

1 HB47  
2 169742-4  
3 By Representative England  
4 RFD: Public Safety and Homeland Security  
5 First Read: 03-MAR-15  
6 PFD: 02/23/2015

1  
2 ENROLLED, An Act,

3           Relating to firearms; to amend Sections 13A-11-57,  
4 13A-11-61.2, 13A-11-72, 13A-11-76, 13A-11-79, 22-52-10.8,  
5 40-12-143, Code of Alabama 1975, to allow a person under the  
6 age of 18 to receive or possess a pistol under certain  
7 conditions; provide that a minor may receive title to a  
8 pistol, bowie knife, or other knife of like kind by  
9 inheritance; to specify that a person may possess a firearm or  
10 ammunition in an employee's privately owned vehicle while  
11 parked or operated in a public or private parking area at a  
12 secure building where firearms are otherwise prohibited; to  
13 further provide for the entry of certain mental health  
14 information into the National Instant Criminal Background  
15 Check System (NICS); to allow a person who has been found  
16 insane, mentally incompetent, or not guilty by reason of  
17 mental disease or defect to petition for the removal of  
18 applicable firearm prohibitions; to eliminate certain  
19 record-keeping and administrative requirements relating to  
20 firearm sales; to require that certain firearm sales records  
21 be permanently removed and destroyed within a certain  
22 timeframe; to provide an exception; and in connection  
23 therewith would have as its purpose or effect the requirement  
24 of a new or increased expenditure of local funds within the  
25 meaning of Amendment 621 of the Constitution of Alabama of

1 1901, now appearing as Section 111.05 of the Official  
2 Recompilation of the Constitution of Alabama of 1901, as  
3 amended.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Sections 13A-11-57, 13A-11-61.2,  
6 13A-11-72, 13A-11-76, 13A-11-79, 13A-11-84, 22-52-10.8, and  
7 40-12-143, are amended to read as follows:

8 "§13A-11-57.

9 "(a) Any person who sells, gives or lends to any  
10 minor any pistol ~~or~~, except under the circumstances provided  
11 in Section 13A-11-72, bowie knife, or other knife of like kind  
12 or description, shall, on conviction, be fined not less than  
13 ~~\$50.00~~ fifty dollars (\$50) nor more than ~~\$500.00~~ five hundred  
14 dollars (\$500).

15 "(b) This section does not apply to a transfer by  
16 inheritance of title to, but not possession of, a pistol,  
17 bowie knife, or other knife of like kind or description to a  
18 minor.

19 "§13A-11-61.2.

20 "(a) In addition to any other place limited or  
21 prohibited by state or federal law, a person, including a  
22 person with a permit issued under Section 13A-11-75(a) (1) or  
23 recognized under Section 13A-11-85, may not knowingly possess  
24 or carry a firearm in any of the following places without the

1 express permission of a person or entity with authority over  
2 the premises:

3 "(1) Inside the building of a police, sheriff, or  
4 highway patrol station.

5 "(2) Inside or on the premises of a prison, jail,  
6 halfway house, community corrections facility, or other  
7 detention facility for those who have been charged with or  
8 convicted of a criminal or juvenile offense.

9 "(3) Inside ~~or on the premises of~~ a facility which  
10 provides inpatient or custodial care of those with  
11 psychiatric, mental, or emotional disorders.

12 "(4) Inside a courthouse, courthouse annex, a  
13 building in which a District Attorney's office is located, or  
14 a building in which a county commission or city council is  
15 currently having a regularly scheduled or specially called  
16 meeting.

17 "(5) Inside any facility hosting an athletic event  
18 not related to or involving firearms which is sponsored by a  
19 private or public elementary or secondary school or any  
20 private or public institution of postsecondary education,  
21 unless the person has a permit issued under Section  
22 13A-11-75(a) (1) or recognized under Section 13A-11-85.

23 "(6) Inside any facility hosting a professional  
24 athletic event not related to or involving firearms, unless

1 the person has a permit issued under Section 13A-11-75(a) (1)  
2 or recognized under Section 13A-11-85.

