

HB266 INTRODUCED



1 HB266
2 DEKCTTT-1
3 By Representatives Moore (M), Givan, Sellers, Morris, Jones,
4 Jackson, Hendrix, Boyd, Warren, Drummond, Forte, Clarke,
5 Ensler, Travis, Lawrence, Chestnut, Hollis, Gray, McCampbell,
6 England
7 RFD: Judiciary
8 First Read: 29-Feb-24



4 SYNOPSIS:

5 This bill would prohibit the possession, sale,
6 or transfer of an assault weapon under certain
7 circumstances.

8 This bill would provide procedures to register
9 an assault weapon.

10 This bill would provide criminal penalties for
11 violations.

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

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



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A BILL
TO BE ENTITLED
AN ACT

Relating to firearms; to prohibit the possession, sale, or transfer of an assault weapon under certain circumstances; to provide procedures to register an assault weapon; to provide a criminal penalty for a violation; 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. For the purposes of this act, the following terms have the following meanings:

(1) ANTIQUE FIREARM. A firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(2) ASSAULT WEAPON.

a. Any selective-fire firearm capable of fully



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automatic, semiautomatic, or burst fire at the option of the user or any of the following specified semiautomatic firearms:

1. All AK series, including all of the following: AK, AKM, AKS, AK-47, AK-74, ARM, MAK90, MISR, NHM90, NHM91, SA 85, SA 93, VEPR, WASR-10, WUM, Rock River Arms LAR-47, and Vector Arms AK-47.

2. All AR series, including all of the following: AR-10, AR-15, Bushmaster XM15, Armalite AR-180 and M15, Olympic Arms, AR70, DPMS Tactical Rifles, Smith and Wesson M and P15 Rifles, Colt AR-15, Rock River Arms LAR-15, and DoubleStar AR rifles.

3. Algimec AGM1.

4. Barrett 82A1 and REC7.

5. Beretta AR-70 and Beretta Storm.

6. Bushmaster Auto Rifle.

7. Calico Liberty series.

8. Chartered Industries of Singapore SR-88.

9. Colt Sporter.

10. Daewoo K-1, K-2, Max I, and Max II.

11. FAMAS MAS 223.

12. Federal XC-900 and SC-450.

13. Fabrique National FN/FAL, FN/LAR, and FNC.

14. FNH PS90, SCAR, and FS2000.

15. Goncz High Tech Carbine.

16. Hi-Point Carbine.

17. HK-91, HK-93, HK-94, SP-89, and HK-PSG-1.

18. Kel-Tec Sub-2000, SU series, and RFB.

19. M1 Carbine.



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20. SAR-8, SAR-4800, and SR9.
 21. SIG 57 AMT and 500 Series.
 22. Sig Sauer MCX Rifle.
 23. SKS capable of accepting a detachable magazine.
 24. SLG 95.
 25. SLR 95 and 96.
 26. Spectre Auto Carbine.
 27. Springfield Armory BM59, SAR-48, and G-3.
 28. Sterling MK-6 and MK-7.
 29. Steyr AUG.
 30. Sturm Ruger Mini-14 with folding stock.
 31. TNW M230 and M2HB.
 32. Thompson types, including Thompson T5.
 33. UZI, Galil and UZI Sporter, Galil Sporter, Galil Sniper Rifle (Galatz), and Vector Arms UZI.
 34. Weaver Arms Nighthawk.
- b. All of the following handguns, copies, duplicates, or altered facsimiles with the capability of any weapon thereof:
1. AK-47 pistol and Mini AK-47 pistol.
 2. AR-15 pistol.
 3. Australian Automatic Arms SAP pistol.
 4. Bushmaster Auto Pistol.
 5. Calico Liberty series pistols.
 6. Encom MK-IV, MP-9, and MP-45.
 7. Feather AT-9 and Mini-AT.
 8. Goncz High Tech Long pistol.
 9. Holmes MP-83.



