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3 CONFERENCE COMMITTEE SUBSTITUTE FOR SB286

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9 A BILL
10 TO BE ENTITLED
11 AN ACT

12
13 Relating to firearms; to amend Section 11-80-11,
14 Code of Alabama 1975, to consolidate certain preemption
15 language regarding the authority of counties and
16 municipalities to regulate certain activity related to
17 firearms; to provide civil remedies to persons adversely
18 affected by unauthorized action of a county or municipality
19 relating to firearm regulation; to amend Section 13A-11-7,
20 Code of Alabama 1975, to establish a rebuttable presumption
21 that the carrying of a firearm under certain conditions does
22 not constitute the crime of disorderly conduct; to amend
23 Section 13A-11-52, Code of Alabama 1975, to allow a person to
24 carry a pistol on the property of another under certain
25 conditions; to amend section 13A-11-70, Code of Alabama 1975,
26 to further define the term "crime of violence" or the purposes
27 of determining who may legally possess a pistol; to amend

1 Section 13A-11-73, Code of Alabama 1975, to further provide
2 for the possession of a pistol in a motor vehicle under
3 certain conditions; to amend Section 13A-11-75, Code of
4 Alabama 1975, to require a sheriff to issue a concealed weapon
5 permit within a certain time frame; to increase the renewal
6 period; to provide certain eligibility requirements for the
7 issuance of permits; to provide for the revocation of a
8 permit; to provide an appeals process for denials and
9 revocations of permits; to provide for the issuance of permits
10 to applicants who are not United States citizens under certain
11 conditions; to require a report from the National Instant
12 Background Check System as part of the investigation process
13 relating to the issuance of a concealed weapon permit; to
14 provide for electronic applications and renewals of concealed
15 weapon permits; to authorize electronic payment methods for
16 accompanying fees; to amend Section 13A-11-85, Code of Alabama
17 1975, to authorize the Attorney General to enter into
18 reciprocal agreements with other states for the mutual
19 recognition of permits to carry pistols; to amend Section
20 40-12-143, Code of Alabama 1975, relating to the levy of
21 business license taxes on persons participating in gun shows;
22 to allow employees to transport or store a firearm in the
23 employee's privately-owned motor vehicle under certain
24 conditions; to provide protection from civil liability to
25 employers, businesses and property owners from damages, harm
26 or injury resulting from the presence of a firearm; to provide
27 that a person may not possess a firearm in certain places

1 without the permission of a person with authority over the
2 premises; to amend Section 13A-3-23, Code of Alabama 1975,
3 relating to the use of physical force to allow the use of
4 force on business property; to repeal Section 11-45-1.1, Code
5 of Alabama 1975, relating to the authority of a municipality
6 to enact ordinances relating to handguns; and in connection
7 therewith would have as its purpose or effect the requirement
8 of a new or increased expenditure of local funds within the
9 meaning of Amendment 621 of the Constitution of Alabama of
10 1901, now appearing as Section 111.05 of the Official
11 Recompilation of the Constitution of Alabama of 1901, as
12 amended.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Section 11-80-11, Code of Alabama 1975,
15 is amended to read as follows:

16 "§11-80-11.

17 ~~"(a) No county or municipal corporation,~~
18 ~~instrumentality, or political subdivision thereof, by~~
19 ~~ordinance, resolution, or other enactment, shall regulate in~~
20 ~~any manner gun shows, the possession, ownership, transport,~~
21 ~~carrying, transfer, sale, purchase, licensing, registration or~~
22 ~~use of firearms, ammunition, components of firearms, firearms~~
23 ~~dealers, or dealers in firearm components.~~

24 ~~"(b) (1) Subsection (a) does not affect the authority~~
25 ~~a municipality has under law to regulate the discharge of~~
26 ~~firearms within the limits of the municipality or the~~
27 ~~authority a county has under law enacted prior to August 1,~~

1 ~~2000, to regulate the discharge of firearms within the~~
2 ~~jurisdiction of the county.~~