3 "(b) Notwithstanding the provisions of subsection  
4 (a), a person, including a person with a permit issued under  
5 Section 13A-11-75(a) (1) or recognized under Section 13A-11-85,  
6 may not, without the express permission of a person or entity  
7 with authority over the premises, knowingly possess or carry a  
8 firearm inside any building or facility to which access of  
9 unauthorized persons and prohibited articles is limited during  
10 normal hours of operation by the continuous posting of guards  
11 and the use of other security features, including, but not  
12 limited to, magnetometers, key cards, biometric screening  
13 devices, or turnstiles or other physical barriers. Nothing in  
14 this subsection otherwise restricts the possession,  
15 transportation, or storage of a lawfully possessed firearm or  
16 ammunition in an employee's privately-owned motor vehicle  
17 while parked or operated in a public or private parking area  
18 provided the employee complies with the requirements of  
19 Section 13A-11-90.

20 "(c) The person or entity with authority over the  
21 premises set forth in subsections (a) (1)-(6) and subsection  
22 (b) shall place a notice at the public entrances of such  
23 premises or buildings alerting those entering that firearms  
24 are prohibited.

1           "(d) Except as provided in subsections (a)(5) and  
2 (a)(6), any firearm on the premises of any facility set forth  
3 in subsection (a)(1), or subsections (a)(4)-(6), or subsection  
4 (b) must be kept from ordinary observation and locked within a  
5 compartment or in the interior of the person's motor vehicle  
6 or in a compartment or container securely affixed to the motor  
7 vehicle.

8           "(e) A violation of subsections (a), (b), or (d) is  
9 a Class C misdemeanor.

10           "(f) This section shall not prohibit any person from  
11 possessing a firearm within the person's residence or during  
12 ingress or egress thereto.

13           "(g) Prohibitions regarding the carrying of a  
14 firearm under this section shall not apply to law enforcement  
15 officers engaged in the lawful execution of their official  
16 duties.

17           "(h) Nothing in this section shall be construed to  
18 authorize the carrying or possession of a firearm where  
19 prohibited by federal law.

20           "§13A-11-72.

21           "(a) No person who has been convicted in this state  
22 or elsewhere of committing or attempting to commit a crime of  
23 violence, misdemeanor offense of domestic violence, violent  
24 offense as listed in Section 12-25-32(14), anyone who is  
25 subject to a valid protection order for domestic abuse, or

1 anyone of unsound mind shall own a ~~pistol~~ firearm or have one  
2 in his or her possession or under his or her control.

3 "(b) No person who is a minor, except under the  
4 circumstances provided in this section, a drug addict, or an  
5 habitual drunkard shall own a pistol or have one in his or her  
6 possession or under his or her control.

7 "(c) Subject to the exceptions provided by Section  
8 13A-11-74, no person shall knowingly with intent to do bodily  
9 harm carry or possess a deadly weapon on the premises of a  
10 public school.

11 "(d) Possession of a deadly weapon with the intent  
12 to do bodily harm on the premises of a public school in  
13 violation of subsection (c) of this section is a Class C  
14 felony.

15 "(e) School security personnel and school resource  
16 officers qualified under subsection (a) of Section 16-1-44.1,  
17 employed by a local board of education, and authorized by the  
18 employing local board of education to carry a deadly weapon  
19 while on duty are exempt from subsection (c) of this section.  
20 Law enforcement officers are exempt from this section, and  
21 persons with pistol permits issued pursuant to Section  
22 13A-11-75, are exempt from subsection (c) of this section.

23 "(f) A person shall not be in violation of Section  
24 13A-11-57 or 13A-11-76 and a minor shall not be in violation  
25 of this section if the minor has permission to possess a

1 pistol from a parent or legal guardian who is not prohibited  
2 from possessing a firearm under state or federal law, and any  
3 of the following are satisfied:

4 "(1) The minor is attending a hunter education  
5 course or a firearms safety course under the supervision of an  
6 adult who is not prohibited from possessing a firearm under  
7 state or federal law.

8 "(2) The minor is engaging in practice in the use of  
9 a firearm or target shooting at an established range under the  
10 supervision of an adult who is not prohibited from possessing  
11 a firearm under state or federal law.

