

1 HB477  
2 210584-3  
3 By Representatives Robertson, Lipscomb, Estes, Stringer,  
4 Treadaway, McCutcheon and Moore (P)  
5 RFD: Public Safety and Homeland Security  
6 First Read: 02-MAR-21

8 SYNOPSIS: Under current law, concealed carry permits  
9 are issued by the sheriffs of each county. Each  
10 sheriff may have different fees, forms, and  
11 processes for the issuance of a concealed carry  
12 permit. Further, each county may maintain separate  
13 databases of individuals authorized to carry a  
14 pistol in a vehicle or concealed on or about his or  
15 her person within this state.

16 This bill would establish the Alabama  
17 Uniform Concealed Carry Permit Act, to standardize  
18 a process by which concealed carry permits may be  
19 issued by sheriffs and would create a state  
20 firearms prohibited person database by which  
21 relevant data may be maintained and provided to law  
22 enforcement, including sheriffs.

23 This bill would provide that concealed carry  
24 permits may be issued by a sheriff for terms of one  
25 year or five years or for the lifetime of the  
26 permit holder.

1                   This bill would authorize a sheriff to  
2                   conduct background checks on persons with concealed  
3                   carry permits in order to ensure continued  
4                   compliance with state and federal law.

5                   This bill would also provide that a sheriff  
6                   of the county of residence of a permittee may  
7                   revoke that permit after a determination that the  
8                   permittee should not possess a permit under the  
9                   same criteria for the issuance of a permit. This  
10                  bill would allow the Alabama State Law Enforcement  
11                  Agency, a law enforcement officer, or a court to  
12                  request that a sheriff of the county of residence  
13                  of a permittee revoke a concealed carry permit upon  
14                  reasonable belief that the permit holder should not  
15                  possess a permit under the same criteria for the  
16                  issuance of a permit.

17                  This bill would allow an individual whose  
18                  permit has been denied or revoked or who is listed  
19                  on the state firearms prohibited person database to  
20                  appeal that revocation or database entry to the  
21                  district court of his or her county of residence.

22                  This bill would require municipal, probate,  
23                  district, and circuit courts to report to the  
24                  Alabama State Law Enforcement Agency any conviction  
25                  or court order which would render an individual  
26                  ineligible for a concealed carry permit, as well as  
27                  report to the agency any update to any conviction

1 or court order which was previously forwarded to  
2 the Alabama State Law Enforcement Agency, including  
3 notice of any appeal, expungement, pardon,  
4 commutation, or restoration of civil rights.

5 This bill would also make several  
6 nonsubstantive, technical changes to existing code  
7 sections, to make law relating to concealed carry  
8 permits uniform.

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

22 The purpose or effect of this bill would be  
23 to require a new or increased expenditure of local  
24 funds within the meaning of the amendment. However,  
25 the bill does not require approval of a local  
26 governmental entity or enactment by a 2/3 vote to

1           become effective because it comes within one of the  
2           specified exceptions contained in the amendment.

3  
4                           A BILL  
5                           TO BE ENTITLED  
6                           AN ACT

7  
8           Relating to concealed carry permits; to establish  
9           the Alabama Uniform Concealed Carry Permit Act; to amend  
10          Sections 13A-11-70, 13A-11-75, and 22-52-10.1, Code of Alabama  
11          1975, to provide for a statewide standardized process by which  
12          concealed carry permits may be issued by sheriffs and a state  
13          firearms prohibited person database by which relevant data can  
14          be maintained and provided to law enforcement; to authorize a  
15          sheriff to provide for maintenance of permit records by  
16          electronic means; to provide a method by which a sheriff may  
17          revoke a permit; to provide a method by which an individual  
18          may appeal a permit revocation, denial, or his or her listing  
19          on the state firearms prohibited person database; to provide  
20          for the electronic forwarding of convictions and court orders  
21          to the Alabama State Law Enforcement Agency; to repeal Section  
22          13A-11-75.1, Code of Alabama 1975; and in connection therewith  
23          would have as its purpose or effect the requirement of a new  
24          or increased expenditure of local funds within the meaning of  
25          Amendment 621 of the Constitution of Alabama of 1901, now  
26          appearing as Section 111.05 of the Official Recompilation of  
27          the Constitution of Alabama of 1901, as amended.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. This act shall be known and may be cited  
3 as the Alabama Uniform Concealed Carry Permit Act.

