

1 HB138  
2 135973-1  
3 By Representative McCutcheon  
4 RFD: Judiciary  
5 First Read: 07-FEB-12  
6 PFD: 02/02/2012

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8 SYNOPSIS: Under existing law, a person convicted of  
9 carrying a concealed weapon is guilty of a  
10 misdemeanor.

11 This bill would make carrying a concealed  
12 weapon a Class C felony.

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 To amend Section 13A-11-50, Code of Alabama 1975,  
12 relating to concealed weapons; to increase the penalties for  
13 carrying a concealed weapon; and in connection therewith would  
14 have as its purpose or effect the requirement of a new or  
15 increased expenditure of local funds within the meaning of  
16 Amendment 621 of the Constitution of Alabama of 1901, now  
17 appearing as Section 111.05 of the Official Recompilation of  
18 the Constitution of Alabama of 1901, as amended.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Section 13A-11-50, Code of Alabama 1975,  
21 is amended to read as follows:

22 "§13A-11-50.

23 "Except as otherwise provided ~~in this Code~~ by law, a  
24 person who carries concealed about his or her person a bowie  
25 knife or knife or instrument of like kind or description, or a  
26 pistol or firearm of any other kind, or an air gun shall, ~~on~~  
27 conviction, ~~be fined not less than \$50.00 nor more than~~

1     ~~\$500.00, and may also be imprisoned in the county jail or~~  
2     ~~sentenced to hard labor for the county for not more than six~~  
3     ~~months~~ be guilty of a Class C felony."

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

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