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**Attorney General Statement on Church Security and
Alabama's Stand-Your-Ground Law**

In the aftermath of the heinous attack on West Freeway Church of Christ in White Settlement, Texas, the Attorney General has received inquiries from the media and the general public about the current state of the law in Alabama related to self-defense and the defense of others.

First, as a practical matter, Attorney General Marshall urges every place of worship in Alabama to adopt and implement a church safety plan. In 2018, the Attorney General traveled around the state with expert Robert Thetford to discuss the importance of church security. Any church seeking guidance on church security may call the Attorney General's Office for more information.

Second, as a matter of law, Alabama, like Texas, *does not impose a duty to retreat from an attacker in any place in which one is lawfully present*. Section 13A-3-23(a) of the Alabama Code states:

A person is justified in using physical force upon another person in order to defend himself or herself or a third person from what he or she reasonably believes to be the use or imminent use of unlawful physical force by that person, and he or she may use a degree of force which he or she reasonably believes is necessary for the purpose. A person may use deadly physical force...if the person reasonably believes that another person is...using or about to use unlawful deadly physical force.

Alabama's law, like Texas's, goes further to say that an individual has a right to "stand his or her ground" so long as he or she is justified in using deadly physical force, is not engaged in an illegal activity, and is in a place where he or she has a right to be located. Ala. Code §13-A-23(b).

Questions have been raised about whether Alabama needs to enact new laws to adequately provide immunity for members of a church security team. The recently-enacted Texas law that has been cited in media stories as of late is not related to "stand your ground" or a duty to retreat; rather, the law provides that a license holder may carry a handgun on church property, unless a church provides

effective notice prohibiting the handgun on its property. Texas Senate Bill 535 was enacted on June 7, 2019 and amended a state law that prohibited a handgun license holder from carrying a handgun “on the premises of a church, synagogue, or other established place of religious worship...” Texas Penal Code §46.035(b)(6).

As explained in Texas Attorney General Opinion No. KP-0176, “The Texas Legislature provided churches the same option as most other private entities to decide whether to allow the carrying of handguns on the premises of church-owned property. If a church decides to exclude the concealed or open carrying of handguns on the premises of church property, it may provide the requisite notice, thereby making it an offense for a license holder to carry a handgun on those premises. However, churches may instead decide not to provide notice and to allow the carrying of handguns on their premises.” In effect, the amended Texas law clarifies that churches are to be treated the same as other private property when determining whether a license holder may carry on premises.

Comparable provisions of the Alabama Code are found at §§13A-11-52 and 13A-11-61.2. This Office has previously advised that a citizen carrying a pistol onto private property without a valid pistol permit or the consent of the owner would be in violation of §13A-11-52. The owners of private property may also choose to forbid firearms on their property, even if the person with the firearm has a permit. Opinion to Honorable Claud E. McCoy, Jr. Attorney, Chambers County Commission, dated July 7, 2014, A.G. No. 2014-074. Unlike the Texas law (before it was amended), §13A-11-61.2 of the Alabama Code does not specifically list churches and other places of worship as premises where “express permission” to carry a firearm must be given. In other words, Alabama law already treats churches the same as other private property—meeting the same objective as the recently-amended Texas law. Moreover, an established church security team would inherently have the consent of the church to carry a firearm on the premises.