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3 SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR SB392  
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8 SYNOPSIS: Under current law, pistol permits are issued  
9 by the sheriffs of each Alabama county. Each  
10 sheriff may have differing fees, forms, and  
11 processes for the issuance of a pistol permit.  
12 Further, each county may maintain separate  
13 databases of persons authorized to carry a pistol.

14 This bill would create a new statewide  
15 pistol permit called the Lifetime Carry Permit, and  
16 create a standardized process through which an  
17 individual may apply for a Lifetime Carry Permit. A  
18 Lifetime Carry Permit designation would be notated  
19 in a new Lifetime Carry Permit state database,  
20 linked to the driver license system so that it is  
21 viewable by law enforcement and other authorized  
22 persons, similar to other special endorsements or  
23 information as prescribed and authorized by current  
24 law, and an endorsement would be placed on the  
25 individual's driver license or nondriver  
26 identification card, at the option of the  
27 individual. The bill would allow an individual to

1 opt to receive a separate Lifetime Carry Permit  
2 card.

3 This bill would create a process by which,  
4 if a law enforcement officer or court finds  
5 probable cause to believe an individual with a  
6 Lifetime Carry Permit is, in fact, an individual  
7 prohibited from possessing a firearm under state or  
8 federal law, has a reasonable suspicion that the  
9 individual may use a weapon unlawfully or in such  
10 other manner that would endanger the individual's  
11 self or others, or believes the individual  
12 otherwise should not be issued a permit based on  
13 the factors provided in Section 13A-11-75(a)(1),  
14 the law enforcement officer or court may request a  
15 revocation hearing in district court.

16 This bill would also create a process by  
17 which the Alabama State Law Enforcement Agency,  
18 upon conviction of any crime which would prohibit  
19 an individual from carrying a firearm under state  
20 or federal law, and upon receiving of a notice of  
21 that conviction forwarded by the convicting court,  
22 shall enter a Pistol Permit Prohibited Status  
23 endorsement into the state Lifetime Carry Permit  
24 system. This endorsement would not appear on the  
25 individual's driver license or nondriver  
26 identification card.

1                   This bill would also create a process by  
2                   which an individual's Lifetime Carry Permit shall  
3                   be reviewed by the Alabama State Law Enforcement  
4                   Agency every four years from the date of issuance.  
5                   This review would examine whether the individual  
6                   has been convicted of a crime which would prohibit  
7                   that person from possessing a firearm in the State  
8                   of Alabama, whether there is a reasonable suspicion  
9                   that the individual may use a weapon unlawfully or  
10                  in such other manner that would endanger the  
11                  individual's self or others, and whether the  
12                  individual otherwise should be issued a permit  
13                  based on the factors provided in Section  
14                  13A-11-75(a) (1).

15                  Amendment 621 of the Constitution of Alabama  
16                  of 1901, now appearing as Section 111.05 of the  
17                  Official Recompilation of the Constitution of  
18                  Alabama of 1901, as amended, prohibits a general  
19                  law whose purpose or effect would be to require a  
20                  new or increased expenditure of local funds from  
21                  becoming effective with regard to a local  
22                  governmental entity without enactment by a 2/3 vote  
23                  unless: it comes within one of a number of  
24                  specified exceptions; it is approved by the  
25                  affected entity; or the Legislature appropriates  
26                  funds, or provides a local source of revenue, to  
27                  the entity for the purpose.

1                   The purpose or effect of this bill would be  
2                   to require a new or increased expenditure of local  
3                   funds within the meaning of the amendment. However,  
4                   the bill does not require approval of a local  
5                   governmental entity or enactment by a 2/3 vote to  
6                   become effective because it comes within one of the  
7                   specified exceptions contained in the amendment.

8  
9                   A BILL  
10                  TO BE ENTITLED  
11                  AN ACT

12  
13                  Relating to firearms; to provide for a statewide  
14                  pistol permit called the Lifetime Carry Permit; to create a  
15                  process by which these permits may be issued; and in  
16                  connection therewith would have as its purpose or effect the  
17                  requirement of a new or increased expenditure of local funds  
18                  within the meaning of Amendment 621 of the Constitution of  
19                  Alabama of 1901, now appearing as Section 111.05 of the  
20                  Official Recompilation of the Constitution of Alabama of 1901,  
21                  as amended.