3 ~~"(2) Subsection (a) does not affect the authority of~~
4 ~~the state, a county, or a municipality to assess, enforce, and~~
5 ~~collect sales taxes, use taxes, and gross receipts taxes in~~
6 ~~the nature of sales taxes as defined by Section 40-2A-3(8), on~~
7 ~~the retail sale of firearms and ammunition or to assess,~~
8 ~~enforce, and collect business licenses from firearms or~~
9 ~~ammunition manufacturers, trade associations, distributors, or~~
10 ~~dealers for the privilege of engaging in business.~~

11 ~~"Further, nothing herein shall exempt any business~~
12 ~~which uses firearms or ammunition in the conduct of its~~
13 ~~business or any business which leases or sells firearms or~~
14 ~~ammunition from the provisions of county and municipal~~
15 ~~planning and zoning laws, as long as the code, ordinance, or~~
16 ~~regulations are not used to circumvent the intent of~~
17 ~~subsection (a).~~

18 ~~"This section shall not be construed to limit or~~
19 ~~restrict the power of a municipality to adopt or enforce~~
20 ~~ordinances which make the violation of a state firearm law a~~
21 ~~violation of a municipal ordinance to the same extent as other~~
22 ~~state law violations.~~

23 ~~"(c) The authority to bring or settle any lawsuit in~~
24 ~~which the state has an exclusive interest or right to recover~~
25 ~~against any firearm or ammunition manufacturer, trade~~
26 ~~association, or dealer, and the authority to bring or settle~~
27 ~~any lawsuit on behalf of any governmental unit created by or~~

1 pursuant to an act of the Legislature or the Constitution of
2 Alabama of 1901, or any department, agency, or authority
3 thereof, for damages, abatement, injunctive relief, or other
4 equitable relief resulting from or relating to the design,
5 manufacture, marketing, or lawful sale of firearms or
6 ammunition, or both, shall be reserved exclusively to the
7 Attorney General, by and with the consent of the Governor.
8 This section shall not prohibit a county or municipal
9 corporation from bringing an action against a firearms or
10 ammunition manufacturer or dealer for breach of contract or
11 warranty as to firearms or ammunition purchased by the
12 political subdivision or local governmental authority."

13 Section 2. Sections 13A-11-7, 13A-11-52, 13A-11-70,
14 13A-11-73, 13A-11-75, and 13A-11-85, Code of Alabama 1975, are
15 amended to read as follows:

16 "§13A-11-7.

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

21 "(1) Engages in fighting or in violent tumultuous or
22 threatening behavior;~~or.~~

23 "(2) Makes unreasonable noise;~~or.~~

24 "(3) In a public place uses abusive or obscene
25 language or makes an obscene gesture;~~or.~~

26 "(4) Without lawful authority, disturbs any lawful
27 assembly or meeting of persons;~~or.~~

1 "(5) Obstructs vehicular or pedestrian traffic, or a
2 transportation facility; ~~or.~~

3 "(6) Congregates with other person in a public place
4 and refuses to comply with a lawful order of ~~the police~~ law
5 enforcement to disperse.

6 "(b) Disorderly conduct is a Class C misdemeanor.

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

11 "§13A-11-52.

12 "Except as otherwise provided in this article, no
13 person shall carry a pistol about his person on ~~premises~~
14 private property not his own or under his control unless the
15 person possesses a valid concealed weapon permit or the person
16 has the consent of the owner or legal possessor of the
17 premises; but this section shall not apply to any ~~sheriff or~~
18 ~~his deputy or police officer of an incorporated town or city~~
19 law enforcement officer in the lawful discharge of the duties
20 of his office, or to United States marshal or his deputies,
21 rural free delivery mail carriers in the discharge of their
22 duties as such, bonded constables in the discharge of their
23 duties as such, conductors, railway mail clerks and express
24 messengers in the discharge of their duties.

25 "§13A-11-70.