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10. Iver Johnson Enforcer.
11. MAC-10 and MAC-11, Masterpiece Arms MPA pistol series, and Velocity Arms VMA series.
12. Intratec TEC-9, TEC-DC9, TEC-22 Scorpion, and AB-10.
13. UZI pistol and Micro-UZI pistol.
14. Colefire Magnum.
15. Scarab Skorpion.
16. Spectre Auto pistol.
17. German Sport 522 PK.
18. Chiappa Firearms Mfour-22.
19. DSA SA58 PKP FAL.
20. I.O. Inc. PPS-43C.
21. Kel-Tec PLR-16 pistol.
22. Sig Sauer P556 pistol.
23. Thompson TA5 series pistols.
24. Wilkinson "Linda" pistol.
- c. All of the following shotguns, copies, duplicates, or altered facsimiles with the capability of any weapon thereof:
 1. Armscor 30 BG.
 2. Franchi SPAS-12 and Law-12.
 3. Remington TAC-2 and TACB3 FS.
 4. SPAS 12 and LAW 12.
 5. Striker 12.
 6. Streetsweeper.
 7. Saiga.
 8. USAS-12.



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9. Kel-Tec KSG.

d. A part or combination of parts that converts a firearm into an assault weapon or any combination of parts from which an assault weapon may be assembled if those parts are in the possession or under the control of the same person.

e. Any semiautomatic firearm not listed in paragraphs a. through d., inclusive, that meets the following criteria:

1. A semiautomatic rifle that has the ability to accept a detachable magazine and has one or more of the following:

(i) A folding or telescoping stock.

(ii) A pistol grip that protrudes conspicuously beneath the action of the weapon or any feature functioning as a protruding grip that can be held by the non-trigger hand or a thumbhole stock.

(iii) A bayonet mount.

(iv) A flash suppressor or threaded barrel designed to accommodate a flash suppressor.

(v) A grenade launcher.

(vi) A shroud attached to the barrel that partially or completely encircles the barrel allowing the bearer to hold the firearm with the non-trigger hand without being burned, but excluding a slide that encloses the barrel.

2. A semiautomatic pistol that has the ability to accept a detachable magazine and has one or more of the following:

(i) The capacity to accept an ammunition magazine that attaches to the pistol at any location outside of the pistol grip.



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(ii) A threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer.

(iii) A slide that encloses the barrel and that permits the shooter to hold the firearm with the non-trigger hand without being burned.

(iv) A manufactured weight of 50 ounces or more when the pistol is unloaded.

(v) A semiautomatic version of an automatic firearm.

(vi) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand.

(vii) A folding, telescoping, or thumbhole stock.

3. A semiautomatic shotgun that has one or more of the following:

(i) A folding or telescoping stock.

(ii) A pistol grip that protrudes conspicuously beneath the action of the weapon.

(iii) A thumbhole stock.

(iv) A fixed magazine capacity in excess of five rounds.

(v) The ability to accept a detachable magazine.

4. Any semiautomatic pistol or centerfire or rimfire rifle with a fixed magazine that has the capacity to accept more than 10 rounds of ammunition.

5. A part or combination of parts designed or intended to convert a firearm into an assault weapon or any combination of parts from which an assault weapon may be assembled if those parts are in the possession or under the control of the same person.



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f. The term does not include antique firearms, any firearm that has been made permanently inoperable, or any firearm that is manually operated by bolt, pump, lever, or slide action.

(3) DEALER. A person who has a federal firearm license pursuant to 18 U.S.C. § 923.

(4) FIREARM. Has the same meaning as provided in Section 13A-8-1, Code of Alabama 1975.

(5) MAGAZINE. Any ammunition feeding device.

(6) PERSON. An individual as well as any firm, partnership, association, or corporation.

(7) PISTOL. Any firearm with a barrel less than 12 inches in length.

(8) RIFLE. Any weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each pull of the trigger.

(9) SALE or SELL. The actual approval of the delivery of a firearm in consideration of payment or promise of payment.

(10) SHOTGUN. A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.



