

# ACT #2022 - 133

1 HB272  
2 218888-3  
3 By Representatives Stringer, Jones (M), McCutcheon, Brown (C),  
4 Marques, Oliver, Gaston, Sorrell, Lipscomb, Wilcox, Wheeler,  
5 Shedd, Stadthagen, Collins, Treadaway, Estes, Moore (P),  
6 Hanes, Smith, Standridge, Robbins, Mooney, Meadows, Whorton,  
7 Crawford, Ledbetter, Fincher, Wingo, Holmes, Dismukes, Carns,  
8 Isbell, Robertson, Wadsworth, Wood (D), Kiel and Harbison  
9 RFD: Public Safety and Homeland Security  
10 First Read: 03-FEB-22



1  
2 ENROLLED, An Act,

3           Relating to firearms; to amend Sections 13A-11-7,  
4 13A-11-50, 13A-11-61.2, 13A-11-62, 13A-11-71, 13A-11-74,  
5 13A-11-85, and 13A-11-90, Code of Alabama 1975, to delete  
6 certain language regarding the carrying of a visible pistol;  
7 to revise certain penalties for carrying weapons unlawfully;  
8 to delete certain language regarding the carrying of a  
9 concealed pistol; to revise certain restrictions on the  
10 carrying or possession of firearms at certain locations; to  
11 eliminate the requirement for a person to obtain a concealed  
12 carry permit to lawfully carry a pistol; to revise the  
13 definition of shotgun; to revise language regarding an  
14 employee storing a firearm in the employee's vehicle; to  
15 require persons to disclose a concealed pistol or firearm to a  
16 law enforcement officer under certain conditions; to authorize  
17 a law enforcement officer to temporarily take a person's  
18 firearm into custody, under certain conditions; to prohibit  
19 the knowing touching of a firearm during a law enforcement  
20 investigative stop, under certain conditions; to create a  
21 program to issue grants to offices of sheriff to replace  
22 pistol permit revenue; to make nonsubstantive, technical  
23 revisions to update the existing code language to current  
24 style; to repeal Sections 13A-11-55 and 13A-11-73, Code of  
25 Alabama 1975, relating to the carrying or possession of a

1        weapon, to repeal certain restrictions on the carrying or  
2        possession of a firearm on certain property or in a motor  
3        vehicle; to authorize the temporary taking into custody of a  
4        firearm by a law enforcement officer, under certain  
5        conditions; to provide further for policies of two-year or  
6        four-year institutions of higher education regarding firearm  
7        possession on grounds of that institution; and in connection  
8        therewith would have as its purpose or effect the requirement  
9        of a new or increased expenditure of local funds within the  
10       meaning of Amendment 621 of the Constitution of Alabama of  
11       1901, as amended by Amendment 890, now appearing as Section  
12       111.05 of the Official Recompilation of the Constitution of  
13       Alabama of 1901, as amended.

14       BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15                Section 1. Sections 13A-11-7, 13A-11-50,  
16       13A-11-61.2, 13A-11-62, 13A-11-71, 13A-11-74, 13A-11-85, and  
17       13A-11-90, Code of Alabama 1975, are amended to read as  
18       follows:

19                "§13A-11-7.

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

24                "(1) Engages in fighting or in violent tumultuous or  
25       threatening behavior.

1           "(2) Makes unreasonable noise.

2           "(3) In a public place uses abusive or obscene  
3 language or makes an obscene gesture.

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

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

8           "(6) Congregates with other person in a public place  
9 and refuses to comply with a lawful order of law enforcement  
10 to disperse.

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

12           "~~(c) It shall be a rebuttable presumption that the~~  
13 The mere carrying of a visible pistol, holstered or otherwise  
14 secured on or about one's person, without brandishing the  
15 weapon, in a public place, in and of itself, is not a  
16 violation of this section. For purposes of this subsection,  
17 "brandishing" shall mean the waving, flourishing, displaying,  
18 or holding of an item in a manner that is threatening or would  
19 appear threatening to a reasonable person, with or without  
20 explicit verbal threat, or in a wanton or reckless manner.

