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STATE OF ALABAMA

JUL 20 1989

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Honorable T. Euclid Rains, Sr.  
Member, House of Representatives  
District No. 26  
Route 1, Box 326  
Albertville, AL 35950

Parks and Recreation - Crimes  
and Offenses - Law Enforcement  
- Rules and Regulations

The Public Park and Recreation Board of DeKalb County may make rules and regulations regarding the possession and use of firearms in a park but it cannot place criminal sanctions against violators of such rules and regulations.

Dear Representatives Rains:

This opinion is issued in response to your request for an opinion from the Attorney General.

QUESTION

What authority does the Public Park and Recreation Board of DeKalb County have to prohibit the possession and use of firearms within a park area, and what criminal sanctions may be placed against those who violate such rules?

FACTS AND ANALYSIS

The Public Park and Recreation Board of DeKalb County was created according to Code of Alabama 1975, Section 11-22-1 through Section 11-22-19. The powers and duties of such boards

are set out at Section 11-22-8. Section 11-22-8(6) authorizes a public park and recreation board to do the following:

"To adopt and enforce rules and regulations relative to the use or occupancy of any of its facilities or services; . . ."

The legislature gave a public park and recreation board the authority to make and enforce its rules and regulations regarding the use and occupancy of its facilities. However, such board was not authorized to provide criminal sanctions. The board can prohibit the use of the park by those who do not abide by its rules and regulations. While the board may make rules and regulations prohibiting the possession and use of firearms in the park, in order to have criminal sanctions, the state laws and penalties regarding the carrying and use of firearms must be used to govern the possession and use of firearms within the park.

#### CONCLUSION

The Public Park and Recreation Board of DeKalb County may make rules and regulations regarding the possession and use of firearms in a park, but it cannot place criminal sanctions against violators of such rules and regulations.

I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

DON SIEGELMAN  
Attorney General

By:



LYNDA K. OSWALD  
Assistant Attorney General

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