

HB385 INTRODUCED



1 M8G2WW-1

2 By Representative Ensler

3 RFD: Public Safety and Homeland Security

4 First Read: 25-Apr-23

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6 2023 Regular Session



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4 SYNOPSIS:

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

8 This bill would establish a penalty for
9 violating this prohibition.

10 Section 111.05 of the Constitution of Alabama of
11 2022, prohibits a general law whose purpose or effect
12 would be to require a new or increased expenditure of
13 local funds from becoming effective with regard to a
14 local governmental entity without enactment by a 2/3
15 vote unless: it comes within one of a number of
16 specified exceptions; it is approved by the affected
17 entity; or the Legislature appropriates funds, or
18 provides a local source of revenue, to the entity for
19 the purpose.

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

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29 A BILL
30 TO BE ENTITLED
31 AN ACT

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

40 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

55 Section 2. Although this bill would have as its purpose
56 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.