12 "(3) The minor is engaging in an organized  
13 competition involving the use of a firearm or participating in  
14 or practicing for a performance by an organized group under 26  
15 U.S.C. § 501(c) (3) which uses firearms as part of the  
16 performance.

17 "(4) The minor is hunting or fishing pursuant to a  
18 valid license, if required, and the person has the license in  
19 his or her possession; has written permission of the owner or  
20 legal possessor of the land on which the activities are being  
21 conducted; and the pistol, when loaded, is carried only in a  
22 manner discernible by ordinary observation.

23 "(5) The minor is on real property under the control  
24 of the minor's parent, legal guardian, or grandparent.

1           "(6) The minor is a member of the armed services or  
2 National Guard and the minor is acting in the line of duty.

3           "(7) The minor is traveling by motor vehicle to any  
4 of the locations or activities listed in subdivisions (1)  
5 through (6), has written permission to possess the pistol by  
6 his or her parent or legal guardian, and the pistol is  
7 unloaded, locked in a compartment or container that is in or  
8 affixed securely to the motor vehicle and is out of reach of  
9 the driver and any passenger in the motor vehicle.

10           "(g) This section does not apply to a minor who uses  
11 a pistol while acting in self-defense of himself or herself or  
12 other persons against an intruder into the residence of the  
13 minor or a residence in which the minor is an invited guest.

14           "~~(f)~~ (h) The term "school resource officer" as used  
15 in this section means an Alabama Peace Officers' Standards and  
16 Training Commissioner-certified law enforcement officer  
17 employed by a law enforcement agency who is specifically  
18 selected and specially trained for the school setting.

19           "~~(g)~~ (i) The term "public school" as used in this  
20 section applies only to a school composed of grades K-12 and  
21 shall include a school bus used for grades K-12.

22           "~~(h)~~ (j) The term "deadly weapon" as used in this  
23 section means a firearm or anything manifestly designed, made,  
24 or adapted for the purposes of inflicting death or serious  
25 physical injury, and such term includes, but is not limited

1 to, a bazooka, hand grenade, missile, or explosive or  
2 incendiary device; a pistol, rifle, or shotgun; or a  
3 switch-blade knife, gravity knife, stiletto, sword, or dagger;  
4 or any club, baton, billy, black-jack, bludgeon, or metal  
5 knuckles.

6 "(k) (1) The term "convicted" as used in this section  
7 requires that the person was represented by counsel in the  
8 case, or knowingly and intelligently waived the right to  
9 counsel in the case if required by law, and either the case  
10 was tried before a judge, tried by a jury, or the person  
11 knowingly and intelligently waived the right to have the case  
12 tried, by guilty plea or otherwise.

13 "(2) A person may not be considered to have been  
14 convicted for the purposes of this section if the person is  
15 not considered to have been convicted in the jurisdiction in  
16 which the proceedings were held or the conviction has been  
17 expunged, set aside, or is of an offense for which the person  
18 has been pardoned or has had civil rights restored, unless the  
19 pardon, expungement, or restoration of civil rights expressly  
20 provides that the person may not ship, transport, possess, or  
21 receive firearms.

22 "(l) The term "misdemeanor offense of domestic  
23 violence" as used in this section means a misdemeanor offense  
24 that has, as its elements, the use or attempted use of  
25 physical force or the threatened use of a dangerous instrument

1 or deadly weapon, and the victim is a current or former  
2 spouse, parent, child, person with whom the defendant has a  
3 child in common, or a present or former household member.

4 "(m) The term "valid protection order" as used in  
5 this section means an order issued after a hearing of which  
6 the person received actual notice, and at which the person had  
7 an opportunity to participate, that does any of the following:

8 "(1) Restrains the person from harassing, stalking,  
9 or threatening a qualified individual or child of the  
10 qualified individual or person or engaging in other conduct  
11 that would place a qualified individual in reasonable fear of  
12 bodily injury to the individual or child and that includes a  
13 finding that the person represents a credible threat to the  
14 physical safety of the qualified individual or child.

