

1 HB472
2 192048-2
3 By Representatives Moore (M) and Rogers
4 RFD: Public Safety and Homeland Security
5 First Read: 01-MAR-18

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8 SYNOPSIS: This bill would prohibit the possession,
9 sale, or transfer of assault weapons and
10 large-capacity ammunition within the state. This
11 bill would define assault weapon and large-capacity
12 ammunition, provide procedures to obtain
13 certificates of possession and transfer, and
14 provide for criminal penalties.

15 Amendment 621 of the Constitution of Alabama
16 of 1901, now appearing as Section 111.05 of the
17 Official Recompilation of the Constitution of
18 Alabama of 1901, as amended, prohibits a general
19 law whose purpose or effect would be to require a
20 new or increased expenditure of local funds from
21 becoming effective with regard to a local
22 governmental entity without enactment by a 2/3 vote
23 unless: it comes within one of a number of
24 specified exceptions; it is approved by the
25 affected entity; or the Legislature appropriates
26 funds, or provides a local source of revenue, to
27 the entity for the purpose.

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

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9 A BILL
10 TO BE ENTITLED
11 AN ACT

12
13 Relating to assault weapons and large-capacity
14 ammunition; to prohibit the possession, sale, or transfer of
15 an assault weapon or large-capacity magazine; to provide
16 procedures to obtain certificates of possession and transfer;
17 to provide criminal penalties; and in connection therewith
18 would have as its purpose or effect the requirement of a new
19 or increased expenditure of local funds within the meaning of
20 Amendment 621 of the Constitution of Alabama of 1901, now
21 appearing as Section 111.05 of the Official Recompilation of
22 the Constitution of Alabama of 1901, as amended.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. (a) For purposes of this act, the
25 following terms shall have the following meanings:

26 (1) ANTIQUE FIREARM. A firearm or replica of a
27 firearm not designed or redesigned for using rim fire or

1 conventional center fire ignition with fixed ammunition and
2 manufactured in or before 1898, including any matchlock,
3 flintlock, percussion cap, or similar type of ignition system
4 and also any firearm using fixed ammunition manufactured in or
5 before 1898, for which ammunition is no longer manufactured in
6 the United States and is not readily available in the ordinary
7 channels of commercial trade.

8 (2) a. ASSAULT WEAPON. Any selective-fire firearm
9 capable of fully automatic, semiautomatic, or burst fire at
10 the option of the user or any of the following specified
11 semiautomatic firearms:

12 1. All AK series, including, but not limited to, the
13 following: AK, AKM, AKS, AK-47, AK-74, ARM, MAK90, MISR,
14 NHM90, NHM91, SA 85, SA 93, VEPR, WASR-10, WUM, Rock River
15 Arms LAR-47, and Vector Arms AK-47.

16 2. All AR series, including, but not limited to, the
17 following: AR-10, AR-15, Bushmaster XM15, Armalite AR-180 and
18 M15, Olympic Arms, AR70, DPMS Tactical Rifles, Smith and
19 Wesson M and P15 Rifles, Colt AR-15, Rock River Arms LAR-15,
20 and DoubleStar AR rifles.

21 3. Algimec AGM1.

22 4. Barrett 82A1 and REC7.

23 5. Beretta AR-70 and Beretta Storm.

24 6. Bushmaster Auto Rifle.

25 7. Calico Liberty series.

26 8. Chartered Industries of Singapore SR-88.

27 9. Colt Sporter.

- 1 10. Daewoo K-1, K-2, Max-1, and Max 2.
- 2 11. FAMAS MAS 223.
- 3 12. Federal XC-900 and SC-450.
- 4 13. Fabrique National FN/FAL, FN/LAR, or FNC.
- 5 14. FNH PS90, SCAR, and FS2000.
- 6 15. Goncz High Tech Carbine.
- 7 16. Hi-Point Carbine.
- 8 17. HK-91, HK-93, HK-94, SP-89, or HK-PSG-1.
- 9 18. Kel-Tec Sub-2000, SU series, RFB.
- 10 19. M1 Carbine.
- 11 20. SAR-8, SAR-4800, SR9.
- 12 21. SIG 57 AMT and 500 Series.
- 13 22. Sig Sauer MCX Rifle.
- 14 23. SKS capable of accepting a detachable magazine.
- 15 24. SLG 95.
- 16 25. SLR 95 or 96.
- 17 26. Spectre Auto Carbine.
- 18 27. Springfield Armory BM59, SAR-48, and G-3.
- 19 28. Sterling MK-6 and MK-7.
- 20 29. Steyr AUG.
- 21 30. Sturm Ruger Mini-14 with folding stock.
- 22 31. TNW M230, M2HB.
- 23 32. Thompson types, including Thompson T5.
- 24 33. UZI, Galil and UZI Sporter, Galil Sporter, Galil
25 Sniper Rifle (Galatz), or Vector Arms UZI.
- 26 34. Weaver Arms Nighthawk.

