



2016-023

STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

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June 7, 2016

VIA CERTIFIED MAIL



Re: West Morgan-East Lawrence Water and Sewer Authority

Dear 

On March 15, 2016, my Office received your petition under Ala. Code §13A-11-61.3 regarding a possible violation of Alabama law by the West Morgan-East Lawrence Water and Sewer Authority. Specifically, you alleged that the Authority had posted signs prohibiting firearms at its facility.

My Office's investigation confirmed that the signs existed. I asked the Authority to explain its legal justification for prohibiting weapons. Through counsel, the Housing Authority argued that it was not a "political subdivision" subject to the preemption provision in Ala. Code § 13A-11-61.3. Alternatively, the Authority explained that it employs non-uniformed guards and other security features to control access to its facility. The Alabama Code provides that a person may not "knowingly possess or carry 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 guard and the use of other security features." Ala. Code § 13A-11-61.3(b). Assuming without deciding that the Authority is a "political subdivision," I have determined that there is no further action required because the facility employs guards and other security features to control access.

The Authority's building may also be used as a polling place. As stated in Attorney General's Opinion 2014-74, "if, during regular business day, firearms are prohibited in the public building being utilized as a polling place" because all statutory criteria are satisfied, "the prohibition continues to exist during the election." See Opinion to Hon. Claud E. McCoy, Jr., dated July 7, 2014, No. 2014-74 at page 5-6.

A redacted copy of this letter will be posted to my Office's website, in compliance with the statutory requirement under Ala. Code § 13A-11-61.3(f)(3).

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Sincerely,

A handwritten signature in blue ink that reads "Luther Strange". The signature is written in a cursive style with a long horizontal flourish at the end.

Luther Strange
Attorney General

LS: alb