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(11) TRANSFER. The intended delivery of a firearm to a person without consideration of payment or promise of payment, including a gift and loan.

Section 2. (a) Notwithstanding Article 3, Chapter 11 of Title 13A, Code of Alabama 1975, a person commits the crime of unlawful sale or transfer of an assault weapon if he or she knowingly sells or transfers an assault weapon.

(b) (1) The crime of unlawful sale or transfer of an assault weapon is a Class B felony.

(2) The crime of unlawful sale or transfer of an assault weapon to a person under 18 years of age is a Class A felony.

(c) This section shall not apply to any of the following:

(1) The sale of an assault weapon to a law enforcement agency, the Department of Corrections, or the military or naval forces of this state or of the United States for use in the discharge of their official duties.

(2) A person who is the executor or administrator of an estate that includes an assault weapon that has been registered pursuant to this act or which is disposed of as authorized by the probate court, if the disposition is otherwise permitted under this act.

(3) The transfer by bequest or intestate succession of an assault weapon that has been registered pursuant to this act.

Section 3. (a) Notwithstanding Article 3, Chapter 11 of Title 13A, Code of Alabama 1975, a person commits the crime of



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unlawful possession of an assault weapon if he or she knowingly possesses an assault weapon.

(b) The crime of unlawful possession of an assault weapon is a Class C felony.

(c) This section shall not apply to any of the following:

(1) The possession of an assault weapon by members or employees of a law enforcement agency, the Department of Corrections, or the military or naval forces of this state or of the United States for use in the discharge of their official duties.

(2) The possession of an assault weapon by any person prior to October 1, 2024, if all of the following are applicable:

a. The person registers the assault weapon by April 1, 2025, as provided in Section 4.

b. The person lawfully possessed the assault weapon prior to October 1, 2024.

c. The person is otherwise in compliance with this act and the applicable requirements for possession of a firearm in this state.

(3) A person who is the executor or administrator of an estate that includes an assault weapon that has been registered pursuant to this act or as authorized by the probate court.

Section 4. (a) Any person who lawfully possesses an assault weapon prior to October 1, 2024, shall apply on or before April 1, 2025, or, a person that is a member of the



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military or naval forces of this state or of the United States and is unable to apply on or before April 1, 2025, because he or she is or was on official duty outside of this state, shall apply within 90 days of returning to the state, to the Alabama State Law Enforcement Agency to register the assault weapon. The registration information shall include all of the following:

(1) A description of the assault weapon that identifies it uniquely, including all identification marks.

(2) The full name, address, date of birth, and fingerprints of the owner.

(3) Any other information the agency may deem appropriate.

(b) The Alabama State Law Enforcement Agency shall conduct a fingerprint-based state and national criminal background check of each person registering an assault weapon.

(c) The agency may charge a fee not to exceed fifty dollars (\$50) for the registration of an assault weapon.

(d) The agency shall adopt rules no later than April 1, 2025, to establish procedures with respect to the application for registration pursuant to this section.

(e) (1) If a person fails to register an assault weapon on or before April 1, 2025, or within 90 days of their return to this state if the person is a member of the military or naval forces of this state or of the United States that is on official duty outside of this state, the applicant shall arrange to relinquish all assault weapons in his or her possession. An applicant who fails to make an arrangement



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within the time period specified in this section shall be guilty of a Class C felony.

(2) A person may arrange in advance to relinquish an assault weapon to a law enforcement agency.

Section 5. (a) An assault weapon possessed pursuant to this act may not be sold or transferred on or after April 1, 2025, to any person within this state other than to a licensed gun dealer or by a bequest or intestate succession. A person who obtains an assault weapon that has been registered under this section by bequest or intestate succession shall do any of the following within 90 days of obtaining possession:

(1) Apply to the Alabama State Law Enforcement Agency to register the assault weapon in the person's name as provided in Section 4.

(2) Render the weapon permanently inoperable.

(3) Sell the weapon to a licensed gun dealer.

(4) Remove the weapon from this state.

