

1 HB595
2 198856-3
3 By Representatives Robertson, Treadaway, Ball, Estes,
4 Reynolds, Moore (P) and McCutcheon
5 RFD: Public Safety and Homeland Security
6 First Read: 08-MAY-19

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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 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 mentioned in this chapter,
9 including the Lifetime Carry Permit Verification of Background
10 Form, the Lifetime Carry Permit Denial Form, the Notice of
11 Revocation of Lifetime Carry Permit, and the Notice of Pistol
12 Permit Prohibited Status.

13 (c) The Secretary of the Alabama State Law
14 Enforcement Agency may adopt rules to implement this act.

15 Section 2. (a) (1) Any provision of law to the
16 contrary notwithstanding, a holder of a Lifetime Carry Permit
17 shall be entitled to the same rights and privileges as a
18 holder of a pistol permit issued under Section 13A-10-75, Code
19 of Alabama 1975, and shall also be subject to the same
20 restrictions as a holder of that pistol permit, except as
21 otherwise provided in this act.

22 (2) Any provision of law to the contrary
23 notwithstanding, a pistol permit issued under this section
24 shall be valid for the carrying of a pistol in a motor vehicle
25 or concealed on the permittee's person throughout the state,
26 unless prohibited by this act.

1 (b) This act shall not be construed to limit or
2 place and conditions upon a person's right to carry a pistol
3 that is not in a motor vehicle or not concealed.

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

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

15 (b) (1) Upon receipt of an application, the sheriff
16 shall complete a criminal background check, including the
17 National Instant Criminal Background Check System, to
18 determine whether possession of a pistol or firearm by an
19 applicant would be a violation of state or federal law,
20 whether there is reasonable suspicion that the person may use
21 a weapon unlawfully or in such other manner that would
22 endanger the person's self or others, and whether the
23 individual should otherwise not be issued a permit based on
24 the factors provided in Section 13A-11-75(a) (1), Code of
25 Alabama 1975.

26 (2) If a person who is not a United States citizen
27 applies for a permit under this section, the sheriff shall

1 conduct an Immigration Alien Query through U.S. Immigration
2 and Customs Enforcement, or any successor agency, and the
3 application form shall require information relating to the
4 applicant's country of citizenship, place of birth, and any
5 alien or admission number issued by U.S. Immigration and
6 Customs Enforcement, or any successor agency. The sheriff
7 shall review the results of these inquiries before making a
8 determination of whether to issue a permit or renewal permit.
9 A person who is unlawfully present in this state may not be
10 issued a permit under this section.

11 (c) Within 30 days from receipt of a completed
12 application, the sheriff shall issue to the applicant a
13 Lifetime Carry Permit Verification of Background Form
14 confirming the completion of a favorable background check,
15 unless the sheriff determines that the individual is
16 prohibited from the possession of a pistol or firearm under
17 state or federal law, has a reasonable suspicion that the
18 individual may use a weapon unlawfully or in such other manner
19 that would endanger the person's self or others, or that the
20 individual should otherwise not be issued a permit based upon
21 the factors provided in Section 13A-11-75(a) (1), Code of
22 Alabama 1975.

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

- 25 a. The date of completion of the background check.
- 26 b. The name of the employee or official who
- 27 conducted the background check.

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

3 d. An expiration date of 30 days from the date of
4 completion of the background check.

5 (2) If the sheriff determines that the applicant is
6 an individual prohibited by federal or state law from
7 possessing a pistol or firearm, that there is reasonable
8 suspicion that the individual may use a weapon unlawfully or
9 in such other manner that would endanger the individual's self
10 or others, or that the individual should otherwise not be
11 issued a permit based on the factors provided in Section
12 13A-11-75(a)(1), Code of Alabama 1975, the sheriff shall issue
13 the applicant a Lifetime Carry Permit Denial Form and a Notice
14 of Pistol Permit Prohibited Status. This form shall state the
15 specific reason for denial, shall include the date of
16 completion of the background check and the name and signature
17 of the sheriff, and shall describe to the applicant the
18 process for appealing a denial or revocation as provided in
19 this act.

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

23 b. The individual shall deliver the Lifetime Carry
24 Permit Denial Form and the Notice of Pistol Permit Prohibited
25 Status to the Alabama State Law Enforcement within 10 days of
26 issuance of that form.

