

1 HB354
2 204212-2
3 By Representative Robertson
4 RFD: Judiciary
5 First Read: 09-FEB-21

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8 SYNOPSIS: Under existing law, it is unlawful to
9 discharge a firearm into an occupied or unoccupied
10 school building.

11 This bill would provide that it is unlawful
12 to discharge a firearm on school property.

13 This bill would provide for criminal
14 penalties for discharging a firearm on school
15 property.

16 This bill would also provide for exceptions.

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

6 However, the bill does not require approval of a
7 local governmental entity or enactment by a 2/3
8 vote to become effective because it comes within
9 one of the specified exceptions contained in the
10 amendment.

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12 A BILL
13 TO BE ENTITLED
14 AN ACT
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16 Relating to crimes and offenses, to amend Section
17 13A-11-61.1, Code of Alabama 1975; to provide that it is
18 unlawful to discharge a firearm on school property; to provide
19 criminal penalties; to provide for exceptions; and in
20 connection therewith would have as its purpose or effect the
21 requirement of a new or increased expenditure of local funds
22 within the meaning of Amendment 621 of the Constitution of
23 Alabama of 1901, now appearing as Section 111.05 of the
24 Official Recompilation of the Constitution of Alabama of 1901,
25 as amended.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 13A-11-61.1, Code of Alabama
2 1975, is amended to read as follows:

3 "§13A-11-61.1.

4 "(a) No person shall shoot or discharge a firearm
5 into an occupied or unoccupied school bus or school building.

6 "~~(b)~~ (1) A person who shoots or discharges a firearm
7 into an occupied school bus or school building shall be guilty
8 of a Class B felony.

9 "~~(c)~~ (2) A person who shoots or discharges a firearm
10 into an unoccupied school bus or school building shall be
11 guilty of a Class C felony.

12 "(b) No person shall shoot or discharge a firearm on
13 school property.

14 "(1) A person who shoots or discharges a firearm on
15 school property during school hours or during school
16 activities after school hours, shall be guilty of a Class B
17 felony.

18 "(2) A person who shoots or discharges a firearm on
19 school property shall be guilty of a Class C felony.

20 "(c) A person shall not be in violation of this
21 section if the person is justified in using physical force
22 pursuant to Section 13A-3-23.

23 "(d) A person shall not be in violation of this
24 section if he or she is engaging in an organized competition
25 involving the use of a firearm or participating in or
26 practicing for a performance by an organized group under 26

1 U.S.C. § 501(c)(3) which uses firearms as part of the
2 performance.

3 "~~(d)~~ (e) This section shall not be construed to
4 repeal other criminal laws. Whenever conduct prescribed by any
5 provision of this section is also prescribed by any other
6 provision of law, the provision which carries the more serious
7 penalty shall be applied."

8 Section 2. Although this bill would have as its
9 purpose or effect the requirement of a new or increased
10 expenditure of local funds, the bill is excluded from further
11 requirements and application under Amendment 621, now
12 appearing as Section 111.05 of the Official Recompilation of
13 the Constitution of Alabama of 1901, as amended, because the
14 bill defines a new crime or amends the definition of an
15 existing crime.

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