15 "(2) By its terms, explicitly prohibits the use,  
16 attempted use, or threatened use of physical force against the  
17 qualified individual or child that would reasonably be  
18 expected to cause bodily injury.

19 "(n) The term "qualified individual" as used in  
20 subsection (k), means a spouse or former spouse of the person,  
21 an individual who is a parent of a child of the person, or an  
22 individual who cohabitates or has cohabited with the person.

23 "(o) The term "unsound mind" as used in this section  
24 includes any person who is subject to any of the findings

1 listed below, and who has not had his or her rights to possess  
2 a firearm reinstated by operation of law or legal process:

3 "(1) Found by a court, board, commission, or other  
4 lawful authority that, as a result of marked subnormal  
5 intelligence, mental illness, incompetency, condition, or  
6 disease, is a danger to himself or herself or others or lacks  
7 the mental capacity to contract or manage his or her own  
8 affairs.

9 "(2) Found to be insane, not guilty by reason of  
10 mental disease or defect, found mentally incompetent to stand  
11 trial, or found not guilty by a reason of lack of mental  
12 responsibility by a court in a criminal case, to include  
13 state, federal and military courts.

14 "(3) Involuntarily committed for a final commitment  
15 for inpatient treatment to the Department of Mental Health or  
16 a Veterans' Administration hospital by a court after a  
17 hearing.

18 "§13A-11-76.

19 "(a) No Except as provided in subsection (b), no  
20 person shall deliver a pistol to any person ~~under the age of~~  
21 ~~18 or to one~~ who he or she has reasonable cause to believe ~~has~~  
22 ~~been convicted of a crime of violence or is a minor, except~~  
23 under the circumstances provided in Section 13A-11-72, a drug  
24 addict, an habitual drunkard, or a person of unsound mind, has  
25 been convicted in this state or elsewhere of committing or

1 attempting to commit a crime of violence, misdemeanor offense  
2 of domestic violence, a violent offense as listed in Section  
3 12-25-32(14), or anyone who is subject to a valid protection  
4 order for domestic abuse, or anyone of unsound mind.

5 "(b) A person may deliver a pistol to a person  
6 otherwise prohibited from receiving a pistol under subsection  
7 (a), if the person has had his or her firearm rights restored  
8 by operation of law or legal process.

9 "(c) For the purposes of this subsection, the terms  
10 "convicted," "misdemeanor offense of domestic violence,"  
11 "valid protection order," and "unsound mind" shall have the  
12 same meanings as provided in Section 13A-11-72.

13 "§13A-11-79.

14 "(a) The duly constituted licensing authorities of  
15 any city, town or political subdivision of this state may  
16 grant licenses in forms prescribed by the secretary of state,  
17 effective for not more than one year from date of issue,  
18 permitting the licensee to sell pistols at retail within this  
19 state subject to the following conditions, ~~in addition to~~  
20 ~~those specified in Section 13A-11-77,~~ for breach of any of  
21 which the license shall be forfeited and the licensee subject  
22 to punishment as provided in this division. The business shall  
23 be carried on only in the building designated in the license.  
24 The license or a copy thereof, certified by the issuing  
25 authority, shall be displayed on the premises where it can

1 easily be read. ~~No pistol shall be sold in violation of any~~  
2 ~~provisions of this division, nor shall a pistol be sold under~~  
3 ~~any circumstances unless the purchaser is personally known to~~  
4 ~~the seller or shall present clear evidence of his identity. A~~  
5 ~~true record in triplicate shall be made of every pistol sold,~~  
6 ~~in a book kept for the purpose, the form of which may be~~  
7 ~~prescribed by the Secretary of State and shall be personally~~  
8 ~~signed by the purchaser and by the person effecting the sale,~~  
9 ~~the caliber, make, model and manufacturer's number of the~~  
10 ~~weapon, the name, address, occupation, color and place of~~  
11 ~~birth of purchaser and a statement signed by the purchaser~~  
12 ~~that he has never been convicted in this state or elsewhere of~~  
13 ~~a crime of violence. One copy shall be sent within six hours~~  
14 ~~by registered or certified mail to the chief of police of the~~  
15 ~~municipality or the sheriff of the county of which the dealer~~  
16 ~~is a resident; the dealer shall within seven days send the~~  
17 ~~duplicate to the Secretary of State; and the dealer shall~~  
18 ~~retain the triplicate for six years. No pistol or imitation~~  
19 ~~thereof or placard advertising the sale thereof shall be~~  
20 ~~displayed in any part of any premises where it can readily be~~  
21 ~~seen from the outside. The fee for issuing said the license~~  
22 ~~shall be \$.50, which fee shall be paid into the State~~  
23 ~~Treasury.~~