1 b. All of the following handguns, copies,
2 duplicates, or altered facsimiles with the capability of any
3 such weapon thereof:

- 4 1. AK-47 pistol, Mini AK-47 pistol.
- 5 2. AR-15 pistol.
- 6 3. Australian Automatic Arms SAP pistol.
- 7 4. Bushmaster Auto Pistol.
- 8 5. Calico Liberty series pistols.
- 9 6. Encom MK-IV, MP-9, and MP-45.
- 10 7. Feather AT-9 and Mini-AT.
- 11 8. Goncz High Tech Long pistol.
- 12 9. Holmes MP-83.
- 13 10. Iver Johnson Enforcer.
- 14 11. MAC-10, MAC-11, Masterpiece Arms MPA pistol
15 series, and Velocity Arms VMA series.
- 16 12. Intratec TEC-9, TEC-DC9, TEC-22 Scorpion, or
17 AB-10.
- 18 13. UZI pistol, Micro-UZI pistol.
- 19 14. Colefire Magnum.
- 20 15. Scarab Skorpion.
- 21 16. Spectre Auto pistol.
- 22 17. German Sport 522 PK.
- 23 18. Chiappa Firearms Mfour-22.
- 24 19. DSA SA58 PKP FAL.
- 25 20. I.O. Inc. PPS-43C.
- 26 21. Kel-Tec PLR-16 pistol.
- 27 22. Sig Sauer P556 pistol.

1 23. Thompson TA5 series pistols.

2 24. Wilkinson "Linda" pistol.

3 c. All of the following shotguns, copies,
4 duplicates, or altered facsimiles with the capability of any
5 such weapon thereof:

6 1. Armscor 30 BG.

7 2. Franchi SPAS-12 and Law-12.

8 3. Remington TAC-2 or TACB3 FS.

9 4. SPAS 12 or LAW 12.

10 5. Striker 12.

11 6. Streetsweeper.

12 7. Saiga.

13 8. USAS-12.

14 9. Kel-tec KSG.

15 d. A part or combination of parts that convert a
16 firearm into an assault weapon or any combination of parts
17 from which an assault weapon may be assembled if those parts
18 are in the possession or under the control of the same person;

19 e. Any semiautomatic firearm not listed in
20 paragraphs a. to d., inclusive, that meets the following
21 criteria:

22 1. A semiautomatic rifle that has an ability to
23 accept a detachable magazine and has one or more of the
24 following:

25 (i) A folding or telescoping stock.

26 (ii) A pistol grip that protrudes conspicuously
27 beneath the action of the weapon or any feature functioning as

1 a protruding grip that can be held by the non-trigger hand or
2 a thumbhole stock.

3 (iii) A bayonet mount.

4 (iv) A flash suppressor or threaded barrel designed
5 to accommodate a flash suppressor.

6 (v) A grenade launcher.

7 (vi) A shroud attached to the barrel, or that
8 partially or completely encircles the barrel allowing the
9 bearer to hold the firearm with the non-trigger hand without
10 being burned, but excluding a slide that encloses the barrel.

11 2. A semiautomatic pistol that has an ability to
12 accept a detachable magazine and has one or more of the
13 following:

14 (i) The capacity to accept an ammunition magazine
15 that attaches to the pistol at any location outside of the
16 pistol grip.

17 (ii) A threaded barrel capable of accepting a barrel
18 extender, flash suppressor, forward handgrip, or silencer.

19 (iii) A slide that encloses the barrel and that
20 permits the shooter to hold the firearm with the non-trigger
21 hand without being burned.

22 (iv) A manufactured weight of 50 ounces or more when
23 the pistol is unloaded.

24 (v) A semiautomatic version of an automatic firearm.

25 (vi) Any feature capable of functioning as a
26 protruding grip that can be held by the non-trigger hand.