21           "(d) Nothing in Act 2013-283 shall be construed to  
22 prohibit law enforcement personnel who have reasonable  
23 suspicion from acting to prevent a breach of the peace or from  
24 taking action to preserve public safety.

25           "§13A-11-50.

1           ~~"Except as otherwise provided in this Code, a~~ A  
2 person who, 'in violation of this article, carries concealed  
3 about his or her person ~~a bowie knife or knife or instrument~~  
4 ~~of like kind or description~~ or in a vehicle a pistol or  
5 firearm of any other kind ~~or an air gun~~ shall, on conviction,  
6 be ~~fined not less than \$50.00 nor more than \$500.00, and may~~  
7 ~~also be imprisoned in the county jail or sentenced to hard~~  
8 ~~labor for the county for not more than six months~~ guilty of a  
9 Class B misdemeanor.

10           "\$13A-11-61.2.

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

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

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

1           "(3) Inside a facility ~~which~~ that provides inpatient  
 2 or custodial care of those with psychiatric, mental, or  
 3 emotional disorders.

4           "(4)a. Inside a courthouse, courthouse annex, a  
 5 building in which a district attorney's office is located, ~~or~~  
 6 a building in which a county commission or city council is  
 7 currently having a regularly scheduled or specially called  
 8 meeting or the primary office of any elected official.

9           "b. For purposes of this subdivision, "courthouse  
 10 annex" means either of the following:

11           "1. A building constructed, purchased, or repurposed  
 12 as part of a courthouse complex, judicial complex, or probate  
 13 court, for so long as the building is actively and regularly  
 14 used for that purpose.

15           "2. A building or part of a building that, by order  
 16 of any judge or probate judge, is having regularly scheduled  
 17 or specially called judicial proceedings. A building or part  
 18 of a building that is a courthouse annex pursuant to this  
 19 subparagraph shall be a courthouse annex only for the duration  
 20 of the judicial proceedings and any other related activities  
 21 that the judge orders necessary.

22           "(5) Inside any facility hosting an athletic event  
 23 not related to or involving firearms which is sponsored by a  
 24 private or public elementary or secondary school or any  
 25 private or public institution of postsecondary education,

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

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

7 "(b) (1) Notwithstanding the provisions of subsection  
8 (a), and in addition to any other place where possession of a  
9 firearm or a pistol is prohibited by federal or state law or  
10 may be prohibited pursuant to federal or state law, including,  
11 but not limited to, Section 13A-11-52, a person, including a  
12 person with a permit issued under Section 13A-11-75~~(a)(1)~~ or  
13 recognized under Section 13A-11-85, ~~may not,~~ without the  
14 express permission of a person or entity with authority over  
15 the premises, may not knowingly possess or carry a firearm  
16 inside any building or facility to which access of  
17 unauthorized persons and prohibited articles is limited during  
18 normal hours of operation by the continuous posting of guards  
19 and the use of other security features, including, but not  
20 limited to, magnetometers, key cards, biometric screening  
21 devices, or turnstiles or other physical barriers that prevent  
22 all persons entering the facility from bringing prohibited  
23 items into the facility.

24 "(2) It is not a violation of subsection (a) or (b)  
25 to knowingly possess or carry a firearm at a location

1 described in subsection (a) or (b) if the location is also a  
2 sheriff's office that issues pistol permits and the pistol  
3 remains inside of a locked vehicle at all times while the  
4 person is on the premises.

5           "(3) Nothing in this subsection otherwise restricts  
6 the possession, transportation, or storage of a lawfully  
7 possessed firearm or ammunition in an employee's privately  
8 owned motor vehicle while parked or operated in a public or  
9 private parking area provided the employee complies with the  
10 requirements of Section 13A-11-90.

