

1 SB308
2 210584-3
3 By Senator Price
4 RFD: Judiciary
5 First Read: 09-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.