22                  BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23                  Section 1. (a) (1) The Alabama State Law Enforcement  
24                  Agency shall develop, create, maintain, and administer a  
25                  Lifetime Carry Permit state system. This system shall be  
26                  linked to the state driver license records system so that  
27                  endorsements and restrictions are viewable by law enforcement

1 officers and other authorized persons through an individual's  
2 driver license.

3 (2) The Alabama State Law Enforcement Agency may  
4 contract with a third party for the development, creation, and  
5 maintenance of a Lifetime Carry Permit state system, but the  
6 agency shall administer the system.

7 (b) The Alabama State Law Enforcement Agency shall  
8 create all forms and notices referenced in this act, including  
9 the Lifetime Carry Permit Verification of Background Form, the  
10 Lifetime Carry Permit Denial Form, the Notice of Revocation of  
11 Lifetime Carry Permit, and the Notice of Pistol Permit  
12 Prohibited Status.

13 (c) The Secretary of the Alabama State Law  
14 Enforcement Agency may adopt rules to implement this act.  
15 Except as expressly provided in this act, these rules shall  
16 not place additional conditions or requirements on the  
17 issuance of a Lifetime Carry Permit or limit its scope or  
18 applicability.

19 Section 2. (a) (1) Any provision of law to the  
20 contrary notwithstanding, a holder of a Lifetime Carry Permit  
21 shall be entitled to the same rights and privileges as a  
22 holder of a pistol permit issued under Section 13A-11-75, Code  
23 of Alabama 1975, and shall also be subject to the same  
24 restrictions as a holder of that pistol permit, except as  
25 otherwise provided in this act.

26 (2) Any provision of law to the contrary  
27 notwithstanding, a pistol permit issued under this section

1 shall be valid for the carrying of a pistol in a motor vehicle  
2 or concealed on the permittee's person throughout the state,  
3 unless otherwise prohibited by law.

4 (b) This act shall not be construed to limit or  
5 place any conditions upon a person's right to carry a pistol  
6 that is not in a motor vehicle or not concealed.

7 Section 3. (a) (1) In addition to a pistol permit  
8 issued by a sheriff pursuant to Section 13A-11-75, Code of  
9 Alabama 1975, any resident of this state who is at least 21  
10 years of age may apply to the sheriff of his or her county of  
11 residence for a statewide pistol permit to carry a pistol in a  
12 vehicle or concealed on or about his or her person, to be  
13 called a Lifetime Carry Permit.

14 (2) Any resident of this state who is at least 18  
15 years of age and is a service member as defined by Section  
16 35-10-70 or a retired military veteran as defined by Section  
17 13A-11-75.1, Code of Alabama 1975, may apply for a permit  
18 under this section.

19 (b) (1) Upon receipt of a completed application, the  
20 sheriff shall complete a criminal background check, including  
21 the National Instant Criminal Background Check System, to  
22 determine whether possession of a pistol or firearm by an  
23 applicant would be a violation of state or federal law,  
24 whether there is reasonable suspicion that the individual may  
25 use a weapon unlawfully or in such other manner that would  
26 endanger the individual's self or others, as determined in  
27 accordance with Section 13A-11-75(a) (1), Code of Alabama 1975,

1 and this act, and whether the individual should otherwise not  
2 be issued a permit based on the factors provided in Section  
3 13A-11-75(a)(1), Code of Alabama 1975.

4 (2) If an individual who is not a United States  
5 citizen applies for a permit under this section, the sheriff  
6 shall conduct an Immigration Alien Query through U.S.  
7 Immigration and Customs Enforcement, or any successor agency,  
8 and the application form shall require information relating to  
9 the applicant's country of citizenship, place of birth, and  
10 any alien or admission number issued by U.S. Immigration and  
11 Customs Enforcement, or any successor agency. The sheriff  
12 shall review the results of these inquiries prior to the  
13 issuance of a Lifetime Carry Permit Verification of Background  
14 Form or a Lifetime Carry Permit Denial Form. An individual who  
15 is unlawfully present in this state may not be issued a permit  
16 under this section.

