

1 SB383  
2 192516-1  
3 By Senator Sanders  
4 RFD: Judiciary  
5 First Read: 13-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 and provide for criminal penalties.

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

26 The purpose or effect of this bill would be  
27 to require a new or increased expenditure of local

1 funds within the meaning of the amendment. However,  
2 the bill does not require approval of a local  
3 governmental entity or enactment by a 2/3 vote to  
4 become effective because it comes within one of the  
5 specified exceptions contained in the amendment.

6  
7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to assault weapons and large-capacity  
12 ammunition; to prohibit the possession, sale, or transfer of  
13 an assault weapon or large-capacity magazine; to provide  
14 criminal penalties; and in connection therewith would have as  
15 its purpose or effect the requirement of a new or increased  
16 expenditure of local funds within the meaning of Amendment 621  
17 of the Constitution of Alabama of 1901, now appearing as  
18 Section 111.05 of the Official Recompilation of the  
19 Constitution of Alabama of 1901, as amended.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

23 (1) ANTIQUE FIREARM. A firearm or replica of a  
24 firearm not designed or redesigned for using rim fire or  
25 conventional center fire ignition with fixed ammunition and  
26 manufactured in or before 1898, including any matchlock,  
27 flintlock, percussion cap, or similar type of ignition system

1 and also any firearm using fixed ammunition manufactured in or  
2 before 1898, for which ammunition is no longer manufactured in  
3 the United States and is not readily available in the ordinary  
4 channels of commercial trade.

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

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

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

18 3. Algimec AGM1.

19 4. Barrett 82A1 and REC7.

20 5. Beretta AR-70 and Beretta Storm.

21 6. Bushmaster Auto Rifle.

22 7. Calico Liberty series.

23 8. Chartered Industries of Singapore SR-88.

24 9. Colt Sporter.

25 10. Daewoo K-1, K-2, Max-1, and Max 2.

26 11. FAMAS MAS 223.

27 12. Federal XC-900 and SC-450.

- 1 13. Fabrique National FN/FAL, FN/LAR, or FNC.
- 2 14. FNH PS90, SCAR, and FS2000.
- 3 15. Goncz High Tech Carbine.
- 4 16. Hi-Point Carbine.
- 5 17. HK-91, HK-93, HK-94, SP-89, or HK-PSG-1.
- 6 18. Kel-Tec Sub-2000, SU series, RFB.
- 7 19. M1 Carbine.
- 8 20. SAR-8, SAR-4800, SR9.
- 9 21. SIG 57 AMT and 500 Series.
- 10 22. Sig Sauer MCX Rifle.
- 11 23. SKS capable of accepting a detachable magazine.
- 12 24. SLG 95.
- 13 25. SLR 95 or 96.
- 14 26. Spectre Auto Carbine.
- 15 27. Springfield Armory BM59, SAR-48, and G-3.
- 16 28. Sterling MK-6 and MK-7.
- 17 29. Steyr AUG.
- 18 30. Sturm Ruger Mini-14 with folding stock.
- 19 31. TNW M230, M2HB.
- 20 32. Thompson types, including Thompson T5.
- 21 33. UZI, Galil and UZI Sporter, Galil Sporter, Galil  
22 Sniper Rifle (Galatz), or Vector Arms UZI.
- 23 34. Weaver Arms Nighthawk.
- 24 b. All of the following handguns, copies,  
25 duplicates, or altered facsimiles with the capability of any  
26 such weapon thereof:
  - 27 1. AK-47 pistol, Mini AK-47 pistol.

- 1                   2. AR-15 pistol.
- 2                   3. Australian Automatic Arms SAP pistol.
- 3                   4. Bushmaster Auto Pistol.
- 4                   5. Calico Liberty series pistols.
- 5                   6. Encom MK-IV, MP-9, and MP-45.
- 6                   7. Feather AT-9 and Mini-AT.
- 7                   8. Goncz High Tech Long pistol.
- 8                   9. Holmes MP-83.
- 9                   10. Iver Johnson Enforcer.
- 10                  11. MAC-10, MAC-11, Masterpiece Arms MPA pistol  
11 series, and Velocity Arms VMA series.
- 12                  12. Intratec TEC-9, TEC-DC9, TEC-22 Scorpion, or  
13 AB-10.
- 14                  13. UZI pistol, Micro-UZI pistol.
- 15                  14. Colefire Magnum.
- 16                  15. Scarab Skorpion.
- 17                  16. Spectre Auto pistol.
- 18                  17. German Sport 522 PK.
- 19                  18. Chiappa Firearms Mfour-22.
- 20                  19. DSA SA58 PKP FAL.
- 21                  20. I.O. Inc. PPS-43C.
- 22                  21. Kel-Tec PLR-16 pistol.
- 23                  22. Sig Sauer P556 pistol.
- 24                  23. Thompson TA5 series pistols.
- 25                  24. Wilkinson "Linda" pistol.

