

**Alabama State Law
Code of AL**

Title 11, Chapter 45: Ordinances and Resolutions

11-45-1.1. Handguns. No incorporated municipality shall have the power to enact any ordinance, rule or regulation, which shall tax, restrict, prevent or in any way affect the possession or ownership of handguns by the citizens of this state. The entire subject matter of handguns is reserved to the State Legislature. This section shall not be construed to limit or restrict the power of a municipality to adopt ordinances which make the violation of a state handgun law a violation of a municipal ordinance to the same extent as other state law violations, or to limit or restrict the power of a municipal court to exercise concurrent jurisdiction with the district court over violations of state handgun laws which may be prosecuted as breaches of a municipal ordinance.

Publisher's Note:

The Office of the Attorney General of the State of Alabama advises that the Alabama legislature has reserved to itself the total power to regulate handguns. Therefore, any previously enacted ordinances relating to handguns would be invalid (3/15/83).

**Title 13A, Chapter 11: Offenses Against
Public Order and Safety**

13A-11-57. Selling, etc., pistol or bowie knife to minor. Any person who sells, gives or lends to any minor any pistol or bowie knife, or other knife of like kind or description, shall, on conviction, be fined not less than \$50.00 nor more than \$500.00.

13A-11-58. Sale of firearms or ammunition to residents of adjoining states: purchase in adjoining states.

(a) Any resident of Alabama authorized to sell and deliver rifles, shotguns and ammunition may sell and deliver them to a resident of any state adjoining Alabama. Any purchaser of such firearm or ammunition may take or send it out of the state or have it delivered to his place of residence.

(b) Any resident of Alabama who legally purchases rifles, shotguns and ammunition in any state adjoining Alabama may take delivery of said weapons either in the state where they were purchased or in Alabama.

13A-11-62. Definitions. For purposes of this division, the following terms shall have the following meanings, unless the context clearly indicates otherwise:

(1) **Firearm.** Definition is same as provided in section 13A-8-1(4).

Publisher's Note:

Section 13A-8-1(4) defines firearm as "a weapon from which a shot is dis-

charged by gunpowder."

(2) **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.

(3) **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.

(4) **Short-barreled rifle.** A rifle having one or more barrels less than 16 inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than 26 inches.

(5) **Short-barreled shotgun.** A shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches.

13A-11-63. Possession, sale, etc., of short-barreled rifle or short-barreled shotgun; applicability of section.

(a) A person who possesses, obtains, receives, sells, or uses a short-barreled rifle or a short-barreled shotgun is guilty of a Class C felony.

(b) This section does not apply to a peace officer who possesses, obtains, receives, sells, or uses a short-barreled rifle or a short-barreled shotgun in the course of or in connection with his official duties.

13A-11-64. Alteration, etc., of manufacturer's number, etc., of firearm; possession, etc., of firearm after identification altered.

A person who either:

(1) Changes, alters, removes, or obliterates the name of the maker, model, manufacturer's number or other mark or identification of any firearm, or

(2) Possesses, obtains, receives, sells, or uses a firearm after the maker, model, manufacturer's number or other mark or identification has been changed, altered, removed, or obliterated is guilty of a Class C felony.

Publisher's Note:

It is the opinion of the Alabama Attorney General that Act 82-430 [codified in §§ 13A-11-62 - 13A-11-66] "is not applicable if, but only if, the dealer sells or delivers the otherwise prohibited weapon to the police department or law enforcement agency, involved for supervised use by its officers "in the course of or in connection with official duties."

13A-11-70. Definitions. For the purposes of this division, the following terms shall have the respective meanings ascribed by this section:

(1) **Pistol.** Any firearm with a barrel less than 12 inches in length.

(2) **Crime of violence.** Any of the following crimes or an attempt to commit any of them, namely, murder, manslaughter, (except manslaughter arising out of the operation of a vehicle), rape, mayhem, assault with intent to rob,

assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnaping and larceny.

(3) Person. Such term includes any firm, partnership, association or corporation.

13A-11-72. Certain persons forbidden to possess pistol.

(a) No person who has been convicted in this state or elsewhere of committing or attempting to commit a crime of violence shall own a pistol or have one in his possession or under his control.

(b) No person who is a drug addict or an habitual drunkard shall own a pistol or have one in his possession or under his control.