(b) Any person who moves into this state in lawful possession of an assault weapon, within 90 days, shall do any of the following:

(1) Apply to the Alabama State Law Enforcement Agency to register the assault weapon in the person's name as provided in Section 4.

(2) Render the weapon permanently inoperable.

(3) Sell the weapon to a licensed gun dealer.

(4) Remove the weapon from this state.

(c) Subsection (b) shall not apply to a member of the military or naval forces of this state or of the United States



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who is in lawful possession of an assault weapon and has been transferred into this state after October 1, 2024.

Section 6. (a) A person who has registered an assault weapon pursuant to Section 4 may possess it only under the following conditions:

(1) At that person's residence, place of business, or other property owned by that person, or on property owned by another person with the owner's express permission.

(2) While on the premises of a target range of a public or private club or organization organized for the purpose of practicing shooting at targets.

(3) While on a target range that holds a regulatory or business license for the purpose of practicing shooting at that target range.

(4) While on the premises of a licensed shooting club.

(5) While attending any exhibition, display, or educational project that is about firearms and which is sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms.

(6) While transporting the assault weapon between any of the places mentioned in this subsection, or to any licensed gun dealer for servicing or repair, provided the assault weapon is transported as required by this section.

(b) (1) No person shall carry a loaded assault weapon concealed from public view or knowingly have in any motor vehicle owned, operated, or occupied by him or her a loaded or



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unloaded assault weapon unless the weapon is kept in the trunk of the vehicle or in a case or other container that is inaccessible to the operator or any passenger in the vehicle.

(2) A violation of this subsection is a Class C felony.

Section 7. (a) If an owner of an assault weapon sells or transfers the weapon to a licensed gun dealer, he or she, at the time of delivery of the weapon, shall execute a certificate of transfer and cause the certificate to be mailed or delivered to the Alabama State Law Enforcement Agency. The certificate shall contain all of the following:

(1) The date of sale or transfer.

(2) The name and address of the seller or transferor and the licensed gun dealer and his or her Social Security number or driver license number.

(3) The licensed gun dealer's federal firearms license number.

(4) A description of the weapon, including the make, model, serial number, and caliber of the weapon.

(5) Any other information the Alabama State Law Enforcement Agency prescribes.

(b) A licensed gun dealer shall present his or her driver license or Social Security card and federal firearms license to a seller or transferor for inspection at the time of purchase or transfer.

(c) The Alabama State Law Enforcement Agency shall maintain a database of all certificates of transfer and make it available for law enforcement purposes.



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393 Section 8. (a) A licensed gun dealer who lawfully
394 purchases an assault weapon outside this state for resale may
395 transport, in accordance with the requirements of Section 6,
396 the assault weapon between dealers or out of this state. Any
397 licensed gun dealer may display the assault weapon at any gun
398 show or sell it to a resident outside of this state.

399 (b) Any licensed gun dealer may transfer possession of
400 an assault weapon received pursuant to subsection (a) to a
401 gunsmith for purposes of accomplishing service or repair of
402 the weapon. These transfers are permissible only to the
403 following persons:

404 (1) A gunsmith who is in the dealer's employ.

405 (2) A gunsmith with whom the dealer has contracted for
406 gunsmithing services, provided the gunsmith receiving the
407 assault weapon holds a dealer's license issued pursuant to 18
408 U.S.C. § 923.

409 Section 9. Nothing in this act shall be construed to
410 prohibit any person engaged in the business of manufacturing
411 assault weapons in this state from manufacturing or
412 transporting assault weapons in this state for sale within
413 this state in accordance with this act or for sale outside
414 this state.

415 Section 10. Although this bill would have as its
416 purpose or effect the requirement of a new or increased
417 expenditure of local funds, the bill is excluded from further
418 requirements and application under Section 111.05 of the
419 Constitution of Alabama of 2022, because the bill defines a
420 new crime or amends the definition of an existing crime.



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421 Section 11. This act shall become effective on October
422 1, 2024.