4 Section 2. (a) (1) The Alabama State Law Enforcement  
5 Agency shall develop, create, maintain, and administer a state  
6 firearms prohibited person database. This database shall be  
7 linked to the state Law Enforcement Tactical System so that  
8 all "Firearms Prohibited Person" notices are viewable by law  
9 enforcement officers and other authorized persons through the  
10 Law Enforcement Tactical System. The database shall provide a  
11 method for municipal, probate, district, and circuit courts to  
12 report convictions and orders that affect an individual's  
13 eligibility to possess a firearm under federal or state law.  
14 Upon request by a sheriff, the agency shall share any  
15 information from the database with the sheriff.

16 (2) The Alabama State Law Enforcement Agency may  
17 contract with a third party for the development, creation, and  
18 maintenance of a state firearms prohibited person database,  
19 but the agency shall administer the database in a method as  
20 determined by the Alabama Justice Information Commission.

21 (3) Except as otherwise provided in this act, any  
22 information in the database shall be kept confidential, shall  
23 be exempt from disclosure under Section 36-12-40, Code of  
24 Alabama 1975, and may only be used for law enforcement  
25 purposes except when an individual on the database is charged  
26 in any state with a felony involving the use of a firearm.

1 (b) A sheriff may provide for application, review,  
2 and renewal of a concealed carry permit through electronic  
3 means, as well as maintenance of records of applications,  
4 issued permits, and denied permits through electronic means. A  
5 sheriff may also accept payment for a permit by a debit or  
6 credit card or other consumer electronic payment method. Any  
7 transaction or banking fee charged for the electronic payment  
8 method shall be paid by the applicant.

9 (c) The Alabama Justice Information Commission may  
10 adopt rules to implement this act; provided, the commission  
11 shall not place additional conditions or requirements on the  
12 issuance of a concealed carry permit or limit its scope and  
13 applicability.

14 (d) This act shall not be construed to limit or  
15 place any conditions upon an individual's right to carry a  
16 pistol that is not in a motor vehicle and not concealed on or  
17 about his or her person.

18 (e) Any pistol permit issued prior to January 1,  
19 2023, shall remain valid until its expiration date.

20 Section 3. Sections 13A-11-70 and 13A-11-75, Code of  
21 Alabama 1975, are amended to read as follows:

22 "§13A-11-70.

23 "For the purposes of this division, the following  
24 terms shall have the respective meanings ascribed by this  
25 section:

26 "(1) PISTOL. Any firearm with a barrel less than 12  
27 inches in length.

1                   "(2) COMMISSION. The Alabama Justice Information  
2 Commission.

3                   "(3) CONCEALED CARRY PERMIT or PISTOL PERMIT. A  
4 permit to carry a pistol in a vehicle or concealed on or about  
5 his or her person within the state.

6                   "~~(2)~~ (4) CRIME OF VIOLENCE. Any of the following  
7 crimes or an attempt to commit any of them, namely, murder,  
8 manslaughter, (except manslaughter arising out of the  
9 operation of a vehicle), rape, mayhem, assault with intent to  
10 rob, assault with intent to ravish, assault with intent to  
11 murder, robbery, burglary, and kidnapping. "Crime of violence"  
12 shall also mean any Class A felony or any Class B felony that  
13 has as an element serious physical injury, the distribution or  
14 manufacture of a controlled substance, or is of a sexual  
15 nature involving a child under the age of 12.

16                   "(5) HONORABLY DISCHARGED VETERAN. An individual  
17 honorably discharged from active duty in the Army, the Navy,  
18 the Marine Corps, the Air Force, the Space Force, or the Coast  
19 Guard of the United States, or any reserve or National Guard  
20 component of the United States Armed Forces, as evidenced by  
21 his or her DD Form 214, Record and Report of Separation  
22 Honorable Discharge Record, or other applicable documentation.

23                   "(6) LIFETIME CONCEALED CARRY PERMIT or LIFETIME  
24 CARRY PERMIT. A concealed carry permit that is valid for the  
25 lifetime of the permit holder.

26                   "~~(3)~~ (7) PERSON. Such term includes any firm,  
27 partnership, association, or corporation.

1           "(8) RETIRED MILITARY VETERAN. An individual who is  
2 a retiree from active duty in the Army, the Navy, the Marine  
3 Corps, the Air Force, the Space Force, or the Coast Guard of  
4 the United States, or any reserve or National Guard component  
5 of the United States Armed Forces.

6           "(9) SERVICE MEMBER. An individual who is in  
7 military service and is a member of the armed services or  
8 reserve forces of the United States or a member of the Alabama  
9 National Guard.

10           "§13A-11-75.