17 (c) Within 30 days from receipt of a completed  
18 application, the sheriff shall issue to the applicant a  
19 Lifetime Carry Permit Verification of Background Form  
20 confirming the completion of a favorable background check,  
21 unless the sheriff determines that possession of a pistol or  
22 firearm by an applicant would be a violation of state or  
23 federal law, that there is reasonable suspicion that the  
24 individual may use a weapon unlawfully or in such other manner  
25 that would endanger the individual's self or others, as  
26 determined in accordance with Section 13A-11-75(a)(1), Code of  
27 Alabama 1975, and this act, or that the individual should

1 otherwise not be issued a permit based on the factors provided  
2 in Section 13A-11-75(a)(1), Code of Alabama 1975.

3 (1) The Lifetime Carry Permit Verification of  
4 Background Form shall include all of the following:

5 a. The date of completion of the background check.

6 b. The name of the employee or official who  
7 conducted the background check.

8 c. The name and signature of the sheriff of the  
9 county in which the background check was completed.

10 d. An expiration date of 30 days from the date of  
11 completion of the background check.

12 (2) If the sheriff determines that possession of a  
13 pistol or firearm by an applicant would be a violation of  
14 state or federal law, that there is reasonable suspicion that  
15 the individual may use a weapon unlawfully or in such other  
16 manner that would endanger the individual's self or others, as  
17 determined in accordance with Section 13A-11-75(a)(1), Code of  
18 Alabama 1975 and this act, or that the individual should  
19 otherwise not be issued a permit based on the factors provided  
20 in Section 13A-11-75(a)(1), Code of Alabama 1975, the sheriff  
21 shall immediately issue the applicant a Lifetime Carry Permit  
22 Denial Form and a Notice of Pistol Permit Prohibited Status.  
23 This form shall state the specific reason for denial and all  
24 facts and evidence upon which the denial was based, shall  
25 include the date of completion of the background check and the  
26 name and signature of the sheriff, and shall describe to the

1 applicant the process for appealing a denial or revocation as  
2 provided in this act.

3 (3)a. The sheriff shall immediately forward the  
4 Lifetime Carry Permit Denial Form to the Alabama State Law  
5 Enforcement Agency.

6 b. The individual shall deliver the Lifetime Carry  
7 Permit Denial Form and the Notice of Pistol Permit Prohibited  
8 Status to the Alabama State Law Enforcement Agency within 10  
9 days of issuance of that form.

10 (4) Upon receipt of a Lifetime Carry Permit Denial  
11 Form and a Notice of Pistol Permit Prohibited Status, the  
12 Alabama State Law Enforcement Agency shall enter a Pistol  
13 Permit Prohibited Status restriction into the state system.

14 (d) Upon submission of a favorable Lifetime Carry  
15 Permit Verification of Background Form and a fee in the amount  
16 of one hundred fifty dollars (\$150) to any state office  
17 authorized to issue a driver license or nondriver  
18 identification card, the agency shall enter the Lifetime Carry  
19 Permit endorsement into the state system and add a Lifetime  
20 Carry Permit endorsement to the individual's driver license or  
21 nondriver identification card.

22 (1) If an applicant meets the requirements for an  
23 indigent identification card, then the endorsement shall be  
24 added to the driver license or nondriver identification card  
25 without any fees or cost.

26 (2) If an applicant requests a Lifetime Carry Permit  
27 endorsement, but is ineligible to be issued a driver license

1 or official identification card, or otherwise requests that  
2 the endorsement not appear on his or her driver license or  
3 nondriver identification card, the Alabama State Law  
4 Enforcement Agency shall enter a Lifetime Carry Permit  
5 endorsement into the state Lifetime Carry Permit system and  
6 issue the individual a separate Lifetime Carry Permit.

7 (e) Once an applicant has completed the process to  
8 add a Lifetime Carry Permit endorsement, it shall remain valid  
9 for the duration of the applicant's life, except as otherwise  
10 provided in this act. No state official or state entity may  
11 require renewal of or otherwise invalidate a Lifetime Carry  
12 Permit except as otherwise provided in this act.

