

1 SB308
2 212648-2
3 By Senator Price
4 RFD: Judiciary
5 First Read: 09-MAR-21

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3
4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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

1 Amendment 621 of the Constitution of Alabama of 1901, now
2 appearing as Section 111.05 of the Official Recompilation of
3 the Constitution of Alabama of 1901, as amended.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

7 Section 2. (a) (1) No later than October 1, 2022, the
8 Alabama State Law Enforcement Agency shall develop, create,
9 maintain, and administer a state firearms prohibited person
10 database, and shall send written notice to the Governor and
11 the Director of the Legislative Services Agency certifying
12 that the database is operational and fully compliant with this
13 act. This database shall be linked to the state Law
14 Enforcement Tactical System so that all "Firearms Prohibited
15 Person" notices are viewable by law enforcement officers and
16 other authorized persons through the Law Enforcement Tactical
17 System. The database shall provide a method for municipal,
18 probate, district, and circuit courts to report convictions
19 and orders that affect an individual's eligibility to possess
20 a firearm under federal or state law. Upon request by a
21 sheriff, the agency shall share any information from the
22 database with the sheriff.

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

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

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

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

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

24 (e) Any pistol permit issued prior to January 1,
25 2023, shall remain valid until its expiration date.

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

1 "§13A-11-70.

2 "For the purposes of this division, the following
3 terms shall have the respective meanings ascribed by this
4 section:

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

7 "(2) COMMISSION. The Alabama Justice Information
8 Commission.

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

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

22 "(5) HONORABLY DISCHARGED VETERAN. An individual
23 honorably discharged from active duty in the Army, the Navy,
24 the Marine Corps, the Air Force, the Space Force, or the Coast
25 Guard of the United States, or any reserve or National Guard
26 component of the United States Armed Forces, as evidenced by

1 his or her DD Form 214, Record and Report of Separation
2 Honorable Discharge Record, or other applicable documentation.

3 "(6) LIFETIME CONCEALED CARRY PERMIT or LIFETIME
4 CARRY PERMIT. A concealed carry permit that is valid for the
5 lifetime of the permit holder.

6 "~~(3)~~ (7) PERSON. Such term includes any firm,
7 partnership, association, or corporation.

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

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

17 "§13A-11-75.

18 ~~"(a) (1)a. The sheriff of a county, upon the~~
19 ~~application of any person residing in that county, within 30~~
20 ~~days from receipt of a complete application and accompanying~~
21 ~~fee, shall issue or renew a permit for such person to carry a~~
22 ~~pistol in a vehicle or concealed on or about his or her person~~
23 ~~within this state for one- to five-year increments, as~~
24 ~~requested by the person seeking the permit, from date of~~
25 ~~issue, unless the sheriff determines that the person is~~
26 ~~prohibited from the possession of a pistol or firearm pursuant~~
27 ~~to state or federal law, or has a reasonable suspicion that~~

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 "(a) (1) An Alabama resident who is 19 years of age
6 or more may apply to the sheriff of his or her county of
7 residence for issuance or renewal of a concealed carry permit,
8 valid for one year or five years.

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

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

19 "b. A sheriff may require an applicant for a
20 lifetime carry permit to possess a valid concealed carry
21 permit for not more than five consecutive years prior to
22 approving the application for issuance of the permit. A
23 sheriff's determination under this paragraph shall not be
24 subject to any appeal or review under subsection (j).

25 "(b) (1) Upon receipt of an application for a
26 concealed carry permit, the sheriff shall complete a criminal
27 background check through the National Instant Criminal

1 Background Check System (NICS) and review the state firearms
2 prohibited person database.

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

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

19 "(c) Within 30 days from receipt of a completed
20 application, a sheriff shall approve or deny the application.
21 In making a determination whether to approve or deny the
22 issuance or renewal of a permit, the sheriff shall consider
23 whether the applicant:

24 "1.(1) Was found guilty but mentally ill in a
25 criminal case.

26 "2.(2) Was found not guilty in a criminal case by
27 reason of insanity or mental disease or defect.

1 "~~3.~~(3) Was declared incompetent to stand trial in a
2 criminal case.

3 "~~4.~~(4) Asserted a defense in a criminal case of not
4 guilty by reason of insanity or mental disease or defect.