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

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

6 "(2) CRIME OF VIOLENCE. Any of the following crimes
7 or an attempt to commit any of them, namely, murder,
8 manslaughter, (except manslaughter arising out of the
9 operation of a vehicle), rape, mayhem, assault with intent to
10 rob, assault with intent to ravish, assault with intent to
11 murder, robbery, burglary, and kidnapping~~and larceny~~. "Crime
12 of violence" shall also mean any Class A felony or any Class B
13 felony that has as an element serious physical injury, the
14 distribution or manufacture of a controlled substance, or is
15 of a sexual nature involving a child under the age of 12.

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

18 "§13A-11-73.

19 ~~No~~ (a) Except on land under his or her control or
20 in his or her own abode or his or her own fixed place of
21 business, no person shall carry a pistol in any vehicle or
22 concealed on or about his or her person ~~except on his land, in~~
23 his own abode or fixed place of business, without a license
24 therefor as hereinafter provided permit issued under Section
25 13A-11-75(a) (1) or recognized under Section 13A-11-85.

26 "(b) Except as otherwise prohibited by law, a person
27 legally permitted to possess a pistol, but who does not

1 possess a valid concealed weapon permit, may possess an
2 unloaded pistol in his or her motor vehicle if the pistol is
3 locked in a compartment or container that is in or affixed
4 securely to the vehicle and out of reach of the driver and any
5 passenger in the vehicle.

6 "§13A-11-75.

7 "(a) (1)a. The sheriff of a county, upon the
8 application of any person residing in that county, may within
9 30 days from receipt of a complete application and
10 accompanying fee, shall issue or renew a ~~qualified or~~
11 ~~unlimited license permit to for~~ such person to carry a pistol
12 in a vehicle or concealed on or about his or her person within
13 this state for ~~not more than one year~~ one to five year
14 increments, as requested by the person seeking the permit,
15 from date of issue, ~~if it appears that the applicant has good~~
16 ~~reason to fear injury to his or her person or property or has~~
17 ~~any other proper reason for carrying a pistol, and that he or~~
18 ~~she is a suitable person to be so licensed. unless the sheriff~~
19 determines that the person is prohibited from the possession
20 of a pistol or firearm pursuant to state or federal law, or
21 has a reasonable suspicion that the person may use a weapon
22 unlawfully or in such other manner that would endanger the
23 person's self or others. In making such determination, the
24 sheriff may consider whether the applicant:

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

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

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

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

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

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

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

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

19 "9. Is or was the subject of a prosecution or of a
20 commitment or incompetency proceeding that could lead to a
21 prohibition on the receipt or possession of a firearm under
22 the laws of Alabama or the United States.

23 "10. Falsified any portion of the permit
24 application.

25 "11. Caused justifiable concern for public safety.

26 "b. The sheriff shall take into account how recent
27 any consideration under paragraph a. is in relation to the

1 date of the application. The sheriff shall provide a written
2 statement of the reasons for a denial of a permit and the
3 evidence upon which it is based must be disclosed to the
4 applicant, unless disclosure would interfere with a criminal
5 investigation.

6 "c. Except as otherwise provided by the laws of this
7 state, a permit issued under this subdivision is valid
8 throughout the state, and a sheriff may not place conditions
9 or requirements on the issuance of the permit or limit its
10 scope or applicability.

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

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

18 "(3) A person who is denied a permit under
19 subdivision (1), or a person whose permit is revoked under
20 subdivision (2), within 30 days of notification of the denial
21 or revocation, may appeal the denial or revocation to the
22 district court of the county where the denial or revocation
23 was issued. Upon a review of a denial under this subdivision,
24 the sheriff shall have the burden of proving by clear and
25 convincing evidence that the person is prohibited from
26 possession of a pistol or other firearm pursuant to state or
27 federal law or, based on any of the considerations enumerated

1 in the subsection (a) (1) of this section that the person may
2 use a weapon unlawfully or in such other manner as would
3 endanger the person's self or others if granted a permit to
4 carry a concealed weapon under this section.