13 (f) A sheriff shall keep and maintain a copy of any  
14 application for a Lifetime Carry Permit processed by the  
15 sheriff, as well as a copy of any Lifetime Carry Permit  
16 Verification of Background Form and any Lifetime Carry Permit  
17 Denial Form issued by the sheriff.

18 (g) The fee collected from each individual by the  
19 Alabama State Law Enforcement Agency under this section shall  
20 be distributed as follows:

21 (1) Sixty percent to the Alabama State Law  
22 Enforcement Agency, to be used for the administration of the  
23 Lifetime Carry Permit.

24 (2) Forty percent to the sheriff of the county of  
25 residence of each individual, to be used for the  
26 administration of the Lifetime Carry Permit and other law  
27 enforcement purposes.

1           Section 4. (a) Upon conviction of a state or federal  
2 crime which would prohibit an individual with a Lifetime Carry  
3 Permit from possessing a pistol or firearm under state or  
4 federal law, the court rendering that verdict shall  
5 immediately send a Notice of Pistol Permit Prohibited Status  
6 and a Notice of Revocation of Lifetime Carry Permit to the  
7 Alabama State Law Enforcement Agency and the managing entity  
8 for the National Instant Criminal Background Check System.

9           (b) A Notice of Revocation of Lifetime Carry Permit  
10 shall include all of the following:

11           (1) The name of the individual whose Lifetime Carry  
12 Permit is to be revoked.

13           (2) The specific reason for revocation of the  
14 Lifetime Carry Permit, including citation to relevant law.

15           (3) The date of conviction or other event on which  
16 the revocation is based.

17           (c) The court shall also provide a copy of the  
18 Notice of Revocation of Lifetime Carry Permit to the  
19 individual along with instructions that the individual shall,  
20 within 10 days, deliver the notice to the sheriff of the  
21 county of residence of the individual, who shall then forward  
22 the notice to the Alabama State Law Enforcement Agency.

23           (d) Upon receipt of a Notice of Revocation of  
24 Lifetime Carry Permit, the Alabama State Law Enforcement  
25 Agency shall remove the individual's Lifetime Carry Permit  
26 endorsement from the state Lifetime Carry Permit system and  
27 shall enter a Pistol Permit Prohibited Status restriction into

1 the state Lifetime Carry Permit system. This Pistol Permit  
2 Prohibited Status restriction shall not be printed on the  
3 individual's driver license or nondriver identification card.

4 (e) Any conviction subject to this section shall be  
5 accompanied by court costs in the amount of fifty dollars  
6 (\$50), to be distributed as follows:

7 (1) Ninety percent to the sheriff of the county of  
8 residence of the individual whose Lifetime Carry Permit was  
9 revoked, to be used for the administration of the Lifetime  
10 Carry Permit.

11 (2) Ten percent to the court of conviction.

12 Section 5. (a) The Alabama State Law Enforcement  
13 Agency shall review each individual's Lifetime Carry Permit at  
14 least once every four years from the date of issuance to  
15 ensure that the individual has not been convicted of any crime  
16 which would prohibit that individual from possessing a pistol  
17 or firearm under state or federal law and that the individual  
18 has remained eligible for a permit based on the factors  
19 provided in Section 13A-11-75(a)(1), Code of Alabama 1975.

20 (b) The Alabama State Law Enforcement Agency may  
21 conduct a review under this section at any time, and may  
22 request a Lifetime Carry Permit revocation hearing for any  
23 reason that would lead to denial of a pistol permit under  
24 Section 13A-11-75(a)(1), Code of Alabama 1975.

25 (c) If the review conducted pursuant to this section  
26 reveals a conviction which would prohibit an individual from  
27 possessing a pistol or firearm under state or federal law or

1 otherwise concludes that the individual should not be issued a  
2 permit based on the factors provided in Section  
3 13A-11-75(a)(1), Code of Alabama 1975, the Alabama State Law  
4 Enforcement Agency shall immediately request a Lifetime Carry  
5 Permit revocation hearing pursuant to this act, and shall  
6 immediately notify the individual of the request for a hearing  
7 in writing. This notification shall include the specific  
8 reason for the request, including all facts or evidence on  
9 which the basis of the request was formed.