11           "(c) The person or entity with authority over the  
12 premises set forth in subdivisions (1) to (6), inclusive, of  
13 subsection (a) and subsection (b) shall place a notice at the  
14 public entrances of such premises or buildings alerting those  
15 entering that firearms are prohibited.

16           "~~(d) Except as provided in subdivisions (5) and (6)~~  
17 ~~of subsection (a), any~~ Any firearm on the premises of any  
18 facility set forth in subdivision (1) of subsection (a), or  
19 subdivisions (4) to (6) inclusive, of subsection (a), or  
20 subsection (b) ~~must~~ shall be kept from ordinary observation  
21 and locked within a compartment or in the interior of the  
22 person's motor vehicle or in a compartment or container  
23 securely affixed to the motor vehicle.

24           "(e) A violation of subsection (a), (b), or (d) is a  
25 Class C misdemeanor.



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

4           "(g) Prohibitions regarding the carrying of a  
 5 firearm under this section shall not apply to law enforcement  
 6 officers engaged in the lawful execution of their official  
 7 duties or a qualified retired law enforcement officer. For  
 8 purposes of this section, qualified retired law enforcement  
 9 officer shall mean a retired officer who meets all of the  
 10 following requirements:

11           "(1) Was separated from service in good standing  
 12 from service with a public agency as a law enforcement  
 13 officer.

14           "(2) Before separation, was authorized by law to  
 15 engage in or supervise the prevention, detection,  
 16 investigation, or prosecution of, or the incarceration of any  
 17 person for, any violation of law, and had statutory powers of  
 18 arrest.

19           "(3) Before separation, served as a law enforcement  
 20 officer for an aggregate of 10 years or more and separated  
 21 from service with such agency, after completing any applicable  
 22 probationary period of such service, due to a  
 23 service-connected disability, as determined by the agency.

24           "(4) During the most recent 12-month period, has  
 25 met, at the expense of the individual, the standards for

1 qualification in firearms training for active law enforcement  
2 officers, as determined by the former agency of the  
3 individual, the state in which the individual resides or, if  
4 the state has not established such standards, either a law  
5 enforcement agency within the state in which the individual  
6 resides or the standards used by a certified firearms  
7 instructor that is qualified to conduct a firearms  
8 qualification test for active duty officers within that state.

9 "(5) Has not been officially found by a qualified  
10 medical professional employed by the agency to be unqualified  
11 for reasons relating to mental health, and as a result, will  
12 not be issued the photographic identification described in  
13 subdivision (8) and has not entered into an agreement with the  
14 agency from which the individual is separating from service in  
15 which that individual acknowledges he or she is not qualified  
16 under this section for reasons relating to mental health and  
17 for those reasons will not receive or accept the photographic  
18 identification as described in ~~subsection~~ subdivision (8).

19 "(6) Is not under the influence of alcohol or  
20 another intoxicating or hallucinatory drug or substance.

21 "(7) Is not prohibited by state or federal law from  
22 receiving a firearm.

23 "(8) Is carrying any of the following identification  
24 documents:

1            "a. A photographic identification issued by the  
2 agency from which the individual separated from service as a  
3 law enforcement officer that identifies the person as having  
4 been employed as a police officer or law enforcement officer  
5 and indicates that the individual has, not less recently than  
6 one year before the date the individual is carrying the  
7 concealed firearm, been tested or otherwise found by the  
8 agency to meet the active duty standards for qualification in  
9 firearms training as established by the agency to carry a  
10 firearm of the same type as the concealed firearm.

