

Ala. Code 1975, § 13A-11-72(c)

Possession of Deadly Weapon on School Grounds

The defendant is charged with possession of a deadly weapon on school grounds.

A person commits the offense of possession of a deadly weapon on school grounds if he/she knowingly with intent to do bodily harm carries or possesses a deadly weapon on the premises of a public school.

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

- (1) The defendant carried or possessed a deadly weapon, [**insert description of weapon**], on the premises of a public school; [**AND**]
- (2) The defendant did so knowingly and with intent to do bodily harm.

To *possess* means to have physical possession or otherwise to exercise dominion or control over tangible property. [13A-1-2(13)]

A *deadly weapon* is 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, billy, black-jack, bludgeon, or metal knuckles. [13A-11-72(j)]

The term "*public school*" applies only to a school composed of grades K-12 and shall include a school bus used for grades K-12. [13A-11-72(i)]

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

A person acts *intentionally* with respect to a result or to conduct described by a statute defining an offense, when his/her purpose is to cause that result or to engage in that conduct. [13A-2-2(1)]

[Read as appropriate]: A person cannot commit the offense of the possession of a deadly weapon on school grounds if he/she is a marshal, sheriff, prison and jail warden or their regularly employed deputies, policemen and other law enforcement officer of any state or political subdivision thereof, or is a member of the Army, Navy or Marine Corps of the United States or of the National Guard, or is a member of the National Guard organized reserves or state guard organization when on duty or going to or from duty, or is a regularly enrolled member of any organization duly authorized to purchase or receive such weapons from the United States or from this state; provided, that such person is at or is going to or from his/her place of assembly or target practice, or is an officer or employee of the United States duly authorized to carry a pistol, or is a person engaged in manufacturing, repairing or dealing in pistols, or is the agent or representative of such person possessing, using, or carrying a pistol in the usual or ordinary course of such

business, or is any common carrier, except taxicabs, licensed as a common carrier, or is any person permitted by law to possess a pistol while carrying it unloaded in a secure wrapper, from the place of purchase to his/her home or place of business, or to or from a place of repair or in moving from one place of abode or business to another. [13A-11-74].

[Read if appropriate]: Qualified school security personnel and school resource officers, employed by a local board of education, and authorized by the employing local board of education to carry a deadly weapon while on duty cannot commit the offense of the possession of a deadly weapon on school grounds. [13A-11-72(e)]. **[insert appropriate part(s) of 16-1-44.1(a), governing qualifications of school security personnel and school resource officers] and 13A-11-72(h) defining school resource officer]** **[Read as appropriate]:** *School resource officer* is an Alabama Peace Officers' Standards and Training Commissioner-certified law enforcement officer employed by a law enforcement agency who is specifically selected and specially trained for the school setting. [13A-11-72(h)]

[Read as appropriate]: Law enforcement officers cannot commit the offense of the possession of a deadly weapon on school grounds. [13A-11-72(e)].

[Read as appropriate]: Persons with pistol permits cannot commit the offense of the possession of a deadly weapon on school grounds. [13A-11-72(e)] **[Insert appropriate part(s) of 13A-11-75, governing pistol permits]**

[Read as appropriate:] A minor cannot be found guilty of this offense if the minor has permission to possess a pistol from a parent or legal guardian who is not prohibited from possessing a firearm under state or federal law, and any of the following are satisfied:

- (1) The minor is attending a hunter education course or a firearms safety course under the supervision of an adult who is not prohibited from possessing a firearm under state or federal law;
- (2) The minor is engaging in practice in the use of a firearm or target shooting at an established range under the supervision of an adult who is not prohibited from possessing a firearm under state or federal law;
- (3) The minor is engaging in an organized competition involving the use of a firearm or participating in or practicing for a performance by an organized group under 26 U.S.C. § 501(c)(3) which uses firearms as part of the performance;
- (4) The minor is hunting or fishing pursuant to a valid license, if required, and the person has the license in his or her possession; has written permission of the owner or legal possessor of the land on which the activities are being conducted; and the pistol, when loaded, is carried only in a manner discernible by ordinary observation;
- (5) The minor is on real property under the control of the minor's parent, legal guardian, or grandparent;

(6) The minor is a member of the armed services or National Guard and the minor is acting in the line of duty; **(OR)**

(7) The minor is traveling by motor vehicle to any of the locations or activities listed in subdivisions (1) through (6), has written permission to possess the pistol by his/her parent or legal guardian, and the pistol is unloaded, locked in a compartment or container that is in or affixed securely to the motor vehicle and is out of reach of the driver and any passenger in the motor vehicle.

[13A-11-72(f)]

[Read as appropriate:] A minor cannot be found guilty of this offense if he/she uses a pistol while acting in self-defense of himself/herself or other persons against an intruder into the residence of the minor or a residence in which the minor is an invited guest. [13A-11-72(g)]

[Read as appropriate:] A person cannot be found guilty of this offense if he/she purchased, possessed or sold pistols as curiosities or ornaments or transported such pistols unloaded and in a bag, box or securely wrapped package, not concealed on the person. [13A-11-83]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of the possession of a deadly weapon on school grounds, then you shall find the defendant guilty of the possession of a deadly weapon on school grounds.

If you find that the State has failed to prove any one or more of the elements of the possession of a deadly weapon on school grounds, then you cannot find the defendant guilty of the possession of a deadly weapon on school grounds.

[Approved 05/09/19]