11           ~~"(a) (1)a. The sheriff of a county, upon the~~  
12 ~~application of any person residing in that county, within 30~~  
13 ~~days from receipt of a complete application and accompanying~~  
14 ~~fee, shall issue or renew a permit for such person to carry a~~  
15 ~~pistol in a vehicle or concealed on or about his or her person~~  
16 ~~within this state for one- to five-year increments, as~~  
17 ~~requested by the person seeking the permit, from date of~~  
18 ~~issue, unless the sheriff determines that the person is~~  
19 ~~prohibited from the possession of a pistol or firearm pursuant~~  
20 ~~to state or federal law, or has a reasonable suspicion that~~  
21 ~~the person may use a weapon unlawfully or in such other manner~~  
22 ~~that would endanger the person's self or others. In making~~  
23 ~~such determination, the sheriff may consider whether the~~  
24 ~~applicant:~~

25           "(a) (1) An Alabama resident who is 19 years of age  
26 or more may apply to the sheriff of his or her county of

1 residence for issuance or renewal of a concealed carry permit,  
2 valid for one year or five years.

3 "(2) An Alabama resident who is at least 18 years of  
4 age and is a service member as defined in Section 35-10-70 or  
5 a retired or honorably discharged military veteran as defined  
6 in subsection (b) may apply to the sheriff of his or her  
7 county of residence for issuance or renewal of a concealed  
8 carry permit, valid for one year or five years.

9 "(3)a. Except as provided in paragraph b., an  
10 Alabama resident who possesses a valid concealed carry permit  
11 may apply to the sheriff of his or her county of residence for  
12 issuance of a lifetime carry permit.

13 "b. A sheriff may require an applicant for a  
14 lifetime carry permit to possess a valid concealed carry  
15 permit for not more than five consecutive years prior to  
16 approving the application for issuance of the permit. A  
17 sheriff's determination under this paragraph shall not be  
18 subject to any appeal or review under subsection (k).

19 "(b) (1) Upon receipt of an application for a  
20 concealed carry permit, the sheriff shall complete a criminal  
21 background check through the National Instant Criminal  
22 Background Check System (NICS) and review the state firearms  
23 prohibited person database.

24 "(2) The sheriff shall also review any other  
25 available local, state, and federal criminal history databases  
26 to determine whether possession of a pistol or firearm by an  
27 applicant would be a violation of state or federal law.

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

13           "(c) Within 30 days from receipt of a completed  
14 application, a sheriff shall approve or deny the application.  
15 In making a determination whether to approve or deny the  
16 issuance or renewal of a permit, the sheriff shall consider  
17 whether the applicant:

18           ~~"1.~~(1) Was found guilty but mentally ill in a  
19 criminal case.

20           ~~"2.~~(2) Was found not guilty in a criminal case by  
21 reason of insanity or mental disease or defect.

22           ~~"3.~~(3) Was declared incompetent to stand trial in a  
23 criminal case.

24           ~~"4.~~(4) Asserted a defense in a criminal case of not  
25 guilty by reason of insanity or mental disease or defect.

1           "~~5.~~(5) Was found not guilty only by reason of lack  
2 of mental responsibility under the Uniform Code of Military  
3 Justice.

4           "~~6.~~(6) Required involuntary inpatient treatment in a  
5 psychiatric hospital or similar treatment facility.

6           "~~7.~~(7) Required involuntary outpatient treatment in  
7 a psychiatric hospital or similar treatment facility based on  
8 a finding that the ~~person~~ individual is an imminent danger to  
9 himself or herself or to others.

10           "~~8.~~(8) Required involuntary commitment to a  
11 psychiatric hospital or similar treatment facility for any  
12 reason, including drug use.

13           "~~9.~~(9) Is or was the subject of a prosecution or of  
14 a commitment or incompetency proceeding that could lead to a  
15 prohibition on the receipt or possession of a firearm under  
16 the laws of Alabama or the United States.

17           "~~10.~~(10) Falsified any portion of the permit  
18 application.

19           "~~11.~~(11) Caused or causes justifiable concern for  
20 public safety.

21           "(12) Was involved in any appeal, expungement,  
22 pardon, commutation, or restoration of civil rights related to  
23 a factor under this subsection. A sheriff shall not make any  
24 determination to deny or revoke a permit or list an individual  
25 on the database based on any record that has been expunged.

