

1 SB394
2 192238-1
3 By Senator Smith
4 RFD: Judiciary
5 First Read: 15-MAR-18

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8 SYNOPSIS: Under existing law, no person, knowingly
9 with intent to do bodily harm, may carry or possess
10 a deadly weapon on the premises of a public school.

11 This bill would prohibit the carrying and
12 possession of a firearm on the premises of a public
13 school regardless of whether the person has intent
14 to do bodily harm and would provide criminal
15 penalties for any violation.

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

1 funds, or provides a local source of revenue, to
2 the entity for the purpose.

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

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11 A BILL
12 TO BE ENTITLED
13 AN ACT
14

15 Relating to firearms; to add Section 13A-11-61.4 to
16 Article 3 of Chapter 11 of Title 13A, Code of Alabama 1975, to
17 subject any person who possesses or carries a firearm on the
18 premises of a public school to criminal penalties; and in
19 connection therewith would have as its purpose or effect the
20 requirement of a new or increased expenditure of local funds
21 within the meaning of Amendment 621 of the Constitution of
22 Alabama of 1901, now appearing as Section 111.05 of the
23 Official Recompilation of the Constitution of Alabama of 1901,
24 as amended.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 13A-11-61.4 is added to Article 3
2 of Chapter 11 of Title 13A, Code of Alabama 1975, to read as
3 follows:

4 §13A-11-61.4.

5 (a) In addition to the prohibitions provided under
6 Section 13A-11-72 and any other provision of state or federal
7 law, a person, including a person with a permit issued under
8 Section 13A-11-75(a)(1) or recognized under Section 13A-11-85,
9 may not possess or carry a firearm on the premises of any
10 public school.

11 (b) Persons authorized by a local board of
12 education, law enforcement officers, and other persons
13 authorized under Section 13A-11-74 are exempt from subsection
14 (a).

15 (c) The term "public school" as used in this section
16 applies only to a public K-12 school and shall include a
17 school bus used for grades K-12.

18 (d) A violation of subsection (a) shall be a Class A
19 misdemeanor.

20 Section 2. Although this bill would have as its
21 purpose or effect the requirement of a new or increased
22 expenditure of local funds, the bill is excluded from further
23 requirements and application under Amendment 621, now
24 appearing as Section 111.05 of the Official Recompilation of
25 the Constitution of Alabama of 1901, as amended, because the
26 bill defines a new crime or amends the definition of an
27 existing crime.

1 Section 3. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.