24 "(b) All records of pistol, revolver, or maxim  
25 silencer sales that are maintained or in the custody of

1 dealers, the chief of police, the sheriff, or the Secretary of  
2 State pursuant to Section 13A-11-79 or Section 40-12-143,  
3 including any records or databases compiled as a result of or  
4 based on the records or information so maintained or received,  
5 shall be permanently removed and destroyed without  
6 reproduction of the removed documents no later than 180 days  
7 of the effective date of the act adding this subsection. This  
8 section does not apply to any record necessary for an active  
9 investigation or ongoing prosecution.

10 "§13A-11-84.

11 "(a) Every violation of subsection (a) of Section  
12 13A-11-72 or ~~of Sections~~ Section 13A-11-81 or 13A-11-82 shall  
13 be ~~punishable by imprisonment for not more than five years a~~  
14 Class C felony. Every violation of subsection (b) of Section  
15 13A-11-72 or ~~of Sections~~ 13A-11-73, 13A-11-74, 13A-11-76, and  
16 13A-11-77 through 13A-11-80 shall be ~~punishable by~~  
17 ~~imprisonment for any term less than one year or by a fine of~~  
18 ~~not more than \$500.00, or both~~ a Class A misdemeanor. The  
19 punishment for violating Section 13A-11-78 or 13A-11-79 may  
20 include revocation of license.

21 (b) It shall be the duty of any sheriff, policeman,  
22 or other peace officer of the State of Alabama, arresting any  
23 person charged with violating Sections 13A-11-71 through  
24 13A-11-73, or any one or more of ~~said~~ those sections, to seize  
25 the pistol or pistols in the possession or under the control

1 of the person or persons charged with violating ~~said~~ the  
2 section or sections, and to deliver ~~said~~ the pistol or pistols  
3 to one of the following named persons: if a municipal officer  
4 makes the arrest, to the city clerk or custodian of stolen  
5 property of the municipality employing the arresting officer;  
6 if a county, state, or other peace officer makes the arrest,  
7 to the sheriff of the county in which the arrest is made. The  
8 person receiving the pistol or pistols from the arresting  
9 officer shall keep it in a safe place in as good condition as  
10 received until disposed of as hereinafter provided. Within  
11 five days after the final conviction of any person arrested  
12 for violating any of the above-numbered sections, the person  
13 receiving possession of the pistol or pistols, seized as  
14 ~~aforsaid~~ provided in this section, shall report the seizure  
15 and detention of ~~said~~ the pistol or pistols to the district  
16 attorney within the county where the pistol or pistols are  
17 seized, giving a full description thereof, the number, make  
18 and model thereof, the name of the person in whose possession  
19 it was found when seized, the person making claim to same or  
20 any interest therein, if the name can be ascertained or is  
21 known, and the date of the seizure. Upon receipt of the report  
22 from the person receiving possession of the pistol or pistols  
23 ~~as aforsaid~~, it shall be the duty of the district attorney  
24 within the county wherein the pistol or pistols were seized to  
25 forthwith file a complaint in the circuit court of the proper