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

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

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

15 "(b) Each ~~The license permit~~ shall be ~~written in~~
16 ~~triplicate, in~~ or in an electronic or digital form to be
17 prescribed by the Secretary of State in consultation with the
18 Alabama Sheriff's Association, and shall bear the name,
19 address, description, and signature of the ~~licensee~~ permittee
20 ~~and the reason given for desiring a license~~. The original
21 ~~thereof~~ hardcopy of the permit shall be delivered to the
22 ~~licensee permittee, the~~ and a duplicate shall, within seven
23 days, be sent by registered or certified mail to the Director
24 of Public Safety. The application and a copy, ~~and the~~
25 ~~triplicate~~ shall be preserved for six years by the authority
26 issuing the same. ~~The fee for issuing such license shall be~~
27 ~~one dollar (\$1) which~~ sheriff may charge a fee as provided by

1 local law for the issuance of the permit under subdivision (1)
2 of subsection (a). The amount of the fee for a period of one
3 year up to five years shall be the amount of the fee as
4 prescribed by local law multiplied by the number of years of
5 the permit requested by the applicant. The fee shall be paid
6 into the county treasury unless otherwise provided by local
7 law. Prior to issuance or renewal of a ~~license~~ permit, the
8 sheriff shall contact available local, state, and federal
9 criminal history data banks, including the National Instant
10 Criminal Background Check System, to determine whether
11 possession of a firearm by an applicant would be a violation
12 of state or federal law. ~~The sheriff may revoke a license upon~~
13 ~~proof that the licensee is not a proper person to be licensed.~~

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

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

1 Customs Enforcement, or any successor agency. The sheriff
2 shall review the results of these inquiries before making a
3 determination of whether to issue a permit or renewal permit.
4 A person who is unlawfully present in this state may not be
5 issued a permit under this section.

6 "(b)(e) The name, address, and signature,
7 photograph, and any other personally identifying information
8 collected from an applicant or ~~licensee~~ permittee under this
9 section shall be kept confidential, shall be exempt from
10 disclosure under Section 36-12-40, and may only be used for
11 law enforcement purposes except when a current ~~licensee~~
12 permittee is charged in any state with a felony involving the
13 use of a pistol. All other information on ~~licenses~~ permits
14 under this section, including information concerning the
15 annual number of applicants, number of ~~licenses~~ permits
16 issued, number of ~~licenses~~ permits denied or revoked, revenue
17 from issuance of ~~licenses~~ permits, and any other fiscal or
18 statistical data otherwise, shall remain public writings
19 subject to public disclosure. Except as provided above, the
20 sheriff of a county shall redact the name, address, signature,
21 and photograph, and any other personally identifying
22 information of an ~~applicant~~ permit holder before releasing a
23 copy of a ~~license~~ permit for a non-law enforcement purpose.
24 The sheriff may charge one dollar (\$1) per copy of any
25 redacted ~~license~~ permit record requested other than when
26 requested for law enforcement purposes. To knowingly publish
27 or release to the public in any form any information or

1 records related to the licensing process, or the current
2 validity of any ~~license~~ permit, except as authorized in this
3 subsection or in response to a court order or subpoena, is a
4 Class A misdemeanor.

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

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

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

16 "§13A-11-85.

17 "(a) A person licensed to carry a handgun in any
18 state whose laws recognize and give effect in that state to a
19 license issued under the laws of the State of Alabama shall be
20 authorized to carry a handgun in this state. This section
21 shall apply to a ~~licenseholder~~ license holder from another
22 state only while the ~~licenseholder~~ license holder is not a
23 resident of this state. A ~~licenseholder~~ license holder from
24 another state shall carry the handgun in compliance with the
25 laws of this state.