11           "b. A photographic identification issued by the  
12 agency from which the individual separated from service as a  
13 law enforcement officer that identifies the person as having  
14 been employed as a police officer or law enforcement officer,  
15 and a certification issued by the state in which the  
16 individual resides or by a certified firearms instructor who  
17 is qualified to conduct a firearms qualification test for  
18 active duty officers within that state that indicates that the  
19 individual, not less than one year before the date the  
20 individual is carrying the concealed firearm, has been tested  
21 or otherwise found by the state or a certified firearms  
22 instructor who is qualified to conduct a firearms  
23 qualification test for active duty officers within that state  
24 to have met either of the following:

1           "1. The active duty standards for qualification in  
2 firearms training, as established by the state, to carry a  
3 firearm of the same type as the concealed firearm.

4           "2. If the state has not established such standards,  
5 standards set by any law enforcement agency within that state  
6 to carry a firearm of the same type as the concealed firearm.

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

10           "§13A-11-62.

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

14           "(1) FIREARM. ~~Definition is same as provided in~~ As  
15 defined under Section 13A-8-1(4).

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

22           "~~(3)~~ (5) SHOTGUN. A weapon designed or redesigned,  
23 ~~made or remade, and intended to be fired from the shoulder and~~  
24 ~~designed or redesigned~~ and made or remade to use the energy of  
25 the explosive in a fixed shotgun shell to fire through a

1 smooth bore either a number of ~~ball~~ shot or a single  
2 projectile for each single pull of the trigger.

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

8 "~~(5)~~ (4) SHORT-BARRELED SHOTGUN. A shotgun having  
9 one or more barrels less than 18 inches in length and any  
10 weapon made from a shotgun (whether by alteration,  
11 modification, or otherwise) if such weapon as modified has an  
12 overall length of less than 26 inches.

13 "§13A-11-71.

14 "Any person who commits or attempts to commit ~~if any~~  
15 ~~person shall commit or attempt to commit~~ a crime of violence  
16 when armed with a pistol, ~~he may,~~ in addition to the  
17 punishment provided for the crime, may additionally be  
18 punished ~~also~~ as provided by this division. ~~In the trial of a~~  
19 ~~person for committing or attempting to commit a crime of~~  
20 ~~violence, the fact that he was armed with a pistol and had no~~  
21 ~~license to carry the same shall be prima facie evidence of his~~  
22 ~~intention to commit said crime of violence.~~

23 "§13A-11-74.

24 "The provisions of Section ~~13A-11-73~~ 13A-11-72(c)  
25 shall not apply to marshals, sheriffs, prison and jail wardens'

1 and their regularly employed deputies, ~~policemen~~ police  
2 officers and other law enforcement officers of any state or  
3 political subdivision thereof, or to the members of the Army,  
4 Navy ~~or~~, Marine Corps, Air Force, or Space Force of the United  
5 States or of the National Guard, or to the members of the  
6 National Guard organized reserves or state guard organizations  
7 when on duty or going to or from duty, or to the regularly  
8 enrolled members of any organization duly authorized to  
9 purchase or receive ~~such~~ the weapons from the United States or  
10 from this state; provided, that ~~such~~ those members are at or  
11 are going to or from their places of assembly or target  
12 practices, or to officers or employees of the United States  
13 duly authorized to carry a pistol, or to any person engaged in  
14 manufacturing, repairing, or dealing in pistols, or the agent  
15 or representative of ~~such~~ a person possessing, using, or  
16 carrying a pistol in the usual or ordinary course of ~~such~~  
17 pistol manufacturing, repairing, or dealing business, or to  
18 any common carrier, except taxicabs, licensed as a common  
19 carrier, or to any person permitted by law to possess a pistol  
20 while carrying it unloaded in a secure wrapper, from the place  
21 of purchase to his or her home or place of business, or to or  
22 from a place of repair or in moving from one place of abode or  
23 business to another.

24 "§13A-11-85.

