

Alabama's "Guns in the Parking Lot Act" Becomes Effective August 1

Governor Robert Bentley signed a gun bill into law on May 22, 2013. Alabama Act 2013-283, known as the "Guns in the Parking Lot Act," becomes effective August 1, 2013. The Act limits Alabama employers' rights to prohibit guns and ammunition in the workplace. Employers may disallow employees from carrying firearms at work, but employers may not prohibit employees from storing firearms in their privately owned vehicles that are parked in employer provided parking areas. Of course, certain conditions must be satisfied and exceptions apply.

As a general matter, Alabama employers may prohibit employees, including those with a valid concealed pistol permit, from carrying firearms while on the employer's property or while engaged in the employer's work, whether on or off-site. Alabama employers may not, however, restrict or prohibit the transportation or storage of lawfully possessed firearms or ammunition in an employee's privately owned vehicle if the employee either (1) has a valid concealed weapon permit, or (2) the weapon is legal for hunting in Alabama, the employee has a valid Alabama hunting license, it is during hunting season, the weapon is unloaded at all times on the property, and the employee has not been convicted of any crime of violence and has no prior documented incidents of workplace threats or violence. Employers may require that any firearms be stored out of sight in the locked vehicle.

A business that limits access during normal hours of operation to its facility, including its parking lot, by the posting of guards and the use of other security features, such as key cards, turnstiles, or other barriers, may prohibit all employees and visitors, including those with a concealed weapon permit, from possessing firearms on the premises. Facilities that provide inpatient or custodial care of persons with psychiatric,

This alert was prepared by Hand Arendall's Labor and Employment Practice Group. For further information or assistance, please contact any member of the Labor and Employment Practice Group listed below.

Roger Bates:

rbates@handarendall.com

phone 205-502-0105

Windy Bitzer:

wbitzer@handarendall.com

phone 251-694-6263

Patrick Chestnut:

pchestnut@handarendall.com

phone 256-232-0202

Lisa Darnley Cooper:

ldcooper@handarendall.com

phone 251-694-6266

Tracy Davis:

tdavis@handarendall.com

phone 205-502-0127

Stephen Fitts:

sfitts@handarendall.com

phone 205-502-0123

John Johnson:

jjohnson@handarendall.com

phone 205-502-0140

mental, or emotional disorders may also prohibit the possession or carrying of firearms on their premises. Businesses that fall within these exceptions are required to place notice at the public entrances of their premises or buildings alerting those entering that firearms are prohibited.

Business groups opposed the law, and employers may view the new law as increasing the risk for workplace violence. It is important for Alabama employers to understand the law and its implications. Employers should consider reviewing their current policies or handbooks to ensure legal compliance while, at the same time, training workforce on workplace violence prevention and protocol.

Greg Jones:

gjones@handarendall.com

phone 251-694-6358

Tracy Miller:

tmiller@handarendall.com

phone 205-502-0132

Jennifer Morgan:

jmorgan@handarendall.com

phone 251-694-6348

William Reece:

breece@handarendall.com

phone 251-694-6265

Drew Sinor:

dsinor@handarendall.com

phone 205-502-0110

Bill Tidwell:

btidwell@handarendall.com

phone 251-694-6310

Mark Waggoner:

mwaggoner@handarendall.com

phone 205-502-0100

George Walker:

gwalker@handarendall.com

phone 251-694-6296

BIRMINGHAM: 205-324-4400 • MOBILE: 251-432-5511 • ATHENS: 256-232-0202 • FAIRHOPE: 251-990-0079

Copyright © 2013 Hand Arendall LLC, All rights reserved.

This alert is for general information only and is not intended as and does not constitute legal advice or solicitation of a prospective client. It should not be relied on for legal advice in any particular factual circumstance. An attorney-client relationship with the Firm cannot be formed by reading or relying on this information; such a relationship may be formed only by a specific and explicit agreement with Hand Arendall LLC.

NOTE: The following language is required by Rule 7.2 of the Alabama State Bar Rules of Professional Conduct: "No representation is made that the quality of the legal services to be performed is greater than the quality of legal services performed by other lawyers."

Feedback

We hope that you enjoy the electronic format for the Hand Arendall Employment Alert. However, if you would prefer to receive future alerts by mail, please reply to nweinacht@handarendall.com.