26           "~~b. The sheriff shall take into account how recent~~  
27 ~~any consideration under paragraph a. is in relation to the~~

1 ~~date of the application. The sheriff shall provide a written~~  
2 ~~statement of the reasons for a denial of a permit and the~~  
3 ~~evidence upon which it is based must be disclosed to the~~  
4 ~~applicant, unless disclosure would interfere with a criminal~~  
5 ~~investigation.~~

6 ~~"c. Except as otherwise provided by the laws of this~~  
7 ~~state, a permit issued under this subdivision is valid~~  
8 ~~throughout the state.~~

9 ~~"d. Except as expressly provided in this section, a~~  
10 ~~sheriff may not place conditions or requirements on the~~  
11 ~~issuance of a pistol permit or limit its scope or~~  
12 ~~applicability.~~

13 ~~"(2)a. The sheriff may revoke a permit issued under~~  
14 ~~subdivision (1) for any reason that could lead to a denial of~~  
15 ~~a permit under that subdivision.~~

16 ~~"b. The sheriff shall provide a written statement of~~  
17 ~~the reasons for the revocation and the evidence upon which it~~  
18 ~~is based must be disclosed to the applicant, unless disclosure~~  
19 ~~would interfere with a criminal investigation.~~

20 ~~"(3) A person who is denied a permit under~~  
21 ~~subdivision (1), or a person whose permit is revoked under~~  
22 ~~subdivision (2), within 30 days of notification of the denial~~  
23 ~~or revocation, may appeal the denial or revocation to the~~  
24 ~~district court of the county where the denial or revocation~~  
25 ~~was issued. Upon a review of a denial under this subdivision,~~  
26 ~~the sheriff shall have the burden of proving by clear and~~  
27 ~~convincing evidence that the person is prohibited from~~

1 ~~possession of a pistol or other firearm pursuant to state or~~  
2 ~~federal law or, based on any of the considerations enumerated~~  
3 ~~in subdivision (a)(1) that the person may use a weapon~~  
4 ~~unlawfully or in such other manner as would endanger the~~  
5 ~~person's self or others if granted a permit to carry a~~  
6 ~~concealed weapon under this section.~~

7 ~~"(4) Within 30 days of receipt of the appeal, the~~  
8 ~~district court shall review the appeal and issue a~~  
9 ~~determination providing the reasons for the determination.~~

10 ~~"(5) If the district court issues a determination in~~  
11 ~~favor of a person whose permit was denied or revoked, the~~  
12 ~~person shall be issued a permit or the permit must be~~  
13 ~~reinstated no later than the close of business on the fifth~~  
14 ~~business day following the district court's transmittal of its~~  
15 ~~order to the appropriate sheriff.~~

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

19 ~~"(b) Each permit shall be written or in an~~  
20 ~~electronic or digital form to be prescribed by the Secretary~~  
21 ~~of State in consultation with the Alabama Sheriff's~~  
22 ~~Association, and shall bear the name, address, description,~~  
23 ~~and signature of the permittee. The original hard copy of the~~  
24 ~~permit shall be issued to the permittee, and a duplicate~~  
25 ~~shall, within seven days, be sent by registered or certified~~  
26 ~~mail to the Secretary of the Alabama State Law Enforcement~~  
27 ~~Agency. The application and a copy shall be preserved for six~~

1 ~~years by the authority issuing the same. The sheriff may~~  
2 ~~charge a fee as provided by local law for the issuance of the~~  
3 ~~permit under subdivision (1) of subsection (a). The amount of~~  
4 ~~the fee for a period of one year up to five years shall be the~~  
5 ~~amount of the fee as prescribed by local law multiplied by the~~  
6 ~~number of years of the permit requested by the applicant. The~~  
7 ~~fee shall be paid into the county treasury unless otherwise~~  
8 ~~provided by local law. Prior to issuance or renewal of a~~  
9 ~~permit, the sheriff shall contact available local, state, and~~  
10 ~~federal criminal history data banks, including the National~~  
11 ~~Instant Criminal Background Check System, to determine whether~~  
12 ~~possession of a firearm by an applicant would be a violation~~  
13 ~~of state or federal law.~~

14 ~~"(c) A sheriff may not place a time constraint or~~  
15 ~~other requirement upon taking possession of a pistol permit by~~  
16 ~~the applicant after he or she has been notified that his or~~  
17 ~~her pistol permit has been approved.~~

18 ~~"(d) For the convenience of the applicant, the~~  
19 ~~sheriff may provide for application or renewal of a permit~~  
20 ~~under subdivision (1) of subsection (a) through electronic~~  
21 ~~means. The sheriff may also accept payment for a permit by~~  
22 ~~debit or credit card or other consumer electronic payment~~  
23 ~~method. Any transaction or banking fee charged for the~~  
24 ~~electronic payment method shall be paid by the applicant.~~

25 ~~"(d) (1) If the sheriff determines that any of the~~  
26 ~~factors in subdivisions (c) (1) to (11) apply to the applicant,~~  
27 ~~or that the criminal background check under subsection (b)~~

1 returned any result showing that the applicant is prohibited  
2 from the possession of a pistol or firearm pursuant to state  
3 or federal law, the sheriff shall deny the application. A  
4 sheriff shall consider any expungement, pardon, restoration of  
5 civil rights, or other information relating to subdivision  
6 (c)(12) when making this determination.