27 (vii) A folding, telescoping, or thumbhole stock.

1 3. A semiautomatic shotgun that has one or more of
2 the following:

3 (i) A folding or telescoping stock.

4 (ii) A pistol grip that protrudes conspicuously
5 beneath the action of the weapon.

6 (iii) A thumbhole stock.

7 (iv) A fixed magazine capacity in excess of five
8 rounds.

9 (v) An ability to accept a detachable magazine.

10 4. Any semiautomatic pistol or any semiautomatic,
11 centerfire, or rimfire rifle with a fixed magazine that has
12 the capacity to accept more than 10 rounds of ammunition.

13 5. A part or combination of parts designed or
14 intended to convert a firearm into an assault weapon or any
15 combination of parts from which an assault weapon may be
16 assembled if those parts are in the possession or under the
17 control of the same person.

18 Assault weapon does not include antique firearms,
19 any firearm that has been made permanently inoperable, or any
20 firearm that is manually operated by bolt, pump, lever, or
21 slide action.

22 (3) DEALER. A person who has a federal firearm
23 license pursuant to 180.S.C. §923.

24 (4) FIREARM. Has the same meaning as provided in
25 Section 13A-8-1(4), Code of Alabama 1975.

26 (5) LARGE-CAPACITY MAGAZINE. Any ammunition feeding
27 device with the capacity to accept more than seven rounds, or

1 any conversion kit, part, or combination of parts from which
2 such a device can be assembled if those parts are in the
3 possession or under the control of the same person, but does
4 not include any of the following:

5 a. A feeding device that has been permanently
6 altered so that it cannot accommodate more than seven rounds;

7 b. A .22 caliber tube ammunition feeding device; or

8 c. A tubular magazine that is contained in a
9 lever-action firearm.

10 (6) MAGAZINE. Any ammunition feeding device.

11 (7) PERSON. A natural person as well as any firm,
12 partnership, association, or corporation.

13 (8) PISTOL. Any firearm with a barrel less than 12
14 inches in length.

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

21 (10) SALE or SELL. The actual approval of the
22 delivery of a firearm in consideration of payment or promise
23 of payment.

24 (11) SHOTGUN. A weapon designed or redesigned, made
25 or remade, and intended to be fired from the shoulder and
26 designed or redesigned and made or remade to use the energy of
27 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 (12) TRANSFER. The intended delivery of a firearm to
4 another person without consideration of payment or promise of
5 payment including, but not limited to, gifts and loans.

6 Section 2. (a) Notwithstanding the provisions of
7 Article 3, Chapter 11 of Title 13A, Code of Alabama 1975, a
8 person commits the crime of unlawful sale or transfer of an
9 assault weapon or large-capacity ammunition if he or she
10 knowingly sells or transfers an assault weapon or
11 large-capacity ammunition.

12 (b) The crime of unlawful sale or transfer of an
13 assault weapon or large-capacity ammunition is a Class B
14 felony. The crime of unlawful sale or transfer of an assault
15 weapon or large-capacity ammunition to a person under the age
16 of 18 shall be a Class A felony.

17 (c) This section shall not apply to:

18 (1) The sale of assault weapons or large-capacity
19 ammunition magazines to a law enforcement agency, the
20 Department of Corrections, or the military or naval forces of
21 this state or of the United States for use in the discharge of
22 their official duties.

23 (2) A person who is the executor or administrator of
24 an estate that includes an assault weapon or large-capacity
25 ammunition magazine for which a certificate of possession has
26 been issued under this section or which is disposed of as

1 authorized by the probate court, if the disposition is
2 otherwise permitted under this section.

3 (3) The transfer by bequest or interstate succession
4 of an assault weapon or large-capacity ammunition magazine for
5 which a certificate of possession has been issued.

6 Section 3. (a) Notwithstanding the provisions of
7 Article 3, Chapter 11 of Title 13A, Code of Alabama 1975, a
8 person commits the crime of unlawful possession of an assault
9 weapon or large-capacity magazine if he or she knowingly
10 possesses an assault weapon or large-capacity magazine.

11 (b) The crime of unlawful possession of an assault
12 weapon is a Class C felony.