26 "(b) The Attorney General is authorized to enter
27 into reciprocal agreements with other states for the mutual

1 recognition of licenses to carry handguns and shall
2 periodically publish a list of states which ~~meet the~~
3 ~~requirements of subsection (a)~~ recognize licenses issued
4 pursuant to Section 13A-11-75."

5 Section 3. Section 40-12-143, Code of Alabama 1975,
6 is amended to read as follows:

7 "§40-12-143.

8 "Persons dealing in pistols, revolvers, maxim
9 silencers, bowie knives, dirk knives, brass knucks or knucks
10 of like kind, whether principal stock in trade or not shall
11 pay the following license tax: In cities and towns of 35,000
12 inhabitants and over, \$150; and in all other places, \$100. The
13 required license amounts shall be paid for each place of
14 business from which sales of such items are made. In addition
15 to any other required licenses, a person may organize and
16 conduct a gun and knife show of no more than seven days, by
17 paying the maximum license tax prescribed in this section, as
18 well as the maximum license taxes provided in Sections
19 40-12-158 and 40-12-174(d), for each such show. Participants
20 shall not be required to pay the license taxes provided in
21 this section, nor in Section 40-12-158 or 40-12-174 for
22 participating in such shows, provided the organizer has paid
23 the license taxes prescribed in this section prior to the
24 commencement of the event. It shall be the duty of the
25 organizer of such show to determine if each participant is
26 licensed under the sales tax laws of this state as well as the
27 particular county and municipality in which the show is

1 conducted. The organizer shall be responsible for providing a
2 list of participants to the county and municipality in which
3 the gun show is held and for collecting and remitting all
4 state and local sales taxes for any participant not licensed
5 under state or local sales tax laws. In the event the
6 organizer does not provide the information required herein or
7 pay the license taxes prescribed in this section, prior to the
8 commencement of the event, each participant shall be
9 responsible for his or her applicable licenses. The organizer
10 and all participants shall abide by applicable federal, state,
11 and local laws and regulations. All persons dealing in
12 pistols, revolvers, and maxim silencers shall be required to
13 keep a permanent record of the sale of every pistol, revolver,
14 or maxim silencer, showing the date of sale, serial number, or
15 other identification marks, manufacturer's name, caliber and
16 type, and also the name and address of the purchaser, ~~which~~
17 record. The records shall always be open for inspection by any
18 peace officer of the State of Alabama or any municipality
19 thereof. The failure to keep such record shall subject such
20 person to having his or her license revoked by the probate
21 judge of the county where such license was issued on motion of
22 any district attorney of the State of Alabama."

23 Section 4. (a) Except as provided in subdivision
24 (b), a public or private employer may restrict or prohibit its
25 employees, including those with a permit issued or recognized
26 under Section 13A-11-75, Code of Alabama 1975, from carrying

1 firearms while on the employer's property or while engaged in
2 the duties of the person's employment.

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

8 (1) The employee either:

9 a. Has a valid concealed weapon permit; or

10 b. If the weapon is any firearm legal for use for
11 hunting in Alabama other than a pistol:

12 i. The employee possesses a valid Alabama hunting
13 license;

14 ii. The weapon is unloaded at all times on the
15 property;

16 iii. It is during a season in which hunting is
17 permitted by Alabama law or regulation;

18 iv. The employee has never been convicted of any
19 crime of violence as that term is defined in Section
20 13A-11-70, Code of Alabama 1975, nor of any crime set forth in
21 Article 6 of Title 13A, Code of Alabama 1975, nor is subject
22 to a Domestic Violence Order, as that term is defined in
23 Section 13A-6-141, Code of Alabama 1975;

24 v. The employee does not meet any of the factors set
25 forth in Section 13A-11-75(a)(1)a.1-8; and

1 vi. The employee has no documented prior workplace
2 incidents involving the threat of physical injury or which
3 resulted in physical injury.

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

6 (3) The firearm is either of the following:

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

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

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

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

26 (2) If the employee has been in compliance with
27 subsection (b) of this section at all times, the employer may

1 not take adverse employment action against the employee based
2 solely on the presence of the firearm.