7 "(2) If the sheriff cannot determine whether or not  
8 a factor listed in subsection (c) applies to the applicant,  
9 the sheriff may request additional information from the  
10 applicant.

11 "(3)a. Upon the denial by a sheriff of an  
12 application for a concealed carry permit, the sheriff shall  
13 immediately give a written notice to the applicant giving the  
14 specific reason or reasons for denial, the date of completion  
15 of the background check, and the name and signature of the  
16 sheriff whose office conducted the background check.

17 "b. If the sheriff denies an application due to a  
18 determination that the issuance or renewal of a permit to an  
19 individual would cause or causes justifiable concern for  
20 public safety, then the sheriff shall clearly articulate the  
21 reasoning behind that determination within the written notice.

22 "(4) The sheriff shall notify the Alabama State Law  
23 Enforcement Agency of a denial of an application for a permit  
24 in a manner as prescribed by the commission for entry into the  
25 state firearms prohibited person database if the reason for  
26 that denial was due to the applicant being ineligible to  
27 possess a firearm under state or federal law.

1           "(5) Upon receiving notice of a denial of an  
2           application for a concealed carry permit due to the applicant  
3           being prohibited from possessing a firearm under state or  
4           federal law, or a conviction or court order that would  
5           prohibit that individual from possessing a pistol or firearm  
6           under state or federal law, the Alabama State Law Enforcement  
7           Agency shall enter the information into the state firearms  
8           prohibited person database and ensure that a "Firearms  
9           Prohibited Person" notice is viewable by law enforcement  
10           officers and other authorized persons through the Law  
11           Enforcement Tactical System.

12           "(e) (1) If the sheriff determines that the applicant  
13           is not prohibited from the possession of a pistol or firearm  
14           under state or federal law and that the applicant should not  
15           otherwise be denied a concealed carry permit pursuant to this  
16           section, the sheriff, upon receipt of the appropriate fee as  
17           provided in subsection (f), shall approve the application.

18           "(2) Upon the approval of an application for a  
19           concealed carry permit, the sheriff shall issue the applicant  
20           a temporary paper permit to carry a pistol in a vehicle or  
21           concealed on or about his or her person within this state.  
22           This temporary permit shall be valid for 30 days following the  
23           date of issuance.

24           "(f) (1)a. Notwithstanding any provision of law to  
25           the contrary, the fee for a concealed carry permit for a term  
26           of one year or five years shall be the same as currently

1 provided by local law for that county, and the resulting funds  
2 shall be distributed as currently provided by local law.

3 "b. If there is no local law setting the fee for a  
4 one-year permit, the fee shall be twenty-five dollars (\$25),  
5 and the funds shall be distributed to the sheriff. If there is  
6 no local law setting the fee for a five-year permit, the fee  
7 shall be one hundred twenty-five dollars (\$125), and the funds  
8 shall be distributed to the sheriff.

9 "c. A sheriff shall charge no fee for issuing or  
10 renewing a permit to a service member, a retired or honorably  
11 discharged military veteran, a law enforcement officer as  
12 defined by Section 36-30-20, or an honorably retired law  
13 enforcement officer eligible for a card under Section 36-21-9.

14 "(2) The fee for a lifetime concealed carry permit  
15 shall be two hundred dollars (\$200). Notwithstanding the  
16 foregoing, the fee for a lifetime concealed carry permit shall  
17 be one hundred fifty dollars (\$150) if the applicant is 65  
18 years of age or older at the time of application. A sheriff  
19 shall charge no fee for issuing or renewing a lifetime carry  
20 permit to a service member, a retired or honorably discharged  
21 military veteran, a law enforcement officer as defined by  
22 Section 36-30-20, or an honorably retired law enforcement  
23 officer eligible for a card under Section 36-21-9.

24 "(3) Sixty percent of these fees shall be  
25 distributed to the sheriff of the county of residence of the  
26 applicant, to be used for the administration of the concealed  
27 carry permit application process and other law enforcement

1 purposes. The remaining 40 percent shall be distributed to the  
2 Alabama State Law Enforcement Agency, to be used for the  
3 administration of the state firearms prohibited person  
4 database and for other law enforcement purposes.

5 Notwithstanding the foregoing, beginning October 1, 2024, the  
6 agency may use these funds only for the administration of the  
7 state firearms prohibited person database.