10 Section 6. (a) The Alabama State Law Enforcement  
11 Agency or any law enforcement officer that finds probable  
12 cause to believe that an individual with a Lifetime Carry  
13 Permit is prohibited from possessing a pistol or firearm under  
14 state or federal law, that there is reasonable suspicion that  
15 the individual may use a weapon unlawfully or in such other  
16 manner that would endanger the individual's self or others as  
17 determined in accordance with Section 13A-11-75(a)(1), Code of  
18 Alabama 1975, and this act, or that the individual should  
19 otherwise not be issued a permit based on the factors provided  
20 in Section 13A-11-75(a)(1), Code of Alabama 1975, may request  
21 a Lifetime Carry Permit revocation hearing in district court.

22 (b)(1) If the agency or law enforcement officer  
23 proves by clear and convincing evidence that possession of a  
24 pistol or firearm by the individual would be in violation of  
25 state or federal law, that there is reasonable suspicion that  
26 the individual may use a weapon unlawfully or in such other  
27 manner that would endanger the individual's self or others as

1 determined in accordance with Section 13A-11-75(a)(1), Code of  
2 Alabama 1975, and this act, or that the individual should  
3 otherwise not be issued a permit based on the factors provided  
4 in Section 13A-11-75(a)(1), Code of Alabama 1975, the judge of  
5 the district court shall immediately send a Notice of  
6 Revocation of Lifetime Carry Permit and a Notice of Pistol  
7 Permit Prohibited Status to the Alabama State Law Enforcement  
8 Agency and the managing entity for the National Instant  
9 Criminal Background Check System.

10 (2) The court shall issue a copy of the Notice of  
11 Revocation of Lifetime Carry Permit and the Notice of Pistol  
12 Permit Prohibited Status to the individual, who shall deliver  
13 those notices to the Alabama State Law Enforcement Agency  
14 within 10 days.

15 (3) A Notice of Revocation of Lifetime Carry Permit  
16 shall include all of the following:

17 a. The name of the individual whose Lifetime Carry  
18 Permit is to be revoked.

19 b. The specific reason for revocation of the  
20 Lifetime Carry Permit, including citation to relevant law.

21 c. The date of conviction or other event on which  
22 the revocation is based.

23 (c) The Alabama State Law Enforcement Agency, upon  
24 receipt of the Notice of Pistol Permit Prohibited Status,  
25 shall enter a Pistol Permit Prohibited Status endorsement into  
26 the state Lifetime Carry Permit system and viewable by law  
27 enforcement and other authorized persons, similar to other

1 special endorsements or information as prescribed and  
2 authorized by current law. This Pistol Permit Prohibited  
3 Status restriction shall not be printed on the individual's  
4 driver license or nondriver identification card.

5 (d) In addition to any court costs and fees now or  
6 hereafter authorized, additional court costs of fifty dollars  
7 (\$50) shall be assessed and taxed as costs on each Lifetime  
8 Carry Permit revocation hearing that results in a revocation.  
9 These costs shall be distributed as follows:

10 (1) Ninety percent to the sheriff of the county of  
11 residence of the individual whose Lifetime Carry Permit was  
12 revoked, to be used for the administration of the Lifetime  
13 Carry Permit.

14 (2) Ten percent to the court which conducted the  
15 hearing.

16 Section 7. (a) (1) An individual who is issued a  
17 Lifetime Carry Permit Denial Form, within 30 days of receipt  
18 of that form, may appeal the decision to the district court of  
19 the county where the individual resides. During the court's  
20 review of the decision, the sheriff shall have the burden of  
21 proving by clear and convincing evidence that possession of a  
22 pistol or firearm by the individual would be in violation of  
23 state or federal law, that there is reasonable suspicion that  
24 the individual may use a weapon unlawfully or in such other  
25 manner that would endanger the individual's self or others as  
26 determined in accordance with Section 13A-11-75(a) (1), Code of  
27 Alabama 1975, and this act, or that the individual should

1 otherwise not be issued a permit based on the factors provided  
2 in Section 13A-11-75(a) (1), Code of Alabama 1975.