1           "(a) A person licensed to carry a handgun in any  
2 state shall be authorized to carry a handgun in this state.  
3 This section shall apply to a license holder from another  
4 state only while the license holder is not a resident of this  
5 state. A license holder from another state shall carry the  
6 handgun in compliance with the laws of this state. The  
7 issuance of a permit to carry a pistol pursuant to Section  
8 13A-11-75 or the recognition of a nonresident license under  
9 this section does not impose a general prohibition on the  
10 carrying of a pistol without a permit.

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

16           "§13A-11-90.

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

23           "(b) (1)A public or private employer may not restrict  
24 or prohibit the transportation or storage of a lawfully  
25 possessed ~~firearm~~ pistol or ammunition for that pistol in an

1 employee's privately owned motor vehicle while parked or  
2 operated in a public or private parking area; provided, that  
3 the employee satisfies all of the following conditions:

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

6 "b. The pistol is either of the following:

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

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

15 "(2) A public or private employer may not restrict  
16 or prohibit the transportation or storage of a lawfully  
17 possessed firearm legal for use for hunting in Alabama other  
18 than a pistol, or ammunition for that firearm, in an  
19 employee's privately owned motor vehicle while parked or  
20 operated in a public or private parking area if the employee  
21 satisfies all of the following:

22 ~~"(1) The employee either:~~

23 ~~"a. Has a valid concealed weapon permit; or~~

24 ~~"b. If the weapon is any firearm legal for use for~~  
25 ~~hunting in Alabama other than a pistol:~~



1           ~~"i.~~ a. The employee possesses a valid Alabama  
2 hunting license~~.~~

3           ~~"ii.~~ b. The weapon is unloaded at all times on the  
4 property~~.~~

5           ~~"iii.~~ c. It is during a season in which hunting is  
6 permitted by Alabama law or regulation~~.~~

7           ~~"iv.~~ d. The employee has never been convicted of any  
8 crime of violence as that term is defined in Section  
9 13A-11-70, nor of any crime set forth in Chapter 6 of Title  
10 13A, nor is subject to a Domestic Violence Order, as that term  
11 is defined in Section 13A-6-141~~.~~

12           ~~"v. The employee does not meet any of the factors  
13 set forth in Section 13A-11-75(a)(1)a.1-8, and~~

14           ~~"vi.~~ e. The employee has no documented prior  
15 workplace incidents involving the threat of physical injury or  
16 which resulted in physical injury.

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

19           ~~"(3)~~ g. The firearm is either of the following:

20           ~~"a.~~ 1. In a motor vehicle attended by the employee,  
21 kept from ordinary observation within the person's motor  
22 vehicle.

23           ~~"b.~~ 2. In a motor vehicle unattended by the  
24 employee, kept from ordinary observation and locked within a  
25 compartment, container, or in the interior of the person's

1 privately owned motor vehicle or in a compartment or container  
2 securely affixed to the motor vehicle.

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

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

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

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

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

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

6           "a. A firearm prohibited by state or federal law.

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

9           "(2) A threat made by an employee to cause bodily  
10 harm to themselves or others.

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

19           "(g) ~~However,~~ Notwithstanding subsection (f), if the  
20 employee has fully complied with the requirements of  
21 subsection (b) and does not possess a firearm prohibited by  
22 state or federal law, that employee is entitled to recovery as  
23 specified in this subsection for any adverse employment action  
24 against the employee. If demand for the recovery has not been  
25 satisfied within 45 calendar days, the employee may file a

1 civil action in the appropriate court of this state against  
2 the public or private employer. A plaintiff is entitled to  
3 seek an award of all of the following:

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

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

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

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

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

4           Section 2. The issuance of a permit to carry a  
5 pistol pursuant to Section 13A-11-75, Code of Alabama 1975, or  
6 the recognition of a nonresident license pursuant to Section  
7 13A-11-85, Code of Alabama 1975, does not impose a general  
8 prohibition on the carrying of a pistol without a permit.