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

- 4           1. Armscor 30 BG.
- 5           2. Franchi SPAS-12 and Law-12.
- 6           3. Remington TAC-2 or TACB3 FS.
- 7           4. SPAS 12 or LAW 12.
- 8           5. Striker 12.
- 9           6. Streetsweeper.
- 10          7. Saiga.
- 11          8. USAS-12.
- 12          9. Kel-tec KSG.

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

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

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

23           (i) A folding or telescoping stock.

24           (ii) A pistol grip that protrudes conspicuously  
25 beneath the action of the weapon or any feature functioning as  
26 a protruding grip that can be held by the non-trigger hand or  
27 a thumbhole stock.

1 (iii) A bayonet mount.

2 (iv) A flash suppressor or threaded barrel designed  
3 to accommodate a flash suppressor.

4 (v) A grenade launcher.

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

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

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

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

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

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

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

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

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

26 3. A semiautomatic shotgun that has one or more of  
27 the following:

1 (i) A folding or telescoping stock.

2 (ii) A pistol grip that protrudes conspicuously  
3 beneath the action of the weapon.

4 (iii) A thumbhole stock.

5 (iv) A fixed magazine capacity in excess of five  
6 rounds.

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

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

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

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

20 (3) FIREARM. The same meaning as provided in Section  
21 13A-8-1(4), Code of Alabama 1975.

22 (4) LARGE-CAPACITY MAGAZINE. Any ammunition feeding  
23 device with the capacity to accept more than seven rounds, or  
24 any conversion kit, part, or combination of parts from which  
25 such a device can be assembled if those parts are in the  
26 possession or under the control of the same person, but does  
27 not include any of the following:

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

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

4           c. A tubular magazine that is contained in a  
5 lever-action firearm.

6           (5) MAGAZINE. Any ammunition feeding device.

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

9           (7) PISTOL. Any firearm with a barrel less than 12  
10 inches in length.

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

17           (9) SALE or SELL. The actual approval of the  
18 delivery of a firearm in consideration of payment or promise  
19 of payment.

20           (10) SHOTGUN. A weapon designed or redesigned, made  
21 or remade, and intended to be fired from the shoulder and  
22 designed or redesigned and made or remade to use the energy of  
23 the explosive in a fixed shotgun shell to fire through a  
24 smooth bore either a number of ball shot or a single  
25 projectile for each single pull of the trigger.

1           (11) TRANSFER. The intended delivery of a firearm to  
2 another person without consideration of payment or promise of  
3 payment including, but not limited to, gifts and loans.

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

10           (b) The crime of unlawful sale or transfer of an  
11 assault weapon or large-capacity ammunition is a Class B  
12 felony.

13           (c) This section shall not apply to the sale of  
14 assault weapons or large-capacity ammunition magazines to a  
15 law enforcement agency, the Department of Corrections, or the  
16 military or naval forces of this state or of the United States  
17 for use in the discharge of their official duties.

18           Section 3. (a) Notwithstanding the provisions of  
19 Article 3, Chapter 11 of Title 13A, Code of Alabama 1975, a  
20 person commits the crime of unlawful possession of an assault  
21 weapon or large-capacity magazine if he or she knowingly  
22 possesses an assault weapon or large-capacity magazine.

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

25           (c) This section shall not apply to the possession  
26 of assault weapons or large-capacity ammunition magazines by  
27 members or employees of a law enforcement agency, the

1 Department of Corrections, or the military or naval forces of  
2 this state or of the United States for use in the discharge of  
3 their official duties; nor does this section prohibit the  
4 possession or use of assault weapons or large-capacity  
5 ammunition magazines by sworn members of these agencies when  
6 on duty and the use is within the scope of their duties.

7 Section 4. An individual may arrange in advance to  
8 relinquish an assault weapon or large-capacity ammunition  
9 magazine to a state or local law enforcement agency.

10 Section 5. This act is supplemental to any other law  
11 and the penalties provided in this act are in addition to any  
12 other penalties provided by law. This act shall not be  
13 construed to limit or in any way reduce the minimum and  
14 maximum penalties provided in any other law.

15 Section 6. Although this bill would have as its  
16 purpose or effect the requirement of a new or increased  
17 expenditure of local funds, the bill is excluded from further  
18 requirements and application under Amendment 621, now  
19 appearing as Section 111.05 of the Official Recompilation of  
20 the Constitution of Alabama of 1901, as amended, because the  
21 bill defines a new crime or amends the definition of an  
22 existing crime.

23 Section 7. This act shall become effective on the  
24 first day of the third month following its passage and  
25 approval by the Governor, or its otherwise becoming law.