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

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

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

14 a. A firearm prohibited by state or federal law.

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

17 (2) A threat made by an employee to cause bodily
18 harm to themselves or others.

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

26 (g) However, if the employee has fully complied with
27 the requirements of subsection (b) and does not possess a

1 firearm prohibited by state or federal law, that employee is
2 entitled to recovery as specified in this subsection for any
3 adverse employment action against the employee. If demand for
4 the recovery has not been satisfied within 45 calendar days,
5 the employee may file a civil action in the appropriate court
6 of this state against the public or private employer. A
7 plaintiff is entitled to seek an award of all of the
8 following:

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

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

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

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

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

7 Section 5. (a) Except as provided in subsection
8 4(g), an employer and the owner and/or lawful possessor of the
9 property on which the employer is situated shall be absolutely
10 immune from any claim, cause of action or lawsuit that may be
11 brought by any person seeking any form of damages that are
12 alleged to arise, directly or indirectly, as a result of any
13 firearm brought onto the property of the employer, owner or
14 lawful possessor by an employee, including a firearm that is
15 transported in an employee's privately owned motor vehicle.

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

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

23 (1) To patrol, inspect, or secure:

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

1 b. Any privately owned motor vehicle located in a
2 parking lot, parking garage, or other parking area the
3 employer provides for employees; or

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

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

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

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

26 Section 6. (a) In addition to any other place
27 limited or prohibited by state or federal law, a person,

1 including a person with a permit issued under Section
2 13A-11-75(a) (1) or recognized under Section 13A-11-85, Code of
3 Alabama 1975, may not knowingly possess or carry a firearm in
4 any of the following places without the express permission of
5 a person or entity with authority over the premises:

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

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

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

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

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

26 (6) Inside any facility hosting a professional
27 athletic event not related to or involving firearms, unless

1 the person has a permit issued under Section 13A-11-75(a) (1)
2 or recognized under Section 13A-11-85.

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

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

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

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

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

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

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

12 Section 7. (a) The purpose of this section is to
13 establish within the Legislature complete control over
14 regulation and policy pertaining to firearms, ammunition, and
15 firearm accessories in order to ensure that such regulation
16 and policy is applied uniformly throughout this state to each
17 person subject to the state's jurisdiction and to ensure
18 protection of the right to keep and bear arms recognized by
19 the Constitutions of the State of Alabama and the United
20 States. This section is to be liberally construed to
21 accomplish its purpose.

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

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

1 (2) EXPRESSLY AUTHORIZED BY A STATUTE OF THIS STATE.
2 The authority of a political subdivision to regulate firearms,
3 ammunition, or firearm accessories that is granted by a duly
4 enacted state law that specifically mentions firearms, a
5 particular type of firearm, ammunition, or a particular type
6 of ammunition.

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

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

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

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

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

24 2. If the person were present in the political
25 subdivision in question, subject to any manner of regulation
26 alleged to be promulgated or enforced in violation of this

1 section, whether or not specific enforcement action has been
2 initiated or threatened against that person or another person.

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

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

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

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

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

26 (c) Except as otherwise provided in this act or as
27 expressly authorized by a statute of this state, the

1 Legislature hereby occupies and preempts the entire field of
2 regulation in this state touching in any way upon firearms,
3 ammunition, and firearm accessories to the complete exclusion
4 of any order, ordinance, or rule promulgated or enforced by
5 any political subdivision of this state.

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

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

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

21 (2) If, after investigation of the enactment or
22 adoption of the order, ordinance, or rule, the Attorney
23 General determines that there is reasonable cause to proceed
24 with an action, he or she shall provide the political
25 subdivision or public official enacting or adopting the order,
26 ordinance, or rule 60 days' notice of his or her intent to

1 file an action. Upon the expiration of the 60 days' notice,
2 the Attorney General may file the suit.