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

8 "~~6.~~(6) Required involuntary inpatient treatment in a
9 psychiatric hospital or similar treatment facility.

10 "~~7.~~(7) Required involuntary outpatient treatment in
11 a psychiatric hospital or similar treatment facility based on
12 a finding that the ~~person~~ individual is an imminent danger to
13 himself or herself or to others.

14 "~~8.~~(8) Required involuntary commitment to a
15 psychiatric hospital or similar treatment facility for any
16 reason, including drug use.

17 "~~9.~~(9) Is or was the subject of a prosecution or of
18 a commitment or incompetency proceeding that could lead to a
19 prohibition on the receipt or possession of a firearm under
20 the laws of Alabama or the United States.

21 "~~10.~~(10) Falsified any portion of the permit
22 application.

23 "~~11.~~(11) Caused or causes justifiable concern for
24 public safety.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 from the possession of a pistol or firearm pursuant to state
2 or federal law, the sheriff shall deny the application.

3 "(2) If the sheriff cannot determine whether or not
4 a factor listed in subsection (c) applies to the applicant,
5 the sheriff may request additional information from the
6 applicant.

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

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

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

24 "(5) Upon receiving notice of a denial of an
25 application for a concealed carry permit due to the applicant
26 being prohibited from possessing a firearm under state or
27 federal law, or a conviction or court order that would

1 prohibit that individual from possessing a pistol or firearm
2 under state or federal law, the Alabama State Law Enforcement
3 Agency shall enter the information into the state firearms
4 prohibited person database and ensure that a "Firearms
5 Prohibited Person" notice is viewable by law enforcement
6 officers and other authorized persons through the Law
7 Enforcement Tactical System.

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

14 "(2)a. Immediately upon approval of an application
15 for a concealed carry permit, the sheriff shall issue the
16 applicant a secure permit card to carry a pistol in a vehicle
17 or concealed on or about his or her person within this state,
18 valid for a term of one year, five years, or the permit
19 holder's lifetime, as indicated within the approved
20 application.

21 "b. If the sheriff is unable to produce a hard copy
22 secure permit card at time of approval, the sheriff shall
23 issue the applicant a temporary paper permit, valid for 30
24 days following the date of issuance. The sheriff shall produce
25 and mail to the applicant a hard copy secure permit card
26 within 15 days of issuing the temporary paper permit.

1 "(f) (1) Notwithstanding any provision of law to the
2 contrary:

3 " a. The fee for a concealed carry permit for a term
4 of one year or five years shall be the same as currently
5 provided by local law for that county, and the resulting funds
6 shall be distributed as currently provided by local law.

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

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

18 "(2)a. The fee for a lifetime concealed carry permit
19 shall be three hundred dollars (\$300). If an individual
20 applies for a lifetime carry permit within one year after the
21 expiration date of an otherwise valid pistol permit possessed
22 by that individual, or the expiration of any extended renewal
23 period offered by the sheriff, whichever is later, the price
24 for the lifetime carry permit shall be reduced by an amount
25 equal to the price of the expired permit at the time that
26 expired permit was issued.

1 "b. Notwithstanding the foregoing, the fee for a
2 lifetime concealed carry permit shall be one hundred fifty
3 dollars (\$150) if the applicant is 60 years of age or older at
4 the time of application.

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

11 "(3) Eighty percent of the fees for a lifetime carry
12 permit shall be distributed to the sheriff of the county of
13 residence of the applicant, to be used for the administration
14 of the concealed carry permit application process and other
15 law enforcement purposes. The remaining 20 percent shall be
16 distributed to the Alabama State Law Enforcement Agency, to be
17 used for the administration of the state firearms prohibited
18 person database and for other law enforcement purposes.
19 Notwithstanding the foregoing, beginning October 1, 2024, the
20 agency may use these funds only for the administration of the
21 state firearms prohibited person database.

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

25 "(5) Each sheriff shall prepare a report on the
26 number of permits issued and renewed within the county, and
27 shall include a detailed accounting of fees and their

1 distribution. A sheriff, upon request, shall provide a copy of
2 this report to the Alabama State Law Enforcement Agency or the
3 Legislative Services Agency.