1 county, praying that ~~such~~ the seized pistol or pistols be  
2 declared contraband, be forfeited to the state and be  
3 destroyed. Any person, firm or corporation or association of  
4 persons in whose possession said pistol or pistols may be  
5 seized or who claim to own the same or any interest therein  
6 shall be made a party defendant to ~~said~~ the complaint, and  
7 thereupon ~~such~~ the matter shall proceed and be determined in  
8 the circuit court of the proper county in the same form and  
9 manner, as near as may be, as in the forfeiture and  
10 destruction of gaming devices, except as ~~herein~~ otherwise  
11 provided. When any judgment of condemnation and forfeiture is  
12 made in any case filed under ~~the provisions of~~ this section,  
13 the judge making ~~such~~ the judgment shall direct ~~therein~~ the  
14 destruction of the pistol or pistols by the person receiving  
15 possession of ~~said~~ the pistol or pistols from the arresting  
16 officer in the presence of the clerk or register of the court,  
17 unless the judge is of the opinion that the nondestruction  
18 thereof is necessary or proper in the ends of justice, in  
19 which event and upon recommendation of the district attorney,  
20 the judge shall award the pistol or pistols to the sheriff of  
21 the county or to the chief of police of the municipality to be  
22 used exclusively by the sheriff or the chief of police in the  
23 enforcement of law, and the sheriff of the county and the  
24 chiefs of police of the municipalities shall keep a permanent  
25 record of all pistols awarded to them as provided for ~~herein~~

1 in this section, to be accounted for as other public property,  
2 and ~~said the~~ order, in the event that no appeal is taken  
3 within 15 days from the rendition thereof, shall be carried  
4 out and executed before the expiration of 20 days from the  
5 date of the judgment. The court, ~~at its discretion, shall~~ may  
6 direct in ~~said the~~ judgment that the costs of the proceedings  
7 be paid by the person in whose possession ~~said the~~ pistol or  
8 pistols were found when seized, or by any party or parties who  
9 claim to own ~~said the~~ pistol or pistols, or any interest  
10 therein, and who contested the condemnation and forfeiture  
11 thereof.

12 "§22-52-10.8.

13 "(a) When the judge of probate of a county enters an  
14 order for the involuntary commitment of a person pursuant to  
15 Section 22-52-10.1, and the order is for a final commitment  
16 for inpatient treatment to the Department of Mental Health or  
17 a Veterans' Administration hospital, or as otherwise provided  
18 by law, ~~and the order is based on evidence produced in court~~  
19 ~~that the committed person has shown a history of the~~  
20 ~~inappropriate use of firearms or other dangerous instrument or~~  
21 ~~deadly weapons as defined in Section 13A-1-2 or has threatened~~  
22 ~~to use firearms or other dangerous weapons or poses a threat~~  
23 ~~to use firearms or other dangerous weapons inappropriately,~~  
24 the judge shall immediately forward the order to the ~~Criminal~~  
25 ~~Justice Information Center~~ Alabama Law Enforcement Agency and

1 the order shall be entered in its information systems. The  
2 order shall be forwarded to the ~~Criminal Justice Information~~  
3 ~~Center~~ Alabama Law Enforcement Agency in the manner as the  
4 Criminal Justice Information Center Commission shall provide.  
5 The ~~Criminal Justice Information Center~~ Alabama Law  
6 Enforcement Agency shall as soon as possible thereafter enter  
7 the order in the National Instant Criminal Background Check  
8 System (NICS) and the information shall be entered into the  
9 NICS Index Denied Persons File. The records maintained  
10 pursuant to this section shall only be used for purposes of  
11 determining eligibility to purchase or transfer a firearm.  
12 Information furnished shall not include confidential medical  
13 or treatment records, confidential tax or financial data,  
14 library records, or other personal information.

15 " (b) Any person who has been adjudicated mentally  
16 deficient or committed to a mental institution and who is  
17 subject to the firearm disabilities of 18 U.S.C. Section 922  
18 (d) (4) and (g) (4), and who is subject to the firearm  
19 disabilities of Sections 13A-11-72 and 13A-11-75, because he  
20 or she has been determined by law or legal process to be of  
21 unsound mind, may petition the district court for a civil  
22 review of the person's mental capacity to purchase a firearm.  
23 The petitioner may present evidence and witnesses at the  
24 hearing on the petition. The district court shall make written  
25 findings of fact and conclusions of law on the issues before