13 (c) This section shall not apply to:

14 (1) The possession of assault weapons or
15 large-capacity ammunition magazines by members or employees of
16 a law enforcement agency, the Department of Corrections, or
17 the military or naval forces of this state or of the United
18 States for use in the discharge of their official duties; nor
19 does this section prohibit the possession or use of assault
20 weapons or large-capacity ammunition magazines by sworn
21 members of these agencies when on duty and the use is within
22 the scope of their duties.

23 (2) The possession of an assault weapon or
24 large-capacity ammunition magazine by any person prior to July
25 1, 2019, if all of the following are applicable:

1 a. The person is eligible to apply for a certificate
2 of possession for the assault weapon or large-capacity
3 ammunition magazine by July 1, 2019 as provided in Section 4.

4 b. The person lawfully possessed the assault weapon
5 or large-capacity ammunition magazine prior to October 1,
6 2018; and

7 c. The person is otherwise in compliance with this
8 section and the applicable requirements of this chapter for
9 possession of a firearm.

10 (3) A person who is the executor or administrator of
11 an estate that includes an assault weapon or large-capacity
12 ammunition magazine for which a certificate of possession has
13 been issued or as authorized by the probate court.

14 Section 4. (a) Any person who lawfully possesses an
15 assault weapon or large-capacity ammunition magazine prior to
16 October 1, 2018, shall apply by October 1, 2019, or, if such
17 person is a member of the military or naval forces of this
18 state or of the United States and is unable to apply by
19 October 1, 2019, because he or she is or was on official duty
20 outside of this state, shall apply within 90 days of returning
21 to the state to the Alabama State Law Enforcement Agency, for
22 a certificate of possession with respect to the assault weapon
23 or large-capacity ammunition magazine.

24 (b) The certificate shall contain:

25 (1) A description of the assault weapon or
26 large-capacity ammunition magazine that identifies it
27 uniquely, including all identification marks.

1 (2) The full name, address, date of birth, and
2 thumbprint of the owner.

3 (3) Any other information the agency may deem
4 appropriate. The agency shall adopt rules no later than
5 January 1, 2019, to establish procedures with respect to the
6 application for, and issuance of, certificates of possession
7 pursuant to this section. The thumbprint of the applicant
8 shall be taken by a law enforcement agency or the Alabama
9 State Law Enforcement Agency together with any personal
10 identifying information required by federal law to process
11 fingerprints. The Alabama State Law Enforcement Agency shall
12 conduct a criminal background investigation pursuant to this
13 subsection. The agency shall maintain a database of all
14 certificates of possession and make it available for law
15 enforcement purposes. The agency may charge a fee not to
16 exceed fifty (\$50) dollars for the issuance of a certificate
17 of possession.

18 (c) (1) An assault weapon or large-capacity
19 ammunition magazine possessed pursuant to this section may not
20 be sold or transferred on or after January 1, 2019, to any
21 person within this state other than to a licensed gun dealer
22 or by a bequest or intestate succession. A person who obtains
23 an assault weapon or large-capacity ammunition magazine for
24 which a certificate of possession has been issued under this
25 section by bequest or intestate succession, within 90 days of
26 obtaining possession, shall do one of the following:

1 a. Apply to the Alabama State Law Enforcement Agency
2 for a certificate of possession as provided in subsection (a).

3 b. Render the weapon or large-capacity ammunition
4 magazine permanently inoperable.

5 c. Sell the weapon or large-capacity ammunition
6 magazine to a licensed gun dealer.

7 d. Remove the weapon or large-capacity ammunition
8 magazine from the state.

9 (2) Any person who moves into the state in lawful
10 possession of an assault weapon or large-capacity ammunition
11 magazine, within 90 days, shall either render the weapon or
12 large-capacity ammunition magazine permanently inoperable,
13 sell the weapon or large-capacity ammunition magazine to a
14 licensed gun dealer or remove the weapon or large-capacity
15 ammunition magazine from this state, except any person who is
16 a member of the military or naval forces of this state or of
17 the United States, is in lawful possession of an assault
18 weapon or large-capacity ammunition magazine, and has been
19 transferred into the state after October 1, 2019.

20 (d) A person who has been issued a certificate of
21 possession for an assault weapon or large-capacity ammunition
22 magazine under this section may possess it only under the
23 following conditions:

24 (1) At that person's residence, place of business,
25 or other property owned by that person, or on property owned
26 by another person with the owner's express permission.

1 (2) While on the premises of a target range of a
2 public or private club or organization organized for the
3 purpose of practicing shooting at targets.

