

HB385 INTRODUCED



1 M8G2WW-1
2 By Representative Ensler
3 RFD: Public Safety and Homeland Security
4 First Read: 25-Apr-23
5
6 2023 Regular Session



SYNOPSIS:

This bill would prohibit persons from possessing any part or combination of parts designed or intended to convert a firearm into a machine gun.

This bill would establish a penalty for violating this prohibition.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

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



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A BILL

TO BE ENTITLED

AN ACT

Relating to firearms; to prohibit persons from possessing any part or combination of parts designed or intended to convert a firearm into a machine gun; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For purposes of this section, the term "machine gun" means any firearm that shoots, is designed or intended to shoot, or can be readily restored to shoot, more than one shot automatically without manual reloading and by a single function of the trigger.

(b) No person shall knowingly or intentionally own or have in his or her possession, control, care, or custody, any part or combination of parts designed or intended to convert a firearm into a machine gun.

(c) A violation of this section is a Class C felony.

(d) This section shall not apply to a state or local law enforcement officer while acting in an official capacity or any machine gun lawfully owned and possessed under federal law.

Section 2. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of



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57 local funds, the bill is excluded from further requirements
58 and application under Section 111.05 of the Constitution of
59 Alabama of 2022, because the bill defines a new crime or
60 amends the definition of an existing crime.

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