4 "(g) (1) A permittee who changes permanent address
5 shall report that change of address to the sheriff of the
6 county of his or her new residence within 30 days. Failure by
7 an individual with a valid concealed carry permit or lifetime
8 carry permit to report the change of address as directed by
9 this subdivision shall result in the permit being subject to
10 revocation.

11 "(2) A permittee who loses the physical permit or
12 who has his or her physical permit stolen shall report that
13 lost or stolen permit to the sheriff of the county of his or
14 her residence within 30 days.

15 "(3) If a permittee changes permanent address, loses
16 his or her concealed carry permit, has his or her concealed
17 carry permit stolen, or desires to replace a damaged concealed
18 carry permit, and requests a new physical permit prior to the
19 expiration date of the concealed carry permit, upon receipt of
20 request and a fee not to exceed twenty-five dollars (\$25), the
21 sheriff of the county of residence shall issue a permit in the
22 same manner as provided in subdivision (e) (2).

23 "(h) At least once every five years from the date of
24 issuance, each sheriff shall conduct a background check on
25 each individual with a lifetime carry permit issued within his
26 or her county in the same manner as provided in subsection
27 (b), to ensure that the individual has not been convicted of

1 any crime which would prohibit that individual from purchasing
2 or possessing a pistol or firearm under state or federal law
3 and that the individual has otherwise remained eligible for a
4 permit based upon the factors provided in subsection (c).

5 "(i) (1)a. At any point after an individual is issued
6 a concealed carry permit or lifetime carry permit, and so long
7 as the permit is valid, if the Alabama State Law Enforcement
8 Agency, a law enforcement officer, or a court becomes aware
9 that the individual has become prohibited from possessing a
10 pistol or firearm under state or federal law, or otherwise
11 concludes that the individual should not possess a permit
12 based on the factors provided for issuance under subsection
13 (c), the agency, officer, or court shall immediately notify
14 the sheriff of the county of residence of the individual. The
15 agency, officer, or court shall furnish relevant evidence
16 along with the notice.

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

24 "c. Immediately upon revocation of a permit, the
25 sheriff shall send notice of that revocation to the individual
26 whose permit was revoked. The notice delivered to the
27 individual shall be in written form, but an additional copy

1 may also be delivered in an electronic form. The notice shall
2 include all of the following:

3 "1. The name of the individual whose permit has been
4 revoked.

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

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

9 "4. Information on how the individual may appeal the
10 revocation.

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

22 "(3) Upon revocation of a permit, the sheriff of the
23 county of residence of the permittee or any other law
24 enforcement officer with a reasonable opportunity shall make
25 reasonable efforts to confiscate the permit card.

26 "(j) (1) An individual who has been denied a permit
27 under subsection (d), an individual whose permit has been

1 revoked under subsections (g) or (i), or any individual who is
2 listed on the state firearms prohibited person database may
3 appeal the denial, revocation, or database entry to the
4 district court of the county where the individual resides.
5 During the court's review of the decision, the sheriff of the
6 county of residence of the individual shall have the burden of
7 proving by clear and convincing evidence that possession of a
8 pistol or firearm by the individual would be in violation of
9 state or federal law or that the individual otherwise should
10 not possess a permit based on the factors provided for
11 issuance under subsection (c).

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

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

24 "(4)a. Within three days of receiving a notice of a
25 court determination that the revocation or denial of a permit
26 was improper, the sheriff shall issue or reissue a physical

1 permit to the applicant in the same manner as provided in
2 subdivision (e) (2).

3 "b. Within three days of receiving a notice of a
4 court determination that the listing of an individual on the
5 database was improper, the sheriff shall ensure that the
6 results of the appeal are sent to the Alabama State Law
7 Enforcement Agency for entry in the state firearms prohibited
8 person database.

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

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

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

20 "~~(g)~~ (l) A concealed ~~pistol~~ carry permit issued
21 under this section shall be valid for the carrying of a pistol
22 in a motor vehicle or concealed on the permittee's person
23 throughout the state, unless prohibited by this section.

24 "~~(h)~~ (m) This section shall not be construed to
25 limit or place any conditions upon ~~a person's~~ an individual's
26 right to carry a pistol that is not in a motor vehicle or not
27 concealed.

