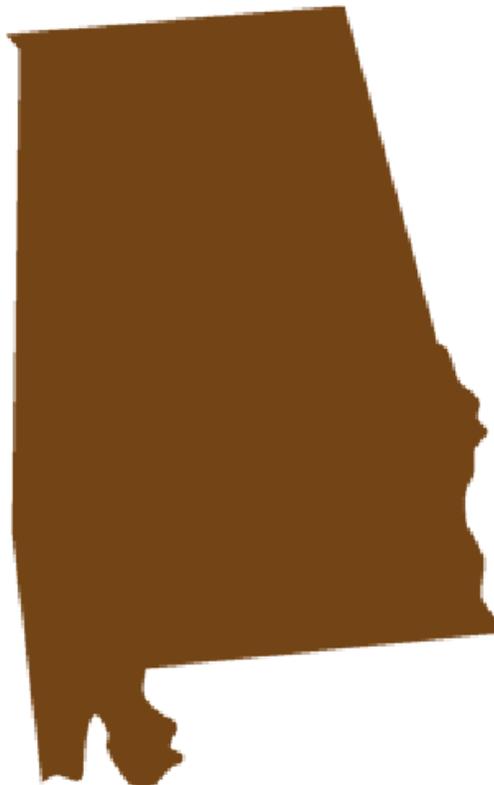
Code of Alabama Section 11-45-1.1, Code of Alabama 1975, relating to the authority of a municipality to enact ordinances relating to handguns, is repealed.

Act Section 10

Nothing in this act shall be construed to prohibit law enforcement personnel who have reasonable suspicion from acting to prevent a breach of the peace or from taking action to preserve public safety.

Act Section 11

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



Act Section 12

The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains

Act Section 13

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

These states are the states that currently recognize & honor Alabama gun permits. Please understand that states laws regarding permit recognition may change without notice.

Pistol Permits in Franklin County are currently the following prices based on number of years requested:

One year: \$12.50
 Two years: \$25.00
 Three years: \$37.50
 Four years: \$50.00
 Five years: \$62.50
 Retired Military-Five years:\$0.00

We accept cash, check, and credit/debit cards. If paying with a credit/debit card, there is a processing fee of \$1.00 plus 3% that is added to the total price of the permit. This fee is not kept by the county; it goes to IMS Enterprises Inc., the internet company that processes the payment.

ANY GUN PERMIT ISSUED IN ALABAMA TO PERSONS UNDER 21 YEARS OLD IS ONLY VALID IN THE STATE OF ALABAMA. THE STATES LISTED ABOVE ONLY RECOGNIZE PERMITS ISSUED TO PERSONS WHO ARE 21 OR OVER.



From the Alabama Attorney General Website:

Firearm information

Is a pistol permit issued in another state valid in Alabama? Yes. Under Alabama Code Section [13A-11-85](#), Alabama will recognize any valid out of state permit.

Where do you apply for a concealed handgun permit in Alabama? In Alabama, a person may apply for a concealed handgun permit to the Sheriff of the county in which they reside. Source:[ALA. CODE § 13A-11-75 \(1975\)](#)

Gun Reciprocity Law

NON-RESIDENCE LICENSES

Alabama issues concealed handgun licenses only to residents of Alabama, through the sheriff of their county of residence. Currently, Alabama does not issue carry conceal permits to out of state residents.

OTHER STATES

Firearm laws can be complex. It is the responsibility of each person holding an Alabama carry conceal permit to check with the state/jurisdiction they are traveling to in order to determine whether that state/jurisdiction honors Alabama's permit and whether there are any restrictions or conditions imposed on persons carrying firearms with out-of-state permits there.

Permit holders are reminded that while carrying a valid concealed handgun in another state, they are bound by that state's law concerning concealed handguns. A permit or license holder from another state shall carry their handgun in compliance with the laws of Alabama while they are in this state.

*Franklin County Sheriff's Office
748 Walnut Gate Road
Russellville, AL 35654*

24 HOUR-DISPATCH PHONE: 256-332-8820

JAIL PHONE: 256-332-8425

OFFICE PHONE: 256-332-8811

(8:00 A.M.—5:00 P.M., MON.-FRI.)

Visit our website at :

franklinsheriff.org

Download our  FCSO app at:

This booklet of the Alabama gun law is provided by the Franklin County Sheriff's Office. We hope you find it informative and beneficial. If we can assist you, please contact us at the numbers above.