

1 SB301
2 219344-3
3 By Senator Barfoot
4 RFD: Judiciary
5 First Read: 08-MAR-22

1 SB301

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to firearms; to add Section 13A-11-72.2 to
12 the Code of Alabama 1975; to establish certain sentencing
13 requirements; to exclude certain offenders from being eligible
14 for certain correctional programs; and in connection therewith
15 would have as its purpose or effect the requirement of a new
16 or increased expenditure of local funds within the meaning of
17 Amendment 621 of the Constitution of Alabama of 1901, as
18 amended by Amendment 890, now appearing as Section 111.05 of
19 the Official Recompilation of the Constitution of Alabama of
20 1901, as amended.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Section 13A-11-72.2 is added to the Code
23 of Alabama 1975, to read as follows:

24 §13A-11-72.2.

25 (a) In addition to any sentence provided by law,
26 upon conviction, any person who is in actual possession of a
27 firearm during the commission of a crime of violence as

1 defined in Section 13A-11-70, a Class A felony or Class B
2 felony violent offense as defined in Section 12-25-32, or
3 assault in the second degree pursuant to 13A-6-21, in which a
4 firearm was used, shall be sentenced as follows:

5 (1) A term of imprisonment not less than five years.

6 (2) If the firearm was brandished, a term of
7 imprisonment of not less than seven years.

8 (3) If the firearm was discharged, a term of
9 imprisonment of not less than 10 years.

10 (4) If a person was in possession of or discharged a
11 fully-automatic weapon, a term of imprisonment of not less
12 than 15 years.

13 (5) Upon a second or subsequent violation of this
14 subsection, he or she shall be sentenced to a term of
15 imprisonment of not less than 20 years.

16 (b) Notwithstanding any other provision of law, the
17 term of imprisonment shall run consecutive with any other term
18 of imprisonment for any other offense and shall not be
19 eligible for any of the following:

20 (1) Probation.

21 (2) Community corrections on the portion of the
22 sentence that is enhanced by this section.

23 (3) Any type of early release program, work release
24 program, correctional incentive time, or any other program
25 that changes the overall time or location of incarceration.

26 (4) Any sentencing structure pursuant to Chapter 25
27 of Title 12 of the Code of Alabama 1975.

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.

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Senate

Read for the first time and referred to the Senate
committee on Judiciary..... 08-MAR-22

Read for the second time and placed on the calen-
dar..... 17-MAR-22

Read for the third time and passed as amended 31-MAR-22

Yeas 16
Nays 6
Abstaining 1

Patrick Harris,
Secretary.