

85-00106

OFFICE OF THE ATTORNEY GENERAL



CHARLES A. GRADDICK
ATTORNEY GENERAL
STATE OF ALABAMA

85-00106

ADMINISTRATIVE BUILDING
64 NORTH UNION STREET
MONTGOMERY, ALABAMA
AREA (205) 534-5150

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DEC 3 1984

Honorable A. Victor Guarisco
Mayor, City of Daphne
P. O. Drawer 400
Daphne, Alabama 36526

Municipalities - Firearms -
Handguns

Municipalities have no
authority to enact any
ordinances regulating the
possession or ownership of
handguns.

Dear Mayor Guarisco:

THIS OPINION IS REVERSED BY ACT. NO.
94-635.

You have requested an opinion from this office which
opinion request reads as follows:

"IS A MUNICIPALITY PROHIBITED FROM
ANY CONTROL OVER HANDGUNS DUE TO
SECTION 11-45-1.1 OF THE 1975 CODE
OF ALABAMA AS ANNOTATED IN THE 1984
CUMULATIVE SUPPLEMENT?"

The Code of Alabama 1975, Section 11-45-1.1 provides as
follows:

"No incorporated municipality shall
have the power to enact any ordinance,
rule or regulation, which shall tax,
restrict, prevent or in any way affect
the possession or ownership of handguns
by the citizens of this state. The
entire subject matter of handguns is
reserved to the state legislature.
(Acts 1982, No. 82-442, p. 694, § 1.)"

Honorable A. Victor Guarisco
Mayor, City of Daphne
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It is the opinion of this office that a municipality has no authority to enact any ordinance dealing with handguns. This matter has been reserved strictly to the legislature.

I hope I have satisfactorily answered your inquiry with regard to this matter.

Sincerely,

CHARLES A. GRADDICK
Attorney General
By:

Jack M Curtis
JACK M. CURTIS
Assistant Attorney General

JMC/dn