1 it and issue a final order. The district court shall grant the  
2 relief requested in the petition if the judge finds, based on  
3 a preponderance of the evidence presented with respect to the  
4 petitioner's reputation, the petitioner's mental health record  
5 and, if applicable, certified criminal history record from the  
6 Alabama Law Enforcement Agency, the circumstances surrounding  
7 the petitioner's firearm disability, and any other evidence in  
8 the record, that the petitioner will not be likely to act in a  
9 manner that is dangerous to public safety and that granting  
10 the relief would not be contrary to the public interest. If  
11 the final order grants relief, a copy of the order shall be  
12 forwarded to the ~~Criminal Justice Information Center~~ Alabama  
13 Law Enforcement Agency directing that the prior order be  
14 removed from its information systems. Thereafter, ~~the Criminal~~  
15 ~~Justice Information Center~~ Alabama Law Enforcement Agency  
16 shall, as soon as possible, redact the prior order from the  
17 National Instant Criminal Background Check System (NICS) or  
18 shall request that the redaction be done and shall notify the  
19 United States Attorney General that the basis for the record  
20 being made available no longer applies. The petitioner may  
21 appeal a final order denying relief within 42 days of the  
22 order to the circuit court for the county in which the  
23 commitment or adjudication was entered. The circuit court's  
24 review shall be conducted de novo.

1           "~~(c) For purposes of this section, inappropriate~~  
2 ~~means unlawful or with reckless disregard for human life.~~

3           "~~(d)~~ (c) To the extent allowed by the Alabama  
4 Criminal Justice Information Center Commission, ACJIC may  
5 provide a judge of probate access to ACJIC information systems  
6 for the purpose of involuntary commitment hearings, petitions  
7 to change names, and other official functions of the judge of  
8 probate.

9           "§40-12-143.

10           "Persons dealing in pistols, revolvers, maxim  
11 silencers, bowie knives, dirk knives, brass knucks or knucks  
12 of like kind, whether principal stock in trade or not shall  
13 pay the following license tax: In cities and towns of 35,000  
14 inhabitants and over, \$150; and in all other places, \$100. The  
15 required license amounts shall be paid for each place of  
16 business from which sales of such items are made. In addition  
17 to any other required licenses, a person may organize and  
18 conduct a gun and knife show of no more than seven days, by  
19 paying the maximum license tax prescribed in this section, as  
20 well as the maximum license taxes provided in Sections  
21 40-12-158 and 40-12-174(d), for each such show. Participants  
22 shall not be required to pay the license taxes provided in  
23 this section, nor in Section 40-12-158 or 40-12-174 for  
24 participating in such shows, provided the organizer has paid  
25 the license taxes prescribed in this section prior to the

1 commencement of the event. It shall be the duty of the  
2 organizer of such show to determine if each participant is  
3 licensed under the sales tax laws of this state as well as the  
4 particular county and municipality in which the show is  
5 conducted. The organizer shall be responsible for providing a  
6 list of participants to the county and municipality in which  
7 the gun show is held and for collecting and remitting all  
8 state and local sales taxes for any participant not licensed  
9 under state or local sales tax laws. In the event the  
10 organizer does not provide the information required herein or  
11 pay the license taxes prescribed in this section, prior to the  
12 commencement of the event, each participant shall be  
13 responsible for his or her applicable licenses. The organizer  
14 and all participants shall abide by applicable federal, state,  
15 and local laws and regulations. ~~All persons dealing in~~  
16 ~~pistols, revolvers, and maxim silencers shall be required to~~  
17 ~~keep a permanent record of the sale of every pistol, revolver,~~  
18 ~~or maxim silencer, showing the date of sale, serial number, or~~  
19 ~~other identification marks, manufacturer's name, caliber and~~  
20 ~~type, and also the name and address of the purchaser. The~~  
21 ~~records shall always be open for inspection by any peace~~  
22 ~~officer of the State of Alabama or any municipality thereof.~~  
23 ~~The failure to keep such record shall subject such person to~~  
24 ~~having his or her license revoked by the probate judge of the~~

1 ~~county where such license was issued on motion of any district~~  
2 ~~attorney of the State of Alabama".~~

3           Section 2. (a) (1) Upon any finding that a defendant  
4 is insane, mentally incompetent, or not guilty by reason of  
5 mental disease or defect pursuant to Chapter 16, Title 15,  
6 Code of Alabama 1975, or the Alabama Rules of Criminal  
7 Procedure, the judge shall immediately forward the order of  
8 the finding to the Alabama Law Enforcement Agency and the  
9 order shall be entered in its information systems. The order  
10 shall be forwarded to the Alabama Law Enforcement Agency in  
11 the manner as the Criminal Justice Information Center  
12 Commission shall provide.

