

Ala. Code 1975, § 13A-11-61.2(a)

Possession or Carrying Firearm in Certain Places
(Named Places)

The defendant is charged with possession or carrying a firearm in certain places.

A person commits the crime of possession or carrying a firearm in certain places if he/she knowingly possesses or carries a firearm in any of the following places without the express permission of a person or entity with authority over the premises: **[Read as appropriate]**:

1. Inside the building of a police, sheriff, or highway patrol station;
2. Inside or on the premises of a prison, jail, halfway house, community corrections facility, or other detention facility for those who have been charged with or convicted of a criminal or juvenile offense;
3. Inside a facility which provides inpatient or custodial care of those with psychiatric, mental, or emotional disorders;
4. Inside a courthouse, courthouse annex, a building in which a District Attorney's office is located, or a building in which a county commission or city council is currently having a regularly scheduled or specially called meeting;
5. Inside any facility hosting an athletic event not related to or involving firearms which is sponsored by a private or public elementary or secondary school or any private or public institution of postsecondary education, unless the person has a permit issued under Section 13A-11-75(a)(1) or recognized under Section 13A-11-85; **(OR)**
6. Inside any facility hosting a professional athletic event not related to or involving firearms, unless the person has a permit issued under Section 13A-11-75(a)(1) or recognized under Section 13A-11-85.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

- (1) The defendant possessed or carried a firearm, **[describe]**, in the following place(s): **[Read as appropriate]**:
 - (a) Inside the building of a police, sheriff, or highway patrol station;
 - (b) Inside or on the premises of a prison, jail, halfway house, community corrections facility, or other detention facility for those who have been charged with or convicted of a criminal or juvenile offense;

- (c) Inside a facility which provides inpatient or custodial care of those with psychiatric, mental, or emotional disorders;
 - (d) Inside a courthouse, courthouse annex, a building in which a District Attorney's office is located, or a building in which a county commission or city council is currently having a regularly scheduled or specially called meeting;
 - (e) Inside any facility hosting an athletic event not related to or involving firearms which is sponsored by a private or public elementary or secondary school or any private or public institution of postsecondary education, unless the person has a permit issued under Section 13A-11-75(a)(1) or recognized under Section 13A-11-85; **(OR)**
 - (f) Inside any facility hosting a professional athletic event not related to or involving firearms, unless the person has a permit issued under Section 13A-11-75(a)(1) or recognized under Section 13A-11-85;
- (2) The defendant did so without the express permission of a person or entity with authority over the premises; **(AND)**
 - (3) The defendant did so knowingly.

A *firearm* is a weapon from which a shot is discharged by gunpowder. [13A-8-1(5)]

[Read as appropriate]: Section 13A-11-75(a)(1)

[Read as appropriate]: Section 13A-11-85

A person acts *knowingly* with respect to conduct or to a circumstance described by a statute defining an offense when he/she is aware that his/her conduct is of that nature or that the circumstance exists. [13A-2-2(2)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of possession or carrying a firearm in certain places, then you shall find the defendant guilty of possession or carrying a firearm in certain places.

If you find that the State has failed to prove any one or more of the elements of possession or carrying a firearm in certain places, then you cannot find the defendant guilty of possession or carrying a firearm in certain places.

[If lesser-included offenses are included, the Court should instruct on those offenses at this point.]

Use Notes

The places listed in this statute are in addition to any other place limited or prohibited by state or federal law. [13A-11-61.2(a)]

A person with a permit issued under Section 13A-11-75(a)(1) or recognized under Section 13A-11-85 is not exempt from this statute except where specifically exempted. [13A-11-61.2(a)]

A person is not prohibited from possessing a firearm within his/her residence or during ingress or egress thereto. [13A-11-61.2(f)]

This statute does not apply to law enforcement officers engaged in the lawful execution of their official duties. [13A-11-61.2(g)]

[Approved 04-15-16.]