4 (3) While on a target range which holds a regulatory
5 or business license for the purpose of practicing shooting at
6 that target range.

7 (4) While on the premises of a licensed shooting
8 club.

9 (5) While attending any exhibition, display, or
10 educational project which is about firearms and which is
11 sponsored by, conducted under the auspices of, or approved by
12 a law enforcement agency or a nationally or state recognized
13 entity that fosters proficiency in, or promotes education
14 about, firearms.

15 (6) While transporting the assault weapon or
16 large-capacity ammunition magazine between any of the places
17 mentioned in this subsection, or to any licensed gun dealer
18 for servicing or repair, provided the assault weapon or
19 large-capacity ammunition magazine is transported as required
20 by this act.

21 (e) If an applicant for a certificate of possession
22 under this section fails to qualify for a certificate after
23 the investigation required under this section, the applicant
24 shall arrange to relinquish all assault weapons or
25 large-capacity ammunition magazines in his or her possession
26 within 10 days of issuance of the notice of the failure. An

1 applicant who fails to make an arrangement within the time
2 specified shall be guilty of a Class C felony.

3 Section 5. (a) If an owner of an assault weapon or
4 large-capacity ammunition magazine sells or transfers the
5 weapon or magazine to a licensed gun dealer, he or she, at the
6 time of delivery of the weapon, shall execute a certificate of
7 transfer and cause the certificate to be mailed or delivered
8 to the Alabama State Law Enforcement Agency. The certificate
9 shall contain all of the following:

10 (1) The date of sale or transfer.

11 (2) The name and address of the seller or transferor
12 and the licensed gun dealer and his or her Social Security
13 number or driver license number.

14 (3) The licensed gun dealer's federal firearms
15 license number.

16 (4) A description of the weapon, including the
17 caliber of the weapon and its make, model, and serial number.

18 (5) Any other information the Alabama State Law
19 Enforcement Agency prescribes.

20 (b) The licensed gun dealer shall present his or her
21 driver license or Social Security card and federal firearms
22 license to the seller or transferor for inspection at the time
23 of purchase or transfer. The Alabama State Law Enforcement
24 Agency shall maintain a database of all certificates of
25 transfer and make it available for law enforcement purposes.

1 Section 6. An individual may arrange in advance to
2 relinquish an assault weapon or large-capacity ammunition
3 magazine to a law enforcement agency.

4 Section 7. (a) A licensed gun dealer who lawfully
5 purchases for resale out of state an assault weapon or
6 large-capacity magazine may transport the assault weapon or
7 large-capacity magazine between dealers or out of the state,
8 but no person shall carry a loaded assault weapon concealed
9 from public view or knowingly have in any motor vehicle owned,
10 operated, or occupied by him or her a loaded assault weapon,
11 or an unloaded assault weapon, unless the weapon is kept in
12 the trunk of the vehicle or in a case or other container which
13 is inaccessible to the operator of or any passenger in the
14 vehicle. Any violation of this section shall be a Class C
15 felony. Any licensed gun dealer may display the assault weapon
16 or large-capacity magazine at any gun show or sell it to a
17 resident outside the state.

18 (b) Any licensed gun dealer may transfer possession
19 of any assault weapon or large-capacity ammunition magazine
20 received pursuant to subsection (a) to a gunsmith for purposes
21 of accomplishing service or repair of the weapon. Transfers
22 are permissible only to the following persons:

23 (1) A gunsmith who is in the dealer's employ.

24 (2) A gunsmith with whom the dealer has contracted
25 for gunsmithing services, provided the gunsmith receiving the
26 assault weapon holds a dealer's license issued pursuant to 18
27 U.S.C. §923.

1 Section 8. This section does not prohibit any
2 person, firm, or corporation engaged in the business of
3 manufacturing assault weapons or large-capacity ammunition
4 magazines in this state from manufacturing or transporting
5 assault weapons or large-capacity ammunition magazines in this
6 state for sale within this state in accordance with this act
7 or for sale outside this state.

8 Section 9. This act is supplemental to any other law
9 and the penalties provided in this act are in addition to any
10 other penalties provided by law. This act shall not be
11 construed to limit or in any way reduce the minimum and
12 maximum penalties provided in any other law.

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

21 Section 11. This act shall become effective on
22 October 1, 2018 following its passage and approval by the
23 Governor.