

Ala. Code 1975, § 13A-11-61.2(b)

Possession or Carrying Firearm in Certain Places
(Limited Access)

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 inside any building or facility to which access of unauthorized persons and prohibited articles is limited during normal hours of operation by the continuous posting of guards and the use of other security features, including, but not limited to, magnetometers, key cards, biometric screening devices, or turnstiles or other physical barriers, without the express permission of a person or entity with authority over the premises.

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

- (1) The defendant possessed or carried a firearm, **[describe]**, inside a building or facility, **[describe]**, to which access of unauthorized persons and prohibited articles was limited during normal hours of operation by the continuous posting of guards and the use of other security features, including, but not limited to, magnetometers, key cards, biometric screening devices, or turnstiles or other physical barriers;
- (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

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.]