8 "(4) Each sheriff shall ensure that all fees set  
9 forth within this section are properly distributed pursuant to  
10 this section on a quarterly basis.

11 "(5) Each sheriff shall prepare a report on the  
12 number of permits issued and renewed within the county, and  
13 shall include a detailed accounting of fees and their  
14 distribution. A sheriff, upon request, shall provide a copy of  
15 this report to the Alabama State Law Enforcement Agency or the  
16 Legislative Services Agency.

17 "(g) Within 15 days of approving an application for  
18 a permit under this section, the sheriff shall produce and  
19 mail to the residence of the individual a secure permit card  
20 valid for a term of one year, five years, or the permit  
21 holder's lifetime, as indicated within the approved  
22 application.

23 "(h) (1) A permittee who changes permanent address  
24 shall report that change of address to the sheriff of the  
25 county of his or her new residence within 30 days. Failure by  
26 an individual with a valid concealed carry permit or lifetime  
27 carry permit to report the change of address as directed by

1 this subdivision shall result in the permit being subject to  
2 revocation.

3 "(2) A permittee who loses the physical permit or  
4 who has his or her physical permit stolen shall report that  
5 lost or stolen permit to the sheriff of the county of his or  
6 her residence within 30 days.

7 "(3) If a permittee changes permanent address, loses  
8 his or her concealed carry permit, has his or her concealed  
9 carry permit stolen, or desires to replace a damaged concealed  
10 carry permit, and requests a new physical permit prior to the  
11 expiration date of the concealed carry permit, upon receipt of  
12 request and a fee not to exceed twenty-five dollars (\$25), the  
13 sheriff of the county of residence shall issue a temporary  
14 paper permit valid for a term of 30 days. The sheriff shall  
15 produce a secure permit card and mail it to the individual  
16 within 15 days of notice.

17 "(i) At least once every five years from the date of  
18 issuance, each sheriff shall conduct a background check on  
19 each individual with a valid concealed carry or lifetime carry  
20 permit within the county, to ensure that the individual has  
21 not been convicted of any crime which would prohibit that  
22 individual from purchasing or possessing a pistol or firearm  
23 under state or federal law and that the individual has  
24 otherwise remained eligible for a permit based upon the  
25 factors provided in subsection (c).

26 "(j) (1)a. At any point after an individual is issued  
27 a concealed carry permit or lifetime carry permit, and so long

1 as the permit is valid, if the Alabama State Law Enforcement  
2 Agency, a law enforcement officer, or a court becomes aware  
3 that the individual has become prohibited from possessing a  
4 pistol or firearm under state or federal law, or otherwise  
5 concludes that the individual should not possess a permit  
6 based on the factors provided for issuance under subsection  
7 (c), the agency, officer, or court shall immediately notify  
8 the sheriff of the county of residence of the individual. The  
9 agency, officer, or court shall furnish relevant evidence  
10 along with the notice.

11 "b. If the sheriff of the county of residence of a  
12 permittee becomes aware that a permittee is prohibited from  
13 purchasing or possessing a pistol or firearm under federal or  
14 state law, or otherwise concludes that the permittee should  
15 not possess a concealed carry or lifetime carry permit based  
16 on the factors provided for issuance under subsection (c), the  
17 sheriff shall revoke the permit.

18 "c. Immediately upon revocation of a permit, the  
19 sheriff shall send notice of that revocation to the individual  
20 whose permit was revoked. The notice delivered to the  
21 individual shall be in written form, but an additional copy  
22 may also be delivered in an electronic form. The notice shall  
23 include all of the following:

24 "1. The name of the individual whose permit has been  
25 revoked.

26 "2. The specific reason for revocation of the  
27 permit, including citation to relevant law.

1           "3. The date of conviction or other event on which  
2 the revocation is based, if applicable.

3           "4. Information on how the individual may appeal the  
4 revocation.

5           "(2) If the revocation was due to the permittee  
6 being prohibited from possessing a firearm under federal or  
7 state law, the sheriff shall send notice to the Alabama State  
8 Law Enforcement Agency, in a form prescribed by the  
9 commission, for entry into the state firearms prohibited  
10 person database. Upon receipt of a notice of revocation, the  
11 Alabama State Law Enforcement Agency shall update the state  
12 firearms prohibited person database to reflect that revocation  
13 and shall also enter a "Firearms Prohibited Person" notice  
14 into the state firearms prohibited person database in the same  
15 manner as provided under subdivision (d) (5).

16           "(3) Upon revocation of a permit, the sheriff of the  
17 county of residence of the permittee or any other law  
18 enforcement officer with a reasonable opportunity shall make  
19 reasonable efforts to confiscate the permit card.

