

1 HB132
2 128987-5
3 By Representatives Greeson, Oden and Thomas
4 RFD: Commerce and Small Business
5 First Read: 07-FEB-12
6 PFD: 02/02/2012

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8 SYNOPSIS: This bill would provide that lawfully
9 carrying a firearm under certain conditions does
10 not, in and of itself, constitute the crime of
11 disorderly conduct.

12 This bill would authorize a person to carry
13 a pistol in his or her vehicle without a concealed
14 pistol permit.

15 This bill would repeal a prohibition against
16 carrying a concealed pistol on another's property.

17 This bill would also repeal a prohibition
18 against carrying a pistol at any public
19 demonstration.

20 Amendment 621 of the Constitution of Alabama
21 of 1901, now appearing as Section 111.05 of the
22 Official Recompilation of the Constitution of
23 Alabama of 1901, as amended, prohibits a general
24 law whose purpose or effect would be to require a
25 new or increased expenditure of local funds from
26 becoming effective with regard to a local
27 governmental entity without enactment by a 2/3 vote

1 unless: it comes within one of a number of
2 specified exceptions; it is approved by the
3 affected entity; or the Legislature appropriates
4 funds, or provides a local source of revenue, to
5 the entity for the purpose.

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

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 To amend Sections 13A-11-7, 13A-11-73, 13A-11-74,
19 and 13A-11-75, Code of Alabama 1975, to provide that lawfully
20 carrying a firearm does not, in and of itself, constitute
21 disorderly conduct; to authorize a person to carry a pistol in
22 his or her vehicle without a concealed pistol permit; and to
23 revise certain procedures related to the licensing process; to
24 repeal Sections 13A-11-52 and 13A-11-59, Code of Alabama 1975,
25 to repeal prohibitions against carrying a concealed pistol on
26 another's property and at a public demonstration; and in
27 connection therewith would have as its purpose or effect the

1 requirement of a new or increased expenditure of local funds
2 within the meaning of Amendment 621 of the Constitution of
3 Alabama of 1901, now appearing as Section 111.05 of the
4 Official Recompilation of the Constitution of Alabama of 1901,
5 as amended.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Sections 13A-11-7, 13A-11-73, 13A-11-74,
8 and 13A-11-75, Code of Alabama 1975, are amended to read as
9 follows:

10 "§13A-11-7.

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

15 "(1) Engages in fighting or in violent tumultuous or
16 threatening behavior;~~or.~~

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

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

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

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

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

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

1 "(c) The mere carrying of a visible, holstered
2 firearm in a public place, in and of itself, shall not be a
3 violation of this section.

4 "§13A-11-73.

5 "No person shall carry a pistol ~~in any vehicle or~~
6 concealed on or about his or her person, except on his or her
7 land, in his or her vehicle, or in his or her own abode or
8 fixed place of business, without a license ~~therefor~~ as
9 hereinafter provided.

10 "§13A-11-74.

11 "The provisions of Section 13A-11-73 shall not apply
12 to marshals, sheriffs, prison and jail wardens and their
13 regularly employed deputies, policemen and other law
14 enforcement officers of any state or political subdivision
15 thereof, or to the members of the army, navy or marine corps
16 of the United States or of the national guard, or to the
17 members of the national guard organized reserves or state
18 guard organizations when on duty or going to or from duty, or
19 to the regularly enrolled members of any organization duly
20 authorized to purchase or receive such weapons from the United
21 States or from this state; provided, that such members are at
22 or are going to or from their places of assembly or target
23 practices, or to officers or employees of the United States
24 duly authorized to carry a pistol, or to any person engaged in
25 manufacturing, repairing or dealing in pistols, or the agent
26 or representative of such person possessing, using, or
27 carrying a pistol in the usual or ordinary course of such

1 business, ~~or to any common carrier, except taxicabs, licensed~~
2 ~~as a common carrier, or to any person permitted by law to~~
3 ~~possess a pistol while carrying it unloaded in a secure~~
4 ~~wrapper, from the place of purchase to his home or place of~~
5 ~~business, or to or from a place of repair or in moving from~~
6 ~~one place of abode or business to another.~~

7 "§13A-11-75.

8 "(a) The sheriff of a county, upon the application
9 of any person residing in that county, may issue a qualified
10 or unlimited license to such person to carry a pistol in a
11 vehicle or concealed on or about his or her person within this
12 state for not more than one year from date of issue, if it
13 appears that the applicant has good reason to fear injury to
14 his or her person or property or has any other proper reason
15 for carrying a pistol, and that he or she is ~~a suitable person~~
16 ~~to be so licensed~~ not prohibited from possessing or receiving
17 a firearm under Section 13A-11-72 or under federal law. The
18 license shall be in triplicate, in form to be prescribed by
19 the Secretary of State, and shall bear the name, address,
20 description, and signature of the licensee and the reason
21 given for desiring a license. The original ~~thereof~~ shall be
22 delivered to the licensee, the duplicate shall, within seven
23 days, be sent by registered or certified mail to the Director
24 of Public Safety, and the triplicate shall be preserved for
25 six years by the authority issuing the same. The fee for
26 issuing ~~such~~ a license shall be one dollar (\$1) which shall be
27 paid into the county treasury unless otherwise provided by

1 local law. The license shall then be issued and delivered to
2 the licensee within two weeks from the date the application
3 was submitted. Prior to issuance of a license, the sheriff
4 shall contact available local, state, and federal criminal
5 history data banks to determine whether possession of a
6 firearm by an applicant would be a violation of state or
7 federal law. The sheriff may revoke a license upon proof that
8 the licensee is not a proper person to be licensed under
9 Section 13A-11-72 or under federal law.

10 "(b) The name, address, and signature collected from
11 an applicant or licensee under this section shall be kept
12 confidential, shall be exempt from disclosure under Section
13 36-12-40, and may only be used for law enforcement purposes
14 except when a current licensee is charged in any state with a
15 felony involving the use of a pistol. All other information on
16 licenses under this section, including information concerning
17 the annual number of applicants, number of licenses issued,
18 number of licenses denied, revenue from issuance of licenses,
19 and any other fiscal or statistical data otherwise, shall
20 remain public writings subject to public disclosure. Except as
21 provided above, the sheriff of a county shall redact the name,
22 address, signature, and photograph of an applicant before
23 releasing a copy of a license for a non-law enforcement
24 purpose. The sheriff may charge one dollar (\$1) per copy of
25 any redacted license 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, except as authorized in this
3 subsection or in response to a court order or subpoena, is a
4 Class A misdemeanor."

5 Section 2. Sections 13A-11-52 and 13A-11-59, Code of
6 Alabama 1975, are repealed.

7 Section 3. Although this bill would have as its
8 purpose or effect the requirement of a new or increased
9 expenditure of local funds, the bill is excluded from further
10 requirements and application under Amendment 621, now
11 appearing as Section 111.05 of the Official Recompilation of
12 the Constitution of Alabama of 1901, as amended, because the
13 bill defines a new crime or amends the definition of an
14 existing crime.

15 Section 4. This act shall become effective on the
16 first day of the third month following its passage and
17 approval by the Governor, or its otherwise becoming law.