

2024-002

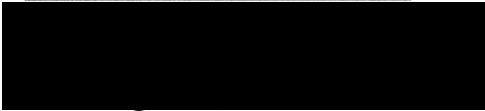
STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

STEVE MARSHALL
ATTORNEY GENERAL

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(334) 242-7300
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July 24, 2024

VIA CERTIFIED MAIL



Re: Shelby County - Heardmont Park

Dear [REDACTED]:

On May 2, 2024, my Office received your petition regarding a possible violation of section 13A-11-61.3 of the Code of Alabama by Shelby County. Specifically, you allege that the County posted a sign prohibiting firearms at Heardmont Park.

My Office's investigation confirmed that there is a kiosk at the park that lists park rules, and one of the rules states "[n]o firearms." According to the County attorney, the kiosk was installed prior to August 1, 2013. The firearms law rendered null and void any orders, ordinances, or rules promulgated prior to August 1, 2013, that are contrary to the firearms law. Ala. Code § 13A-11-61.3(e) (2015). Thus, because the kiosk was erected prior to August 1, 2013, its prohibition on firearms in the park was rendered null and void as of August 1, 2013. In addition, according to the County attorney, the prohibition on firearms listed in the kiosk has not been enforced. This Office may only proceed with an action if the petition is brought by a person adversely affected by any order, ordinance, or rule promulgated in violation of Alabama's firearms laws. Ala. Code § 13A-11-61.3(f)(1) (2015). The sign in the kiosk that prohibits firearms is null, void, and unenforced. Accordingly, the sign posted in the park's kiosk is not a regulation promulgated or enforced in violation of section 13A-11-61.3 of the Code, you are not a "person adversely affected" as defined by section 13A-11-61.3(b)(5) of the Code, and this Office is not authorized to proceed with an action against the County on this issue.

This Office's investigation also revealed that the park is jointly owned by the County and the Shelby County Board of Education. The Board has the right of first refusal on use of all of the park property, and the entire park is used by

[REDACTED]
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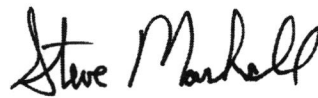
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the Board for school activities such as baseball and softball games, track meets, cross country events, tennis matches, football games, and other school sanctioned activities. Boards of Education are expressly authorized by statute to prohibit weapons on property used by school students. *See* Opinion to Honorable Alan T. Lee, Superintendent and Ex-Officio Secretary, Baldwin County Board of Education, dated Feb. 28, 2014, A.G. No. 2014-044 at 3. Regardless, the County and Board agree to place a sign near the kiosk to further explain exactly when firearms are prohibited in the park.

Because the County and Board are compliant with Alabama law, I have determined that there is no further action required under section 13A-11-61.3 of the Code.

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

Sincerely,

A handwritten signature in black ink that reads "Steve Marshall". The signature is written in a cursive, slightly stylized font.

Steve Marshall
Attorney General

SM/RWS/rw
3596329/182001