20           "(k) (1) An individual who has been denied a permit  
21 under subsection (d), an individual whose permit has been  
22 revoked under subsections (h) or (j), or any individual who is  
23 listed on the state firearms prohibited person database may  
24 appeal the denial, revocation, or database entry to the  
25 district court of the county where the individual resides.  
26 During the court's review of the decision, the sheriff of the  
27 county of residence of the individual shall have the burden of

1 proving by clear and convincing evidence that possession of a  
2 pistol or firearm by the individual would be in violation of  
3 state or federal law or that the individual otherwise should  
4 not possess a permit based on the factors provided for  
5 issuance under subsection (c).

6 "(2) A court hearing an appeal under this subsection  
7 shall issue a written determination within 30 days providing  
8 the reasoning for the determination, as well as any facts or  
9 evidence upon which the determination was based. The court  
10 shall deliver written copies of this determination to the  
11 individual, the sheriff of the county of residence of the  
12 individual, and the Alabama State Law Enforcement Agency.

13 "(3) A court hearing an appeal under this subsection  
14 may waive court costs for the appeal if the court concludes  
15 that the appellant demonstrated a reasonable belief that he or  
16 she should not be listed on the firearms prohibited person  
17 database or that the denial or revocation was improper.

18 "(4) Within three days of receiving a notice of a  
19 court determination that the revocation or denial of a permit  
20 or listing of an individual on the database was improper, the  
21 sheriff shall issue or reissue a physical permit to the  
22 applicant, and shall ensure that the results of the appeal are  
23 sent to the Alabama State Law Enforcement Agency for entry in  
24 the state firearms prohibited person database. The sheriff of  
25 the county of residence of the applicant shall issue a  
26 temporary paper permit at that time, if the subject of the  
27 appeal was a revocation or denial of a permit.

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

13           ~~"(f) (1)~~ The name, address, signature, photograph,  
14 and any other personally identifying information collected  
15 from an applicant or permittee under this section shall be  
16 kept confidential, shall be exempt from disclosure under  
17 Section 36-12-40, and may only be used for law enforcement  
18 purposes except when a current permittee is charged in any  
19 state with a felony involving the use of a pistol. All other  
20 information on permits under this section, including  
21 information concerning the annual number of applicants, number  
22 of permits issued, number of permits denied or revoked,  
23 revenue from issuance of permits, and any other fiscal or  
24 statistical data otherwise, shall remain public writings  
25 subject to public disclosure. Except as provided above, the  
26 sheriff of a county and the Alabama State Law Enforcement  
27 Agency shall redact the name, address, signature, photograph,

1 and any other personally identifying information of a permit  
2 holder before releasing a copy of a permit for a non-law  
3 enforcement purpose. The sheriff or the agency may charge one  
4 dollar (\$1) per copy of any redacted permit record requested  
5 other than when requested for law enforcement purposes. To  
6 knowingly publish or release to the public in any form any  
7 information or records related to the licensing process, or  
8 the current validity of any permit, except as authorized in  
9 this subsection or in response to a court order or subpoena,  
10 is ~~a Class A misdemeanor~~ a violation of this act subject to  
11 misuse penalties established by rule of the commission.

12 "~~(g)~~ (m) A concealed ~~pistol~~ carry permit issued  
13 under this section shall be valid for the carrying of a pistol  
14 in a motor vehicle or concealed on the permittee's person  
15 throughout the state, unless prohibited by this section.

16 "~~(h)~~ (n) This section shall not be construed to  
17 limit or place any conditions upon ~~a person's~~ an individual's  
18 right to carry a pistol that is not in a motor vehicle or not  
19 concealed.

20 "~~(i)~~ (o) (1) If a ~~person issued a pistol permit in~~  
21 ~~this state~~ permittee establishes residence in another state,  
22 ~~the pistol~~ his or her permit shall expire upon the  
23 establishment of residence in the other state.

24 "(2) Notwithstanding subdivision (1), if a service  
25 member possesses a lifetime concealed carry permit and  
26 establishes residence in another state, the permit shall  
27 expire upon the establishment of residence in the other state.

1 Notwithstanding the foregoing, if the service member's  
2 establishment of residence in the other state was a result of  
3 relocation related to the military service of that service  
4 member, and that service member thereafter re-establishes  
5 residence in Alabama, the sheriff of the county of residence,  
6 upon request of the service member, shall reinstate the  
7 lifetime concealed carry permit of that service member.

