

# OFFICE OF THE ATTORNEY GENERAL

84-00205



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MAR 22 1984

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64 NORTH UNION STREET  
MONTGOMERY, ALABAMA 36130  
AREA (205) 834-5150

Honorable Van C. Gholston  
District Attorney  
Second Judicial Circuit  
Butler County Courthouse  
Greenville, Alabama 36037-2393

Firearms, Permits, Drugs,  
Alcoholic Beverages.

A permit is not required  
when a person afoot carries  
an unconcealed pistol.

Dear Sir:

Your inquiry dated February 21, 1984 is in part as follows:

- "1. Is a person required to have a permit to carry a pistol when he is afoot and the pistol is being carried in an unconcealed manner? (Provided this person is not a drug addict, an habitual drunkard or has not been convicted of a crime of violence.)
- "2. May a person carry an unlicensed and unconcealed pistol anywhere, either on his own property, on the public highways, public property or on the land of another person without violating §13A-11-52 or §13A-11-73? (Providing he is not riding in a vehicle.)

- "3. Are §13A-11-52 and §13A-11-73 in conflict with each other? If so, which law takes precedence over the other and would Looney v. State, 41 Ala. App. 583 have any bearing on this question or any of the above questions?"

Your inquiry numbered one is answered, no. Looney v. State, cited in your inquiry. This opinion states: "Thus, a permit is not required when a person afoot carries an unconcealed pistol."

Your second question is answered, yes, generally, however, "anywhere" is a broad term. There may be individual or specific restrictions, for example: airline passenger planes, etc., sports stadiums; landowners or residents may exclude licensees or invitees who do not comply with their rules prohibiting firearms.

Your inquiry numbered three is also answered, yes, and the latter statute, Section 13A-11-73, takes precedence. Braxton v. State, 350 So.2d 753 (1977).

In Braxton, supra, it is stated:

Title 14, §175, Code of Alabama 1940, states:

"No person shall carry a pistol in any vehicle, or concealed on or about his person, except on his land, in his own abode or fixed place of business, without a license therefor as hereinafter provided."

[1] Section 175 applies to carrying an unlicensed pistol concealed on the person or in a vehicle, whereas §161, supra, applies to carrying certain enumerated weapons concealed upon the person. Section 161 makes no exception for carrying a licensed pistol and thus insofar as they conflict, §175 would prevail, it

being the later statute and being a complete revision of the subject matter. Stinson v. State, 28 Ala. App. 559, 190 So. 303 (1939). Aside from the question of whether §175 pro tanto repealed §161, it is abundantly clear that §161 never covered the subject of carrying an unlicensed pistol in a vehicle. Section 175, supra, is the only statute which could have been applicable to the instant situation."

Looney, supra, has a bearing on some of your questions in that it holds that:

1. A person afoot carrying an unconcealed pistol needs no license or permit.
2. A license is required to carry a pistol in a vehicle.
3. A license is required to carry a concealed pistol on or about the person.
4. It is an offense for a person who has no license therefor (except on his land, abode or place of business):
  - a) to carry a pistol in any vehicle; or
  - b) to carry a pistol concealed on or about his person.

Very truly yours,

CHARLES A. GRADDICK  
ATTORNEY GENERAL

By-

  
BERNARD F. SYKES  
ASSISTANT ATTORNEY GENERAL