13           (2) The Alabama Law Enforcement Agency, as soon as  
14 possible thereafter, shall enter the order in the National  
15 Instant Criminal Background Check System (NICS) and the  
16 information shall be entered into the NICS Index Denied  
17 Persons File.

18           (3) The records maintained pursuant to this section  
19 shall only be used for purposes of determining eligibility to  
20 receive, ship, transport, or possess a firearm. Information  
21 furnished shall not include confidential medical or treatment  
22 records.

23           (b) (1) Any person who is subject to the firearm  
24 disabilities of 18 U.S.C. Section 922(d) (4) and (g) (4), and  
25 who is subject to the firearm disabilities of Sections

1 13A-11-72 and 13A-11-75, Code of Alabama 1975, because he or  
2 she has been determined by law or legal process to be of  
3 unsound mind, may petition the district court in the  
4 jurisdiction where such a finding was made, for a civil review  
5 of the person's mental capacity to receive, ship, transport,  
6 or possess a firearm.

7 (2) The district attorney or the Attorney General,  
8 whoever prosecuted the underlying case, and victim or victim  
9 representative, if applicable, shall be served a copy of the  
10 petition by certified mail. The petitioner may present  
11 evidence and witnesses at the hearing on the petition. The  
12 district attorney or Attorney General shall be allowed to  
13 speak and make recommendations to the court. The victim or  
14 victim representative, if applicable, shall be allowed to  
15 speak to the court. The district court shall make written  
16 findings of fact and conclusions of law on the issues before  
17 it and issue a final order.

18 (3) The district court shall grant the relief  
19 requested in the petition if the judge finds, based on a  
20 preponderance of the evidence presented with respect to the  
21 petitioner's reputation, the petitioner's mental health record  
22 and, if applicable, certified criminal history record obtained  
23 from the Alabama Law Enforcement Agency, the circumstances  
24 surrounding the petitioner's firearm disability, and any other  
25 evidence in the record, that the petitioner will not be likely

1 to act in a manner that is dangerous to public safety and that  
2 granting the relief would not be contrary to the public  
3 interest.

4 (4) If the final order grants relief, a copy of the  
5 order shall be forwarded to the Alabama Law Enforcement Agency  
6 directing that the prior order be removed from its information  
7 systems. Thereafter, the Alabama Law Enforcement Agency, as  
8 soon as possible, shall redact the prior order from the  
9 National Instant Criminal Background Check System (NICS) or  
10 shall request that the redaction be done and shall notify the  
11 United States Attorney General that the basis for the record  
12 being made available no longer applies.

13 (5) The petitioner may appeal a final order denying  
14 relief within 42 days of the order to the circuit court for  
15 the county in which the commitment or adjudication was  
16 entered. The circuit court's review shall be conducted de  
17 novo.

18 Section 3. Although this bill would have as its  
19 purpose or effect the requirement of a new or increased  
20 expenditure of local funds, the bill is excluded from further  
21 requirements and application under Amendment 621, now  
22 appearing as Section 111.05 of the Official Recompilation of  
23 the Constitution of Alabama of 1901, as amended, because the  
24 bill defines a new crime or amends the definition of an  
25 existing crime.

1                   Section 4. The provisions of this act are severable.  
2                   If any part of this act is declared invalid or  
3                   unconstitutional, that declaration shall not affect the part  
4                   which remains.

5                   Section 5. This act shall become effective on the  
6                   first day of the third month following its passage and  
7                   approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 12-MAY-15.

Jeff Woodard  
Clerk

Senate	<hr/> 04-JUN-15 <hr/>	Amended and Passed
House	<hr/> 04-JUN-15 <hr/>	Concurred in Sen- ate Amendment