8 "(p) Any individual who knowingly or intentionally  
9 makes a false statement while applying for a permit or  
10 appealing the denial or revocation or database listing under  
11 this section shall be guilty of a Class C misdemeanor.

12 "(q) Nothing in this section shall be construed to  
13 permit a sheriff, the Alabama State Law Enforcement Agency, or  
14 a court to disregard any federal law or regulation pertaining  
15 to the purchase or possession of a pistol or firearm."

16 Section 4. (a) Within 30 days after a conviction or  
17 final order in a case involving a misdemeanor charge of  
18 domestic violence, as defined in Section 13A-11-72, Code of  
19 Alabama 1975, all municipal, probate, district, and circuit  
20 courts, electronically or in a method determined by the  
21 Alabama Justice Information Commission, shall report to the  
22 Alabama State Law Enforcement Agency for entry into the state  
23 firearms prohibited person database.

24 (b) All municipal courts shall also report to the  
25 Alabama State Law Enforcement Agency in a method determined by  
26 the commission for inclusion into the state firearms  
27 prohibited person database all other criminal convictions and

1 orders that would cause an individual to be prohibited from  
2 possessing a firearm under federal or state law.

3 (c) (1) Within 30 days of a conviction or issuance of  
4 a court order that would result in an individual being  
5 prohibited from possessing a firearm under federal or state  
6 law, each municipal, county, and state court shall forward to  
7 the Alabama State Law Enforcement Agency, in a manner  
8 prescribed by the commission, that conviction or court order.

9 (2)a. A court shall report to the Alabama State Law  
10 Enforcement Agency,, in a method determined by the commission,  
11 updates to any conviction or court order that was previously  
12 forwarded to the Alabama State Law Enforcement Agency,  
13 including notice of any appeal, expungement, pardon,  
14 commutation, or restoration of civil rights.

15 b. Upon receipt of notice of any appeal,  
16 expungement, pardon, commutation, or restoration of civil  
17 rights that would nullify the reason why an individual is  
18 prohibited from possessing a firearm under federal or state  
19 law, the Alabama State Law Enforcement Agency shall  
20 accordingly adjust or remove that individual's information in  
21 the state firearms prohibited persons database.

22 (d) Upon reporting a conviction or order to the  
23 Alabama State Law Enforcement Agency pursuant to this section,  
24 a court may collect fifty dollars (\$50) in additional court  
25 costs, to be paid by the individual. Court costs collected  
26 under this subsection shall be distributed as follows:

1           (1) Ninety percent to the sheriff of the county in  
2 which the court is located, to be used for the administration  
3 of the concealed carry permit application process and other  
4 law enforcement purposes.

5           (2) Ten percent to the reporting court.

6           Section 5. Section 22-52-10.1, Code of Alabama 1975,  
7 is amended to read as follows:

8           "§22-52-10.1.

9           "(a) If at the final hearing on a petition seeking  
10 to involuntarily commit a respondent, the probate judge finds,  
11 based on clear and convincing evidence, that the respondent  
12 meets the criteria for involuntary commitment, an order shall  
13 be entered for:

14           "(1) Outpatient treatment; or

15           "(2) Inpatient treatment.

16           "The least restrictive alternative necessary and available for  
17 the treatment of the respondent's mental illness shall be  
18 ordered.

19           "(b) The petition for involuntary commitment shall  
20 be dismissed if the criteria for commitment is not proved.

21           "(c) (1) The judge shall immediately report an order  
22 for inpatient treatment to the Alabama State Law Enforcement  
23 Agency in a manner prescribed by the Alabama Justice  
24 Information Commission for entry into the state firearms  
25 prohibited person database and the National Instant Criminal  
26 Background Check (NICS) system.

1                   "(2) The judge shall report to the Alabama State Law  
2 Enforcement Agency, in a method determined by the commission,  
3 updates to any order for inpatient treatment which was  
4 previously forwarded to the Alabama State Law Enforcement  
5 Agency under this section, including notice of any reversal of  
6 petition or appeal."

7                   Section 6. Section 13A-11-75.1, Code of Alabama  
8 1975, relating to pistol permits for retired military  
9 personnel, is repealed.

10                   Section 7. Although this bill would have as its  
11 purpose or effect the requirement of a new or increased  
12 expenditure of local funds, the bill is excluded from further  
13 requirements and application under Amendment 621, now  
14 appearing as Section 111.05 of the Official Recompilation of  
15 the Constitution of Alabama of 1901, as amended, because the  
16 bill defines a new crime or amends the definition of an  
17 existing crime.

18                   Section 8. This act shall become effective on  
19 January 1, 2023, following its passage and approval by the  
20 Governor, or its otherwise becoming law.