

1 HB17  
2 196616-2  
3 By Representatives Rowe, Fridy and Weaver  
4 RFD: Judiciary  
5 First Read: 05-MAR-19  
6 PFD: 01/10/2019



1 the person may use a weapon unlawfully or in such other manner  
2 that would endanger the person's self or others. In making  
3 such determination, the sheriff may consider whether the  
4 applicant:

5 "1. Was found guilty but mentally ill in a criminal  
6 case.

7 "2. Was found not guilty in a criminal case by  
8 reason of insanity or mental disease or defect.

9 "3. Was declared incompetent to stand trial in a  
10 criminal case.

11 "4. Asserted a defense in a criminal case of not  
12 guilty by reason of insanity or mental disease or defect.

13 "5. Was found not guilty only by reason of lack of  
14 mental responsibility under the Uniform Code of Military  
15 Justice.

16 "6. Required involuntary inpatient treatment in a  
17 psychiatric hospital or similar treatment facility.

18 "7. Required involuntary outpatient treatment in a  
19 psychiatric hospital or similar treatment facility based on a  
20 finding that the person is an imminent danger to himself or  
21 herself or to others.

22 "8. Required involuntary commitment to a psychiatric  
23 hospital or similar treatment facility for any reason,  
24 including drug use.

25 "9. Is or was the subject of a prosecution or of a  
26 commitment or incompetency proceeding that could lead to a

1 prohibition on the receipt or possession of a firearm under  
2 the laws of Alabama or the United States.

3 "10. Falsified any portion of the permit  
4 application.

5 "11. Caused justifiable concern for public safety.

6 "b. The sheriff shall take into account how recent  
7 any consideration under paragraph a. is in relation to the  
8 date of the application. The sheriff shall provide a written  
9 statement of the reasons for a denial of a permit and the  
10 evidence upon which it is based must be disclosed to the  
11 applicant, unless disclosure would interfere with a criminal  
12 investigation.

13 "c. Except as otherwise provided by the laws of this  
14 state, a permit issued under this subdivision is valid  
15 throughout the state.

16 "d. Except as expressly provided in this section, a  
17 sheriff may not place conditions or requirements on the  
18 issuance of a pistol permit or limit its scope or  
19 applicability.

20 "(2)a. The sheriff may revoke a permit issued under  
21 subdivision (1) for any reason that could lead to a denial of  
22 a permit under that subdivision.

23 "b. The sheriff shall provide a written statement of  
24 the reasons for the revocation and the evidence upon which it  
25 is based must be disclosed to the applicant, unless disclosure  
26 would interfere with a criminal investigation.

1           "(3) A person who is denied a permit under  
2 subdivision (1), or a person whose permit is revoked under  
3 subdivision (2), within 30 days of notification of the denial  
4 or revocation, may appeal the denial or revocation to the  
5 district court of the county where the denial or revocation  
6 was issued. Upon a review of a denial under this subdivision,  
7 the sheriff shall have the burden of proving by clear and  
8 convincing evidence that the person is prohibited from  
9 possession of a pistol or other firearm pursuant to state or  
10 federal law or, based on any of the considerations enumerated  
11 in subsection (a) (1) that the person may use a weapon  
12 unlawfully or in such other manner as would endanger the  
13 person's self or others if granted a permit to carry a  
14 concealed weapon under this section.

15           "(4) Within 30 days of receipt of the appeal, the  
16 district court shall review the appeal and issue a  
17 determination providing the reasons for the determination.

18           "(5) If the district court issues a determination in  
19 favor of a person whose permit was denied or revoked, the  
20 person shall be issued a permit or the permit must be  
21 reinstated no later than the close of business on the third  
22 fifth business day following the district court's transmittal  
23 of its order to the appropriate sheriff.

24           "(6) Nothing in this section shall be construed to  
25 permit a sheriff to disregard any federal law or regulation  
26 pertaining to the purchase or possession of a firearm.