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

5 (d) Upon submission of a favorable Lifetime Carry
6 Permit Verification of Background Form and a fee in the amount
7 of one hundred fifty dollars (\$150) to any state office
8 authorized to issue a driver license or nondriver
9 identification card, the agency shall enter the Lifetime Carry
10 Permit endorsement into the state system and add a Lifetime
11 Carry Permit endorsement to the individual's driver license or
12 nondriver identification card.

13 (1) If an applicant meets the requirements for an
14 indigent identification card, then the endorsement shall be
15 added to the driver license or nondriver identification card
16 without any fees or cost.

17 (2) If an applicant requests a Lifetime Carry Permit
18 endorsement, but is ineligible to be issued a driver license
19 or official identification card, or otherwise request that the
20 endorsement not appear on his or her driver license or
21 nondriver identification card, the Alabama State Law
22 Enforcement Agency shall enter a Lifetime Carry Permit
23 endorsement into the state Lifetime Carry Permit system and
24 issue the individual a separate Lifetime Carry Permit.

25 (e) Once an applicant has completed the process to
26 add a Lifetime Carry Permit endorsement, it shall remain valid
27 for the duration of the applicant's life, except as otherwise

1 provided in this act. No state official or state entity may
2 require renewal of or otherwise invalidate a Lifetime Carry
3 Permit except as otherwise provided in this act.

4 (f) A sheriff shall keep and maintain a copy of any
5 application for a Lifetime Carry Permit processed by the
6 sheriff, as well as a copy of any Lifetime Carry Permit
7 Verification of Background Form and any Lifetime Carry Permit
8 Denial Form issued by the sheriff.

9 (g) The fee collected from each individual by the
10 Alabama State Law Enforcement Agency under this section shall
11 be duly accounted for and shall be distributed as follows:

12 (1) Sixty percent to the Alabama State Law
13 Enforcement Agency, to be used for the administration of the
14 Lifetime Carry Permit.

15 (2) Forty percent to the sheriff of the county of
16 residence of each individual, to be used for the
17 administration of the Lifetime Carry Permit and other law
18 enforcement purposes.

19 Section 4. (a) Upon conviction of a state or federal
20 crime which would prohibit an individual with a Lifetime Carry
21 Permit from possessing a pistol or firearm under state or
22 federal law, the court rendering that verdict shall
23 immediately send a Notice of Pistol Permit Prohibited Status
24 and a Notice of Revocation of Lifetime Carry Permit to the
25 Alabama State Law Enforcement Agency and the managing entity
26 for the National Instant Criminal Background Check System.

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

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

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

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

9 (c) The court shall also provide a copy of the
10 Notice of Revocation of Lifetime Carry Permit to the
11 individual along with instructions that the individual shall,
12 within 10 days, deliver the notice to the sheriff of the
13 county of residence of the individual, who shall then forward
14 the notice to the Alabama State Law Enforcement Agency.

15 (d) Upon receipt of a Notice of Revocation of
16 Lifetime Carry Permit, the Alabama State Law Enforcement
17 Agency shall remove the individual's Lifetime Carry Permit
18 endorsement from the state Lifetime Carry Permit system and
19 shall enter a Pistol Permit Prohibited Status restriction into
20 the state Lifetime Carry Permit system. This Pistol Permit
21 Prohibited Status restriction shall not be printed on the
22 individual's driver license or nondriver identification card.

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

26 (1) Ninety percent to the sheriff of the county of
27 residence of the individual whose Lifetime Carry Permit was

1 revoked, to be used for the administration of the Lifetime
2 Carry Permit.

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

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

12 (b) If the review conducted pursuant to this section
13 reveals a conviction which would prohibit an individual from
14 possessing a pistol or firearm under state or federal law or
15 otherwise concludes that the individual should not be issued a
16 permit based on the factors provided in Section
17 13A-11-75(a) (1), the Alabama State Law Enforcement Agency
18 shall immediately request a Lifetime Carry Permit revocation
19 hearing pursuant to this act.

20 (c) 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 Section 6. (a) The Alabama State Law Enforcement
26 Agency or any law enforcement officer that finds probable
27 cause to believe that an individual with a Lifetime Carry

1 Permit is an individual prohibited from possessing a pistol
2 under state or federal law, that there is reasonable suspicion
3 that the person may use a weapon unlawfully or in such other
4 manner that would endanger the person's self or others, or
5 that the individual should otherwise not be issued a permit
6 based on the factors provided in Section 13A-11-75(a)(1), Code
7 of Alabama 1975, may request a Lifetime Carry Permit
8 revocation hearing in district court.