3 (2) An individual who is issued a Notice of  
4 Revocation of Lifetime Carry Permit, within 30 days of receipt  
5 of that form, may appeal the decision of the district court to  
6 the Alabama Court of Civil Appeals. During the court's review  
7 of the lower court's decision, the agency shall have the  
8 burden of proving by clear and convincing evidence that  
9 possession of a pistol or firearm by the individual would be  
10 in violation of state or federal law, that there is reasonable  
11 suspicion that the individual may use a weapon unlawfully or  
12 in such other manner that would endanger the individual's self  
13 or others as determined in accordance with Section  
14 13A-11-75(a) (1), Code of Alabama 1975, and this act, or that  
15 the individual should otherwise not be issued a permit based  
16 on the factors provided in Section 13A-11-75(a) (1), Code of  
17 Alabama 1975.

18 (b) A court hearing an appeal under this section  
19 shall issue a written determination within 30 days providing  
20 the reasons for the determination, as well as any facts or  
21 evidence upon which the determination was based. The court  
22 shall deliver written copies of this determination to both the  
23 individual and the Alabama State Law Enforcement Agency.

24 (c) The Alabama State Law Enforcement Agency, within  
25 3 days of receiving a notice of improper denial or revocation,  
26 shall issue or re-issue a Lifetime Carry Permit to the  
27 individual, and shall ensure that the results of the

1 determination are properly reflected in the Lifetime Carry  
2 Permit System and the National Instant Criminal Background  
3 Check System.

4 Section 8. Any individual who knowingly violates the  
5 portions of this act relating to the mandatory delivery to the  
6 Alabama State Law Enforcement Agency of a Lifetime Carry  
7 Permit Denial Form, Notice of Revocation of Lifetime Carry  
8 Permit, or Notice of Pistol Permit Prohibited Status shall be  
9 guilty of a Class A misdemeanor. This section shall not apply  
10 to an individual who did not deliver a form or notice due to  
11 incarceration or other custodial detention by law enforcement,  
12 or due to impossibility, including the failure of a court or  
13 agency to timely issue a form to that individual.

14 Section 9. The name, address, signature, photograph,  
15 and any other personally identifying information collected  
16 from an applicant or permittee under this section shall be  
17 kept confidential, shall be exempt from disclosure under  
18 Section 36-12-40, Code of Alabama 1975, and may only be used  
19 for law enforcement purposes except when a current permittee  
20 is charged in any state with a felony involving the use of a  
21 pistol. All other information on permits under this section,  
22 including information concerning the annual number of  
23 applicants, number of permits issued, number of permits denied  
24 or revoked, revenue from issuance of permits, and any other  
25 fiscal or statistical data otherwise, shall remain public  
26 writings subject to public disclosure. Except as provided  
27 above, the agency or the sheriff of a county shall redact the

1 name, address, signature, photograph, and any other personally  
2 identifying information of a permit holder before releasing a  
3 copy of a permit, a permit application, background check  
4 verification forms, or any information relating to the permit  
5 application process for a non-law enforcement purpose. The  
6 sheriff may charge a reasonable fee not to exceed five dollars  
7 (\$5) per copy of any record requested other than when  
8 requested for law enforcement purposes. To knowingly publish  
9 or release to the public in any form any information or  
10 records related to the licensing process, or the current  
11 validity of any permit, except as authorized in this section  
12 or in response to a court order or subpoena, is a Class A  
13 misdemeanor.

14 Section 10. Although this bill would have as its  
15 purpose or effect the requirement of a new or increased  
16 expenditure of local funds, the bill is excluded from further  
17 requirements and application under Amendment 621, now  
18 appearing as Section 111.05 of the Official Recompilation of  
19 the Constitution of Alabama of 1901, as amended, because the  
20 bill defines a new crime or amends the definition of an  
21 existing crime.

22 Section 11. This act shall become effective on  
23 January 20, 2020, following its passage and approval by the  
24 Governor, or its otherwise becoming law.