(c) Subject to the exceptions provided by Section 13A-11-74, no person shall knowingly with the intent to do bodily harm carry or possess a deadly weapon on the premises of a public school.

(d) Possession of a deadly weapon with the intent to do bodily harm on the premises of a public school in violation of subsection (c) of this section is a Class C felony.

(e) Law enforcement officers are exempt from this section, and persons with pistol permits issued pursuant to Section 13A-11-75, are exempt from the provisions of subsection (c) of this section.

(f) The term "public school" as used in this section applies only to a school composed of grades K-12 and shall include a school bus used for grades K-12.

(g) The term "deadly weapon" as used in this section means a firearm or anything manifestly designed, made, or adapted for the purposes of inflicting death or serious physical injury, and such term includes, but is not limited to, a bazooka, hand grenade, missile, or explosive or incendiary device; a pistol, rifle, or shotgun; or a switch-blade knife, gravity knife, stiletto, sword, or dagger; or any club, baton, blackjack, bludgeon, or metal knuckles.

13A-11-76. Delivery to minors, habitual drunkards, etc. No person shall deliver a pistol to any person under the age of 18 or to one who he has reasonable cause to believe has been convicted of a crime of violence or is a drug addict, an habitual drunkard or of unsound mind.

13A-11-77. Sales regulated; application for purchase. No seller shall deliver a pistol to the purchaser thereof until 48 hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, the pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller shall within six hours after such application, sign and attach his address and forward by registered or certified mail one copy of such statement to the chief of police of the municipality or the sheriff of the county of which the seller is a resident; the duplicate duly signed by the seller shall within seven days be sent by him with his address to the Director of Public Safety; and he shall retain the triplicate for six years. This section shall not apply to purchases by licensed retailers from manufacturers, wholesalers, or jobbers, or to pur-

chases by wholesalers or jobbers from manufacturers.

13A-11-78. Dealers' licenses - Required. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as hereinafter provided.

13A-11-79. Dealers' licenses - Issuance; conditions; display; fees. The duly constituted licensing authorities of any city, town or political subdivision of this state may grant licenses in forms prescribed by the secretary of state, effective for not more than one year from date of issue, permitting the licensee to sell pistols at retail within this state subject to the following conditions, in addition to those specified in section 13A-11-77, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in this division. The business shall be carried on only in the building designated in the license. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read. No pistol shall be sold in violation of any provisions of this division, nor shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity. A true record in triplicate shall be made of every pistol sold, in a book kept for the purpose, the form of which may be prescribed by the secretary of state and shall be personally signed by the purchaser and by the person effecting the sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, color and place of birth of purchaser and a statement signed by the purchaser that he has never been convicted in this state or elsewhere of a crime of violence. One copy shall be sent within six hours by registered or certified mail to the chief of police of the municipality or the sheriff of the county of which the dealer is a resident; the dealer shall within seven days send the duplicate to the Secretary of State; and the dealer shall retain the triplicate for six years. No pistol or imitation thereof or placard advertising the sale thereof shall be displayed in any part of any premises where it can readily be seen from the outside. The fee for issuing said license shall be \$.50, which fee shall be paid into the State Treasury. * * * *

13A-11-81. False information in application for licenses, purchases, etc. No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

13A-11-83. Antique pistols. This division shall not apply to the purchase, possession or sale of pistols as curiosities or ornaments or to the transportation of such pistols unloaded and in a bag, box or securely wrapped package, but not concealed on the person.

Title 40, Chapter 12: Licenses

40-12-143. Pistols, revolvers, * * *, etc. Persons dealing in pistols, revolvers, maxim silencers * * * whether principal stock in trade or not shall pay * * * license tax in cities and towns * * *. All persons dealing in pis-

tols, revolvers, and maxim silencers shall be required to keep a permanent record of the sale of every pistol, revolver, and maxim silencer showing [the information required by the State], which record shall always be open for inspection by any peace officer of the state of Alabama or any municipality thereof. * * *.

40-12-158. Shotguns, rifles, ammunition, etc. Each person dealing in shotguns, rifles of .22 caliber or over, metallic ammunition or shotgun shells shall pay a license tax * * * in cities * * * whether incorporated or not. * * *.