9           Section 3. Any person who knowingly possesses a  
10 pistol or firearm concealed on or about his or her person or  
11 in a vehicle occupied by the person, and who is asked by a law  
12 enforcement officer operating in the line or scope of his or  
13 her official duties whether he or she is armed with a  
14 concealed pistol or firearm, shall immediately inform the law  
15 enforcement officer that the person is in possession of a  
16 pistol or firearm.

17           Section 4. (a) A person who is the driver or  
18 occupant of any motor vehicle that is stopped as a result of a  
19 traffic stop or as a result of a stop for another law  
20 enforcement purpose and who is transporting or has a loaded  
21 handgun in the motor vehicle or commercial motor vehicle shall  
22 not knowingly touch the handgun with his or her hands or  
23 fingers at any time after a person known to be a law  
24 enforcement officer begins approaching and before the law  
25 enforcement officer terminates contact with the person, unless

1 the person has contact with the loaded handgun pursuant to,  
2 and in accordance with, directions given by the law  
3 enforcement officer.

4 (b) A violation of this section is a Class A  
5 misdemeanor.

6 Section 5. (a) If at any time during an  
7 investigation a law enforcement officer acting in the lawful  
8 discharge of the officer's official duties has a reasonable  
9 suspicion that an individual is engaged or is about to be  
10 engaged in criminal conduct, or the officer determines that a  
11 reasonable person would believe that it is necessary for the  
12 protection of the officer, individual, or any other  
13 individual, the officer may temporarily take into custody the  
14 firearm that could be used to engage in criminal conduct or to  
15 cause harm to the officer, individual, or any other  
16 individual.

17 (b) While the firearm is in the law enforcement  
18 officer's possession, and if the officer has a reasonable  
19 suspicion that an individual is engaged or is about to be  
20 engaged in criminal conduct, the law enforcement officer may  
21 conduct a search of any available local, state, or federal  
22 criminal history and weapons databases to determine whether  
23 the individual is prohibited from possessing the firearm or  
24 whether the firearm should not be returned to the individual  
25 pursuant to state or federal law.

1           (c) The law enforcement officer shall return the  
2 firearm to the individual before discharging the individual  
3 from the scene if the officer determines that both of the  
4 following are fulfilled:

5           (1) The individual is not an immediate threat to the  
6 officer, individual, or any other individual.

7           (2) The individual has not committed a violation  
8 that results in the arrest of the individual.

9           Section 6. (a) There is created in the State  
10 Treasury a fund to be known as the Local Government Pistol  
11 Permit Revenue Loss Fund, into which there is automatically  
12 appropriated five million dollars (\$5,000,000) annually or so  
13 much as necessary to maintain a balance of two million dollars  
14 (\$2,000,000) in the fund, at the beginning of each fiscal year  
15 for the three fiscal years following the effective date of  
16 this section. The fund shall consist of both of the following:

17           (1) All appropriations made to the fund.

18           (2) Any gifts, grants, or donations made to the fund  
19 from any source.

20           (b) The Alabama Department of Economic and Community  
21 Affairs shall use and expend the fund pursuant to subsection  
22 (c). Any necessary expenses of the department in implementing  
23 the provisions of this section shall also be paid out of the  
24 fund.

1           (c) (1) The Alabama Department of Economic and  
2           Community Affairs may make quarterly grants to any county in  
3           which the sheriff has provided the required reports as set out  
4           in the Minimum Accounting Requirements for the Office of  
5           Sheriff established by the Department of Examiners of Public  
6           Accounts, specifically regarding the number of pistol permits  
7           purchased in that county and the revenue received from pistol  
8           permit fees issued pursuant to Section 13A-11-75, Code of  
9           Alabama 1975, for fiscal years 2022 and 2023. Any grants  
10          awarded to a county pursuant to this subsection may not exceed  
11          the amount of revenue received from pistol permit fees by that  
12          county in fiscal year 2022, as indicated within the reports to  
13          the Department of Examiners of Public Accounts. Any amounts  
14          exceeding these revenues shall be remitted back to the Local  
15          Government Pistol Permit Revenue Loss fund at the end of each  
16          fiscal year. Grant funds shall be used by a county only for  
17          the same purposes for which pistol permit fees were authorized  
18          to be expended within that county on the effective date of  
19          this section.