1           "(b) Each permit shall be written or in an  
2 electronic or digital form to be prescribed by the Secretary  
3 of State in consultation with the Alabama Sheriff's  
4 Association, and shall bear the name, address, description,  
5 and signature of the permittee. The original hardcopy of the  
6 permit shall be issued to the permittee, and a duplicate  
7 shall, within seven days, be sent by registered or certified  
8 mail to the Secretary of the Alabama State Law Enforcement  
9 Agency. The application and a copy shall be preserved for six  
10 years by the authority issuing the same. The sheriff may  
11 charge a fee as provided by local law for the issuance of the  
12 permit under subdivision (1) of subsection (a). The amount of  
13 the fee for a period of one year up to five years shall be the  
14 amount of the fee as prescribed by local law multiplied by the  
15 number of years of the permit requested by the applicant. The  
16 fee shall be paid into the county treasury unless otherwise  
17 provided by local law. Prior to issuance or renewal of a  
18 permit, the sheriff shall contact available local, state, and  
19 federal criminal history data banks, including the National  
20 Instant Criminal Background Check System, to determine whether  
21 possession of a firearm by an applicant would be a violation  
22 of state or federal law.

23           "(c) A sheriff may not place a time constraint or  
24 other requirement upon taking possession of a pistol permit by  
25 the applicant after he or she has been notified that his or  
26 her pistol permit has been approved.

1           "(d) For the convenience of the applicant, the  
2 sheriff may provide for application or renewal of a permit  
3 under subdivision (1) of subsection (a) through electronic  
4 means. The sheriff may also accept payment for a permit by  
5 debit or credit card or other consumer electronic payment  
6 method. Any transaction or banking fee charged for the  
7 electronic payment method shall be paid by the applicant.

8           "(e) If a person who is not a United States citizen  
9 applies for a permit under this section, the sheriff shall  
10 conduct an Immigration Alien Query through U.S. Immigration  
11 and Customs Enforcement, or any successor agency, and the  
12 application form shall require information relating to the  
13 applicant's country of citizenship, place of birth, and any  
14 alien or admission number issued by U.S. Immigration and  
15 Customs Enforcement, or any successor agency. The sheriff  
16 shall review the results of these inquiries before making a  
17 determination of whether to issue a permit or renewal permit.  
18 A person who is unlawfully present in this state may not be  
19 issued a permit under this section.

20           "(f) The name, address, signature, photograph, and  
21 any other personally identifying information collected from an  
22 applicant or permittee under this section shall be kept  
23 confidential, shall be exempt from disclosure under Section  
24 36-12-40, and may only be used for law enforcement purposes  
25 except when a current permittee is charged in any state with a  
26 felony involving the use of a pistol. All other information on  
27 permits under this section, including information concerning

1 the annual number of applicants, number of permits issued,  
2 number of permits denied or revoked, revenue from issuance of  
3 permits, and any other fiscal or statistical data otherwise,  
4 shall remain public writings subject to public disclosure.  
5 Except as provided above, the sheriff of a county shall redact  
6 the name, address, signature, photograph, and any other  
7 personally identifying information of a permit holder before  
8 releasing a copy of a permit for a non-law enforcement  
9 purpose. The sheriff may charge one dollar (\$1) per copy of  
10 any redacted permit record requested other than when requested  
11 for law enforcement purposes. To knowingly publish or release  
12 to the public in any form any information or records related  
13 to the licensing process, or the current validity of any  
14 permit, except as authorized in this subsection or in response  
15 to a court order or subpoena, is a Class A misdemeanor.

16 "(g) A concealed pistol permit issued under this  
17 section shall be valid for the carrying of a pistol in a motor  
18 vehicle or concealed on the permittee's person throughout the  
19 state, unless prohibited by this section.

20 "(h) This section shall not be construed to limit or  
21 place any conditions upon a person's right to carry a pistol  
22 that is not in a motor vehicle or not concealed.

23 "(i) If a person issued a pistol permit in this  
24 state establishes residence in another state, the pistol  
25 permit shall expire upon the establishment of residence in the  
26 other state."

1                   Section 2. This act shall become effective on the  
2 first day of the third month following its passage and  
3 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Judiciary ..... 05-MAR-19

Read for the second time and placed  
on the calendar 1 amendment ..... 20-MAR-19

Read for the third time and passed  
as amended..... 02-APR-19

Yeas 98, Nays 0, Abstains 2

Jeff Woodard  
Clerk