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

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

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

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

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

26 (2) An employer from regulating or prohibiting an
27 employee's carrying or possession of firearms, firearm

1 accessories, or ammunition during and in the course of the
2 employee's official duties.

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

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

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

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

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

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

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

11 (10) The adoption or enforcement by a county or
12 municipality of ordinances which make the violation of a state
13 firearm law a violation of an ordinance, provided that the
14 elements of the local ordinance may not differ from the state
15 firearm law, nor may the local ordinance impose a higher
16 penalty than what is imposed under the state firearm law.

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

25 (12) A county or a municipality from exercising any
26 authority it has to assess, enforce, and collect generally
27 applicable sales taxes, use taxes, and gross receipts taxes in

1 the nature of sales taxes as defined by Section 40-2A-3(8),
2 Code of Alabama 1975, on the retail sale of firearms,
3 ammunition, and firearm accessories along with other goods,
4 provided that no such tax imposed by a county or municipality
5 may apply at a higher rate to firearms, ammunition, or firearm
6 accessories than the general sales tax rate of the
7 jurisdiction.

8 Section 8. Section 13A-3-23, Code of Alabama 1975,
9 is amended to read as follows:

10 "§13A-3-23.

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

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

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

26 "(3) Committing or about to commit a kidnapping in
27 any degree, assault in the first or second degree, burglary in

1 any degree, robbery in any degree, forcible rape, or forcible
2 sodomy.

3 "(4) Using or about to use physical force against an
4 owner, employee, or other person authorized to be on business
5 property when the business is closed to the public while
6 committing or attempting to commit a crime involving death,
7 serious physical injury, robbery, kidnapping, rape, sodomy, or
8 a crime of a sexual nature involving a child under the age of
9 12.

10 ~~"(4)~~ (5) In the process of unlawfully and forcefully
11 entering, or has unlawfully and forcefully entered, a
12 dwelling, residence, business property, or occupied vehicle,
13 or federally licensed nuclear power facility, or is in the
14 process of sabotaging or attempting to sabotage a federally
15 licensed nuclear power facility, or is attempting to remove,
16 or has forcefully removed, a person against his or her will
17 from any dwelling, residence, business property, or occupied
18 vehicle when the person has a legal right to be there, and
19 provided that the person using the deadly physical force knows
20 or has reason to believe that an unlawful and forcible entry
21 or unlawful and forcible act is occurring. The legal
22 presumption that a person using deadly physical force is
23 justified to do so pursuant to this subdivision does not apply
24 if:

25 "a. The person against whom the defensive force is
26 used has the right to be in or is a lawful resident of the
27 dwelling, residence, or vehicle, such as an owner or lessee,

1 and there is not an injunction for protection from domestic
2 violence or a written pretrial supervision order of no contact
3 against that person;

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

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

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

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

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

21 "(1) With intent to cause physical injury or death
22 to another person, he or she provoked the use of unlawful
23 physical force by such other person.

24 "(2) He or she was the initial aggressor, except
25 that his or her use of physical force upon another person
26 under the circumstances is justifiable if he or she withdraws
27 from the encounter and effectively communicates to the other

1 person his or her intent to do so, but the latter person
2 nevertheless continues or threatens the use of unlawful
3 physical force.

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

6 "(d) A person who uses force, including deadly
7 physical force, as justified and permitted in this section is
8 immune from criminal prosecution and civil action for the use
9 of such force, unless the force was determined to be unlawful.

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

15 Section 9. Section 11-45-1.1, Code of Alabama 1975,
16 relating to the authority of a municipality to enact
17 ordinances relating to handguns, is repealed.

18 Section 10. Nothing in this act shall be construed
19 to prohibit law enforcement personnel who have reasonable
20 suspicion from acting to prevent a breach of the peace or from
21 taking action to preserve public safety.

22 Section 11. 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 12. The provisions of this act are
4 severable. If any part of this act is declared invalid or
5 unconstitutional, that declaration shall not affect the part
6 which remains.

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