1 ~~"(i) (n) (1) If a person issued a pistol permit in~~
2 ~~this state~~ permittee establishes residence in another state,
3 ~~the pistol~~ his or her permit shall expire upon the
4 establishment of residence in the other state.

5 "(2) Notwithstanding subdivision (1), if a service
6 member possesses a lifetime concealed carry permit and
7 establishes residence in another state, the permit shall
8 expire upon the establishment of residence in the other state.
9 Notwithstanding the foregoing, if the service member's
10 establishment of residence in the other state was a result of
11 relocation related to the military service of that service
12 member, and that service member thereafter re-establishes
13 residence in Alabama, the sheriff of the county of residence,
14 upon request of the service member, shall reinstate the
15 lifetime concealed carry permit of that service member.

16 "(o) Any individual who knowingly or intentionally
17 makes a false statement while applying for a permit or
18 appealing the denial or revocation or database listing under
19 this section shall be guilty of a Class C misdemeanor.

20 "(p) Nothing in this section shall be construed to
21 permit a sheriff, the Alabama State Law Enforcement Agency, or
22 a court to disregard any federal law or regulation pertaining
23 to the purchase or possession of a pistol or firearm."

24 Section 4. (a) Within 30 days after a conviction or
25 final order in a case involving a misdemeanor charge of
26 domestic violence, as defined in Section 13A-11-72, Code of
27 Alabama 1975, all municipal, probate, district, and circuit

1 courts, electronically or in a method determined by the
2 Alabama Justice Information Commission, shall report to the
3 Alabama State Law Enforcement Agency for entry into the state
4 firearms prohibited person database.

5 (b) All municipal courts shall also report to the
6 Alabama State Law Enforcement Agency in a method determined by
7 the commission for inclusion into the state firearms
8 prohibited person database all other criminal convictions and
9 orders that would cause an individual to be prohibited from
10 possessing a firearm under federal or state law.

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

17 (2)a. A court shall report to the Alabama State Law
18 Enforcement Agency,, in a method determined by the commission,
19 updates to any conviction or court order that was previously
20 forwarded to the Alabama State Law Enforcement Agency,
21 including notice of any appeal, expungement, pardon,
22 commutation, or restoration of civil rights.

23 b. Upon receipt of notice of any appeal,
24 expungement, pardon, commutation, or restoration of civil
25 rights that would nullify the reason why an individual is
26 prohibited from possessing a firearm under federal or state
27 law, the Alabama State Law Enforcement Agency shall

1 accordingly adjust or remove that individual's information in
2 the state firearms prohibited persons database.

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

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

12 (2) Ten percent to the reporting court.

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

15 "§22-52-10.1.

16 "(a) If at the final hearing on a petition seeking
17 to involuntarily commit a respondent, the probate judge finds,
18 based on clear and convincing evidence, that the respondent
19 meets the criteria for involuntary commitment, an order shall
20 be entered for:

21 "(1) Outpatient treatment; or

22 "(2) Inpatient treatment.

23 "The least restrictive alternative necessary and available for
24 the treatment of the respondent's mental illness shall be
25 ordered.

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

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

7 "(2) The judge shall report to the Alabama State Law
8 Enforcement Agency, in a method determined by the commission,
9 updates to any order for inpatient treatment which was
10 previously forwarded to the Alabama State Law Enforcement
11 Agency under this section, including notice of any reversal of
12 petition or appeal."

13 Section 6. Section 13A-11-75.1, Code of Alabama
14 1975, relating to pistol permits for retired military
15 personnel, is repealed.

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

24 Section 8. Sections 1 and 2 of this act shall become
25 effective immediately following its passage and approval by
26 the Governor, or its otherwise becoming law; the remainder of
27 this act shall only become effective upon receipt by the

1 Governor and the Director of the Legislative Services Agency
2 of written notice from the Alabama State Law Enforcement
3 Agency certifying that the state firearms prohibited persons
4 database is operational and fully compliant with this act
5 following its passage and approval by the Governor, and its
6 otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Judiciary..... 09-MAR-21

Read for the second time and placed on the calen-
dar..... 11-MAR-21

Read for the third time and passed as amended 01-APR-21

Yeas 25
Nays 6

Patrick Harris,
Secretary.