20          (2) The Department of Economic and Community Affairs  
21          shall make grants under this subsection only to an office of  
22          sheriff that, at time of submission of a report to the  
23          Department of Examiners of Public Accounts pursuant to  
24          subdivision (1), has certified in writing that each pistol  
25          permit issued by that office of sheriff in the preceding



1 quarter was issued only following completion of a background  
2 check through the National Instant Criminal Background Check  
3 System (NICS) and that the office of sheriff, within the  
4 preceding 12 months, has trained each employee, officer, or  
5 agent involved in the issuance of pistol permits on how and  
6 when to perform a NICS background check.

7 (d) No later than January 15, 2023, and thereafter  
8 on a quarterly basis, the Department of Examiners of Public  
9 Accounts shall provide all reports referenced in subsection  
10 (c) to the Department of Economic and Community Affairs.

11 (e) This section shall be repealed four years  
12 following the effective date of this section. At that time,  
13 any monies remaining in the fund that are not committed for  
14 the purpose of this section shall be transferred to the State  
15 General Fund.

16 (f) No monies may be withdrawn or expended from the  
17 fund for any purpose unless the monies have been appropriated  
18 by the Legislature. Any monies appropriated shall be budgeted  
19 and allotted pursuant to the Budget Management Act in  
20 accordance with Article 4 of Chapter 4 of Title 41, and only  
21 in the amounts provided by the Legislature in the general  
22 appropriations act or other appropriations act, and only for  
23 the purposes of this act.

1           (g) Each county receiving grant funds pursuant (c)  
2 shall establish a separate fund in the county treasury to  
3 account for the grant funds and expenditure of the funds.

4           Section 7. Nothing within Article 3 of Chapter 11 of  
5 Title 13A, Code of Alabama 1975, shall be construed to  
6 diminish or otherwise affect property rights under state law  
7 not within that title.

8           Section 8. (a) Notwithstanding any provision of  
9 state law to the contrary, the governing body of each two-year  
10 or four-year institution of higher education may adopt  
11 policies governing the possession of firearms or other weapons  
12 on grounds owned or controlled by the institution. The  
13 governing body may not adopt a policy in conflict with federal  
14 law.

15           (b) A policy adopted under subsection (a) shall  
16 allow for individuals not otherwise prohibited from possession  
17 of a firearm by state or federal law to possess a firearm and  
18 ammunition for that firearm in the individual's privately  
19 owned motor vehicle while parked or operated on the grounds of  
20 the institution; provided, that the individual satisfies all  
21 of the following conditions:

22           (1) If the firearm is a pistol, the individual is  
23 not generally prohibited from possession of a pistol by state  
24 or federal law.

1                   (2) If the firearm is any firearm legal for use for  
2 hunting in Alabama other than a pistol:

3                   a. The individual possesses a valid Alabama hunting  
4 license.

5                   b. The firearm is unloaded at all times on the  
6 grounds.

7                   c. It is during a season in which hunting is  
8 permitted by Alabama law or regulation.

9                   d. The individual has never been convicted of any  
10 crime of violence as that term is defined in Section  
11 13A-11-70, Code of Alabama 1975, nor of any crime set forth in  
12 Chapter 6 of Title 13A, Code of Alabama 1975, nor is subject  
13 to a domestic violence order, as that term is defined in  
14 Section 13A-6-141, Code of Alabama 1975.

15                   e. The individual has no documented prior incidents  
16 on the grounds of the institution involving the threat of  
17 physical injury or which resulted in physical injury to  
18 another.

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

21                   (4) The firearm is either of the following:

22                   a. In a motor vehicle attended by the individual,  
23 kept from ordinary observation within the individual's motor  
24 vehicle.

