

OFFICE OF THE
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STATE OF ALABAMA

DEC 18 1987

88-00088

Honorable C. Gray Price
Mayor
City of Prattville
P.O. Drawer 20
Prattville, AL 36067-0020

Municipalities - Ordinances -
Crimes and Offenses - Firearms

In light of Code of Alabama 1975,
§11-45-1.1, a municipality may not
adopt a state misdemeanor
involving handguns as a municipal
offense.

Dear Mayor Price:

The opinion request of the City of Prattville has been received in the Office of the Attorney General. Your opinion request reads, in pertinent part, as follows:

Section 11-45-1, Code of Alabama 1975,
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."

The City of Prattville has by ordinance adopted all state misdemeanors and offenses. Would you please advise as to whether or not the city may enforce its ordinance adopting state misdemeanors and offenses in light of Section 11-45-1.1.

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In an opinion to Honorable A. Victor Guarisco, Mayor of Daphne under date of December 3, 1984 (85-00106), this office, in interpreting Code of Alabama 1975, §11-45-1.1 stated that a municipality has no authority to enact any ordinance dealing with handguns. In that opinion this office noted that the matter "has been reserved strictly to the legislature." It, is, therefore, the opinion of this office that the City of Prattville may not enforce its ordinance adopting a state misdemeanor involving handguns as a municipal offense.

I do hope that this response sufficiently answers your inquiry. If, however, we may be of further service, please do not hesitate to let us know.

Sincerely yours,

DON SIEGELMAN
Attorney General
By-



CAROL JEAN SMITH
Assistant Attorney General

DS/CJS/cg
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