

2017-026

STEVEN T. MARSHALL
ATTORNEY GENERAL

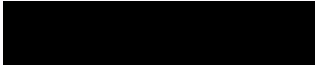
STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

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September 12, 2017



Re: City of Auburn



On June 29, 2017, I received your petition regarding a possible violation of Ala. Code §13A-11-61.3 by the City of Auburn due to city ordinance - Auburn, Ala., Code § 13-12 (Supp. 2016).

My Office's investigation confirmed that the City of Auburn has an ordinance banning the carrying of weapons into City facilities. I asked the City of Auburn to explain its legal justification for the ordinance. The City of Auburn reviewed a redacted copy of your petition and the relevant portions of Alabama law. The City of Auburn replied that, it recognizes the State of Alabama's preemption of the entire field of firearms, ammunition, and firearm accessories and does not enforce or interpret the City ordinance to ban citizens from carrying firearms into City facilities. The City went on to state that "[s]ince 2010, the City has not prosecuted anyone for bringing a firearm into a municipal facility nor does the City intend to do so in the future."

A similar issue was raised in Firearms Determination 2016-049 when a petitioner questioned the legality of the City of Bessemer's ordinance prohibiting firearms in city parks. The City of Bessemer stated that, despite the language of the ordinance, it did not enforce the ordinance and would not enforce it in the future. This Office determined that no further action against the City of Bessemer was required on the issue.

Like the City of Bessemer's ordinance related to firearms in city parks, the City of Auburn's ordinance is not enforced in the manner in

which you allege. A person is not adversely affected if not subjected to a regulation promulgated or enforced in violation of Ala. Code § 13A-11-61.3.

Because the City of Auburn is compliant with Alabama law, I have determined that there is no further action required under ALA. CODE § 13A-11-61.3.

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).

Sincerely,

A handwritten signature in black ink that reads "Steve Marshall". The signature is written in a cursive, flowing style.

Steve Marshall
Attorney General

SM/RWS/as
2385968/182001