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3 PRICE SUBSTITUTE FOR SB308
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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) No later than October 1, 2022, the
5 Alabama State Law Enforcement Agency shall develop, create,
6 maintain, and administer a state firearms prohibited person
7 database, and shall send written notice to the Governor and
8 the Director of the Legislative Services Agency certifying
9 that the database is operational and fully compliant with this
10 act. This database shall be linked to the state Law
11 Enforcement Tactical System so that all "Firearms Prohibited
12 Person" notices are viewable by law enforcement officers and
13 other authorized persons through the Law Enforcement Tactical
14 System. The database shall provide a method for municipal,
15 probate, district, and circuit courts to report convictions
16 and orders that affect an individual's eligibility to possess
17 a firearm under federal or state law. Upon request by a
18 sheriff, the agency shall share any information from the
19 database with the sheriff.

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

25 (3) Except as otherwise provided in this act, any
26 information in the database shall be kept confidential, shall
27 be exempt from disclosure under Section 36-12-40, Code of

1 Alabama 1975, and may only be used for law enforcement
2 purposes except when an individual on the database is charged
3 in any state with a felony involving the use of a firearm.

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

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

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

21 (e) Any pistol permit issued prior to January 1,
22 2023, shall remain valid until its expiration date.

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

25 "§13A-11-70.

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

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

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

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

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

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

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

4 "~~(3)~~ (7) PERSON. Such term includes any firm,
5 partnership, association, or corporation.

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

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

15 "§13A-11-75.

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

1 ~~such determination, the sheriff may consider whether the~~
2 ~~applicant:~~

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

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

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

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

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

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

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

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

22 "1.(1) Was found guilty but mentally ill in a
23 criminal case.

24 "2.(2) Was found not guilty in a criminal case by
25 reason of insanity or mental disease or defect.

26 "3.(3) Was declared incompetent to stand trial in a
27 criminal case.

1 "~~4.~~(4) Asserted a defense in a criminal case of not
2 guilty by reason of insanity or mental disease or defect.

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

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

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

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

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

19 "~~10.~~(10) Falsified any portion of the permit
20 application.

21 "~~11.~~(11) Caused or causes justifiable concern for
22 public safety.

23 "~~b. The sheriff shall take into account how recent~~
24 ~~any consideration under paragraph a. is in relation to the~~
25 ~~date of the application. The sheriff shall provide a written~~
26 ~~statement of the reasons for a denial of a permit and the~~
27 ~~evidence upon which it is based must be disclosed to the~~

1 applicant, unless disclosure would interfere with a criminal
2 investigation.

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

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

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

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

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

1 ~~unlawfully or in such other manner as would endanger the~~
2 ~~person's self or others if granted a permit to carry a~~
3 ~~concealed weapon under this section.~~

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

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

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

16 ~~"(b) Each permit shall be written or in an~~
17 ~~electronic or digital form to be prescribed by the Secretary~~
18 ~~of State in consultation with the Alabama Sheriff's~~
19 ~~Association, and shall bear the name, address, description,~~
20 ~~and signature of the permittee. The original hard copy of the~~
21 ~~permit shall be issued to the permittee, and a duplicate~~
22 ~~shall, within seven days, be sent by registered or certified~~
23 ~~mail to the Secretary of the Alabama State Law Enforcement~~
24 ~~Agency. The application and a copy shall be preserved for six~~
25 ~~years by the authority issuing the same. The sheriff may~~
26 ~~charge a fee as provided by local law for the issuance of the~~
27 ~~permit under subdivision (1) of subsection (a). The amount of~~

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

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

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

22 "(d) (1) If the sheriff determines that any of the
23 factors in subdivisions (c) (1) to (11) apply to the applicant,
24 or that the criminal background check under subsection (b)
25 returned any result showing that the applicant is prohibited
26 from the possession of a pistol or firearm pursuant to state
27 or federal law, the sheriff shall deny the application.

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

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

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

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

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

1 Agency shall enter the information into the state firearms
2 prohibited person database and ensure that a "Firearms
3 Prohibited Person" notice is viewable by law enforcement
4 officers and other authorized persons through the Law
5 Enforcement Tactical System.

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

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

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

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

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

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

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

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

25 "b. Notwithstanding the foregoing, the fee for a
26 lifetime concealed carry permit shall be one hundred fifty

1 dollars (\$150) if the applicant is 60 years of age or older at
2 the time of application.

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

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

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

23 "(5) Each sheriff shall prepare a report on the
24 number of permits issued and renewed within the county, and
25 shall include a detailed accounting of fees and their
26 distribution. A sheriff, upon request, shall provide a copy of

1 this report to the Alabama State Law Enforcement Agency or the
2 Legislative Services Agency.

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

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

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

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

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

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

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

23 "c. Immediately upon revocation of a permit, the
24 sheriff shall send notice of that revocation to the individual
25 whose permit was revoked. The notice delivered to the
26 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.