

1 HB326
2 216983-1
3 By Representative Rogers
4 RFD: Judiciary
5 First Read: 09-FEB-22

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8 SYNOPSIS: This bill would provide for certain storage
9 requirements for loaded firearms.

10 This bill would prohibit a person from
11 storing or leaving a loaded firearm in an area in
12 which a minor child is likely to gain access.

13 This bill would make it a felony for a
14 person to fail to properly store a loaded firearm
15 if the failure results in a minor child gaining
16 access to the firearm and injuring or killing
17 either himself, herself, or another person.

18 This bill would also provide an exception if
19 a minor child's access to a loaded firearm is a
20 result of unlawful entry.

21 Amendment 621 of the Constitution of Alabama
22 of 1901, as amended by Amendment 890, now appearing
23 as Section 111.05 of the Official ReCompilation of
24 the Constitution of Alabama of 1901, as amended,
25 prohibits a general law whose purpose or effect
26 would be to require a new or increased expenditure
27 of local funds from becoming effective with regard

1 to a local governmental entity without enactment by
2 a 2/3 vote unless: it comes within one of a number
3 of specified exceptions; it is approved by the
4 affected entity; or the Legislature appropriates
5 funds, or provides a local source of revenue, to
6 the entity for the purpose.

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

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15 A BILL
16 TO BE ENTITLED
17 AN ACT
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19 Relating to firearms and weapons; to require certain
20 storage requirements for loaded firearms; to prohibit the
21 access of loaded firearms to a minor child; to provide
22 criminal penalties for a violation; and in connection
23 therewith would have as its purpose or effect the requirement
24 of a new or increased expenditure of local funds within the
25 meaning of Amendment 621 of the Constitution of Alabama of
26 1901, as amended by Amendment 890, now appearing as Section

1 111.05 of the Official Recompilation of the Constitution of
2 Alabama of 1901, as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. (a) For purposes of this section, the
5 term "loaded firearm" means any pistol, rifle, shotgun,
6 or firearm of any kind that has cartridges or shells in either
7 the chamber, magazine, or both.

8 (b) When a person knows, or should reasonably know,
9 that a minor child will have access to premises under the
10 person's ownership or control, the person shall store any
11 loaded firearm on the premises in a securely locked box, in a
12 location which a reasonable person would believe to be secure,
13 or secure the firearm with a trigger lock. This subsection
14 does not apply when the person is carrying the loaded firearm
15 on his or her person or within close proximity to his or her
16 person.

17 (c) A violation of subsection (b) is a Class B
18 misdemeanor.

19 (d) When a person fails to store a loaded firearm as
20 required under this section, and as a result, a minor child
21 gains access to the loaded firearm and injures or kills
22 himself, herself, or another person, the person shall be
23 guilty of a Class C felony.

24 (e) This subsection does not apply if a minor child
25 obtains the loaded firearm as a result of an unlawful entry by
26 any person.

1 Section 2. Although this bill would have as its
2 purpose or effect the requirement of a new or increased
3 expenditure of local funds, the bill is excluded from further
4 requirements and application under Amendment 621, as amended
5 by Amendment 890, now appearing as Section 111.05 of the
6 Official Recompilation of the Constitution of Alabama of 1901,
7 as amended, because the bill defines a new crime or amends the
8 definition of an existing crime.

9 Section 3. This act shall become effective on the
10 first day of the third month following its passage and
11 approval by the Governor, or its otherwise becoming law.