HB34 ENGROSSED



- 1 U97IDD-2
- 2 By Representative Estes
- 3 RFD: Judiciary
- 4 First Read: 07-Mar-23
- 5 PFD: 23-Feb-23

HB34 Engrossed



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5	A BILL
6	TO BE ENTITLED
7	AN ACT
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9	Relating to crimes and offenses; to amend Section
10	13A-11-61.1, Code of Alabama 1975; to provide that it is
11	unlawful to discharge a firearm on school property; to provide
12	criminal penalties; to provide for exceptions; and in
13	connection therewith would have as its purpose or effect the
14	requirement of a new or increased expenditure of local funds
15	within the meaning of Section 111.05 of the Constitution of
16	Alabama of 2022.
17	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
18	Section 1. Section 13A-11-61.1, Code of Alabama 1975,
19	is amended to read as follows:
20	"§13A-11-61.1
21	(a) No person shall shoot or discharge a firearm into
22	an occupied or unoccupied school bus or school building.
23	(b) (1) A person who shoots or discharges a firearm into
24	an occupied school bus or school building shall be guilty of a
25	Class B felony.
26	(c) (2) A person who shoots or discharges a firearm into
27	an unoccupied school bus or school building shall be guilty of
28	a Class C felony.

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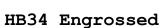


29	(b) No person shall shoot or discharge a firearm on
30	school property.
31	(1) A person who shoots or discharges a firearm on
32	school property during school hours or during school
33	activities after school hours, shall be guilty of a Class B
34	<u>felony.</u>
35	(2) In circumstances other than those provided in
36	subdivision (1), a person who shoots or discharges a firearm
37	on school property shall be guilty of a Class C felony.
38	(c) A person shall not be in violation of this section
39	if the person is justified in using physical force pursuant to
40	Section 13A-3-23.
41	(d) A person shall not be in violation of this section
42	if he or she is engaging in an organized competition or school
43	system sanctioned event involving the use of a firearm or
44	participating in or practicing for a performance by an
45	organized group under 26 U.S.C. § 501(c)(3) which uses
46	firearms as part of the performance or is on land leased from
47	a school system.
48	(e) For the purposes of this section, "school property"
49	does not include sixteenth section land or school lands,
50	pursuant to Section 16-20-1, held in trust for the benefit of
51	a school district, that do not have any school buildings, and
52	that is not actively used for the purpose of providing
53	educational or recreational activities to students.
54	(e)(f) A person shall not be in violation of this
55	section if he or she is under 19 years of age.
56	(ffe)(g) This section shall not be construed to repeal



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57	other criminal laws. Whenever conduct prescribed by any
58	provision of this section is also prescribed by any other
59	provision of law, the provision which carries the more serious
60	penalty shall be applied."
61	Section 2. Although this bill would have as its purpose
62	or effect the requirement of a new or increased expenditure of
63	local funds, the bill is excluded from further requirements
64	and application under Section 111.05 of the Constitution of
65	Alabama of 2022, because the bill defines a new crime or
66	amends the definition of an existing crime.
67	Section 3. This act shall become effective on the first
68	day of the third month following its passage and approval by
69	the Governor, or its otherwise becoming law.





70 71 72 House of Representatives 73 Read for the first time and referred23-Feb-23 to the House of Representatives 74 committee on Judiciary 75 76 77 Read for the second time and placed22-Mar-23 on the calendar: 78 79 0 amendments 80 Read for the third time and passed11-Apr-23 81 82 as amended Yeas 102 83 Nays 0 84 Abstains 0 85 86 87 John Treadwell 88 89 Clerk

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