9 (b)(1) If the law enforcement officer or court
10 proves that the person is prohibited from possessing a pistol
11 or firearm under state or federal law, that there is
12 reasonable suspicion that the person may use a weapon
13 unlawfully or in such other manner that would endanger the
14 person's self or others, or that the individual should
15 otherwise not be issued a permit based on the factors provided
16 in Section 13A-11-75(a)(1), Code of Alabama 1975, the judge of
17 the district court shall immediately send a Notice of
18 Revocation of Lifetime Carry Permit and a Notice of Pistol
19 Permit Prohibited Status to the Alabama State Law Enforcement
20 Agency and the managing entity for the National Instant
21 Criminal Background Check System.

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

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

3 a. The name of the individual whose Lifetime Carry
4 Permit is to be revoked.

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

7 c. The date of conviction or other event on which
8 the revocation is based.

9 (c) The Alabama State Law Enforcement Agency, upon
10 receipt of the Notice of Pistol Permit Prohibited Status,
11 shall enter a Pistol Permit Prohibited Status endorsement into
12 the state Lifetime Carry Permit system and viewable by law
13 enforcement and other authorized persons, similar to other
14 special endorsements or information as prescribed and
15 authorized by current law. This Pistol Permit Prohibited
16 Status restriction shall not be printed on the individual's
17 driver license or nondriver identification card.

18 (d) In addition to any court costs and fees now or
19 hereafter authorized, additional court costs amounting to
20 fifty dollars (\$50) shall be assessed and taxed as costs on
21 each Lifetime Carry Permit revocation hearing that results in
22 a revocation. These costs shall be distributed as follows:

23 (1) Ninety percent to the sheriff of the county of
24 residence of the individual whose Lifetime Carry Permit was
25 revoked, to be used for the administration of the Lifetime
26 Carry Permit.

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

3 Section 7. An individual who is issued a Lifetime
4 Carry Permit Denial Form or a Notice of Revocation of Lifetime
5 Carry Permit, within 30 days of receipt of that form, may
6 appeal the decision of the Alabama State Law Enforcement
7 Agency to the district court of the county where the
8 individual resides. Upon the court's review of the decision,
9 the agency shall have the burden of proving by clear and
10 convincing evidence that the person is prohibited from
11 possession of a pistol or other firearm pursuant to state or
12 federal law or, based on any of the considerations enumerated
13 in Section 13A-11-75, Code of Alabama 1975, that the person
14 may use a weapon unlawfully or in such other manner as would
15 endanger the person's self or others.

16 Section 8. Any individual who knowingly violates the
17 portions of this act relating to the mandatory delivery to the
18 Alabama State Law Enforcement Agency of a Lifetime Carry
19 Permit Denial Form, Notice of Revocation of Lifetime Carry
20 Permit, or Notice of Pistol Permit Prohibited Status shall be
21 guilty of a Class C felony. This section shall not apply to an
22 individual who did not deliver a form or notice due to
23 incarceration.

24 Section 9. The name, address, signature, photograph,
25 and any other personally identifying information collected
26 from an applicant or permittee under this section shall be
27 kept confidential, shall be exempt from disclosure under

1 Section 36-12-40, Code of Alabama 1975, and may only be used
2 for law enforcement purposes except when a current permittee
3 is charged in any state with a felony involving the use of a
4 pistol. All other information on permits under this section,
5 including information concerning the annual number of
6 applicants, number of permits issued, number of permits denied
7 or revoked, revenue from issuance of permits, and any other
8 fiscal or statistical data otherwise, shall remain public
9 writings subject to public disclosure. Except as provided
10 above, the sheriff of a county shall redact the name, address,
11 signature, photograph, and any other personally identifying
12 information of a permit holder before releasing a copy of a
13 permit for a non-law enforcement purpose. The sheriff may
14 charge a reasonable fee not to exceed five dollars (\$5) per
15 copy of any redacted permit record requested other than when
16 requested for law enforcement purposes. To knowingly publish
17 or release to the public in any form any information or
18 records related to the licensing process, or the current
19 validity of any permit, except as authorized in this section
20 or in response to a court order or subpoena, is a Class A
21 misdemeanor.

22 Section 10. Although this bill would have as its
23 purpose or effect the requirement of a new or increased
24 expenditure of local funds, the bill is excluded from further
25 requirements and application under Amendment 621, now
26 appearing as Section 111.05 of the Official Recompilation of
27 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an
2 existing crime.

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