1           b. In a motor vehicle unattended by the individual,  
2 kept from ordinary observation and locked within a  
3 compartment, container, or in the interior of the individual's  
4 privately owned motor vehicle or in a compartment or container  
5 securely affixed to the motor vehicle.

6           (c) It is the intent of the Legislature that  
7 constitutionally created boards of trustees of institutions of  
8 higher education comply with this section.

9           Section 9. The following sections are hereby  
10 repealed:

11           (1) Section 13A-11-55, Code of Alabama 1975,  
12 relating to indictments for carrying weapons unlawfully.

13           (2) Section 13A-11-73, Code of Alabama 1975,  
14 relating to possession of an unloaded pistol in motor vehicle.

15           Section 10. This act shall not be construed to  
16 diminish or otherwise limit the power of a law enforcement  
17 officer under existing law to detain, investigate, or arrest a  
18 person for a violation of law.

19           Section 11. Although this bill would have as its  
20 purpose or effect the requirement of a new or increased  
21 expenditure of local funds, the bill is excluded from further  
22 requirements and application under Amendment 621, as amended  
23 by Amendment 890, now appearing as Section 111.05 of the  
24 Official Recompilation of the Constitution of Alabama of 1901,

1 as amended, because the bill defines a new crime or amends the  
2 definition of an existing crime.

3 Section 12. This act shall become effective on  
4 January 1, 2023, following its passage and approval by the  
5 Governor, or its otherwise becoming law.

*Mac McClatchey*

Speaker of the House of Representatives

*[Signature]*

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 22-FEB-22, as amended.

Jeff Woodard  
Clerk

Senate	<u>03-MAR-22</u>	Amended and Passed
House	<u>10-MAR-22</u>	Passed, as amended by Conference Com- mittee Report
Senate	<u>10-MAR-22</u>	Passed, as amended by Conference Com- mittee Report

APPROVED 3-10-2022  
 TIME 4:57 pm  
Kay Ivey  
 GOVERNOR

Alabama Secretary Of State  
 Act Num....: 2022-133  
 Bill Num....: H-272  
 Recv'd 03/10/22 04:48pmSLF

**SPONSOR**

Stringer

**CO-SPONSORS**

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- McCutcheon
- Brown (C)
- Marques
- Oliver
- Gaston
- Sorrell
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- Standridge
- Robbins
- Mooney
- Meadows
- Whorton
- Crawford
- Ledbetter
- Fincher
- Wingo
- Holmes
- Dismukes
- Carns
- Isbell
- Robertson

- Wadsworth
- Wood (D)
- Kiel
- Harbison

**HOUSE ACTION**

I HEREBY CERTIFY THAT THE RESOLUTION AS REQUIRED IN SECTION C OF ACT NO. 81-889 WAS ADOPTED AND IS ATTACHED TO THE BILL, H.B. 272

YEAS 67 NAYS 33

JEFF WOODARD, Clerk

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. \_\_\_\_\_ AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JEFF WOODARD, Clerk

**CONFERENCE COMMITTEE**

House Conferees Stringer Allen  
Jones M Barfoot  
Howard Singleton

**SENATE ACTION**

DATE: 2-23

RD 1 RFD July

This Bill was referred to the Standing Committee of the Senate on

Judiciary

and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report

w/amend(s) 2 w/sub \_\_\_\_\_ by a vote of

yeas 6 nays 4 abstain 1

this 2nd day of March 2022

[Signature], Chairperson

DATE: 3-2

RF  FAV (2AMD)  RD

DATE:

RE-REFERRED  RE-COMMITTED   
Committee \_\_\_\_\_

I hereby certify that the Resolution a required in Section C of Act No. 81-889 was adopted and is attached to the Bill

HB 272

YEAS 22 NAYS 5

PATRICK HARRIS  
Secretary