

1 HB39
2 203415-1
3 By Representative Robertson
4 RFD: Public Safety and Homeland Security
5 First Read: 04-FEB-20
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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 standardize a process by
17 which concealed carry permits may be issued
18 statewide and would create a state concealed carry
19 permit information system by which relevant data
20 may be maintained and provided to law enforcement.

21 This bill would also integrate into that
22 state information system existing data relating to
23 concealed carry permits issued by county sheriffs.

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

1 This bill would authorize the Alabama State
2 Law Enforcement Agency to conduct background checks
3 on persons with concealed carry permits in order to
4 ensure continued compliance with state and federal
5 law.

6 This bill would also provide that the
7 Alabama State Law Enforcement Agency may revoke a
8 permit after a determination that the permit holder
9 should not possess a permit under the same criteria
10 for the issuance of a permit. This bill would allow
11 sheriffs and other law enforcement officers to
12 request that the Alabama State Law Enforcement
13 Agency 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18 permit has been revoked to appeal that revocation
19 to the district court of his or her county of
20 residence within 30 days of the revocation.

21 This bill would require municipal, county,
22 probate, and state courts to report to the Alabama
23 State Law Enforcement Agency any disposition which
24 would render that individual ineligible for a
25 concealed carry permit, as well as report to the
26 agency any update to any disposition which was
27 previously forwarded to the Alabama State Law

1 Enforcement Agency, including notice of any appeal,
2 expungement, pardon, commutation, or restoration of
3 civil rights.

4 This bill will make several clerical edits
5 to existing sections of the Code of Alabama 1975,
6 to make law relating to concealed carry permits
7 uniform.

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

21 The purpose or effect of this bill would be
22 to require a new or increased expenditure of local
23 funds within the meaning of the amendment. However,
24 the bill does not require approval of a local
25 governmental entity or enactment by a 2/3 vote to
26 become effective because it comes within one of the
27 specified exceptions contained in the amendment.

1
2 A BILL
3 TO BE ENTITLED
4 AN ACT

5
6 Relating to concealed carry permits; to amend
7 Sections 13A-11-75 and 13A-11-84, Code of Alabama 1975, to
8 provide for a statewide standardized process by which
9 concealed carry permits may be issued and a state concealed
10 carry permit information system by which relevant data can be
11 maintained and provided to law enforcement; to integrate into
12 that state information system existing data relating to
13 concealed carry permits issued by county sheriffs; to provide
14 for a new lifetime concealed carry permit which shall be valid
15 for the lifetime of the permit holder; to provide a method by
16 which the Alabama State Law Enforcement Agency may revoke a
17 concealed carry permit upon a determination that the permit
18 holder should not possess a permit using the same factors for
19 issuance of a permit; to provide a method by which a concealed
20 carry permit holder may appeal a revocation to the district
21 court; to provide for the electronic forwarding of court
22 dispositions by municipal, county, probate, and state courts
23 to the Alabama State Law Enforcement Agency; to repeal Section
24 13A-11-75.1, Code of Alabama 1975; and in connection therewith
25 would have as its purpose or effect the requirement of a new
26 or increased expenditure of local funds within the meaning of
27 Amendment 621 of the Constitution of Alabama of 1901, now

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

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 Section 2. (a) (1) The Alabama State Law Enforcement
7 Agency shall develop, create, maintain, and administer a state
8 concealed carry permit information system. This system shall
9 be linked to the state driver license records system so that
10 endorsements and restrictions are viewable by law enforcement
11 officers and other authorized persons through an individual's
12 driver license. The system shall provide a method for
13 municipal, county, probate, and state courts to report case
14 dispositions relating to an individual's eligibility for a
15 concealed carry permit under federal or state law.

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 concealed carry permit information
19 system, but the agency shall administer the system.

20 (b) The Alabama State Law Enforcement Agency shall
21 create and standardize all applications, forms, and notices
22 referenced in this act.

23 (c) The Alabama State Law Enforcement Agency may
24 provide for application, review, and renewal of a concealed
25 carry permit through electronic means. The agency may also
26 accept payment for a permit by a debit or credit card or other
27 consumer electronic payment method. Any transaction or banking

1 fee charged for the electronic payment method shall be paid by
2 the applicant.

3 (d) The Alabama State Law Enforcement Agency may
4 adopt rules to implement this act. Except as expressly
5 provided in this act, these rules shall not place additional
6 conditions or requirements on the issuance of a concealed
7 carry permit or limits its scope and applicability.

8 (e) This act shall not be construed to limit or
9 place any conditions upon an individual's right to carry a
10 pistol that is not in a motor vehicle and not concealed on or
11 about his or her person.

12 (f) Any pistol permit issued prior to the effective
13 date of this act shall remain valid until its expiration date.

14 Section 3. Section 13A-11-75, Code of Alabama 1975,
15 is amended to read as follows:

16 "§13A-11-75.

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

1 ~~that would endanger the person's self or others. In making~~
2 ~~such determination, the sheriff may consider whether the~~
3 ~~applicant:~~

4 "(a) (1) An Alabama resident who is at least 19 years
5 of age may apply to the sheriff of his or her county of
6 residence for issuance or renewal of a permit to carry a
7 pistol in a vehicle or concealed on or about his or her person
8 within this state, valid for one year, five years, or for the
9 permit holder's lifetime, to be known as a concealed carry
10 permit.

11 "(2) An Alabama resident who is at least 18 years of
12 age and is a service member as defined in Section 35-10-70 or
13 a retired military veteran as defined in Section 13A-11-75.1
14 may apply to the sheriff of his or her county of residence for
15 issuance or renewal of a permit to carry a pistol in a vehicle
16 or concealed on or about his or her person within this state,
17 valid for one year, five years, or for the permit holder's
18 lifetime, to be known as a concealed carry permit.

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 concealed
23 carry permit information system. Notwithstanding any other
24 provision of law, if the criminal background check or review
25 returns any results that show 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) The sheriff shall also review any other
2 available local, state, and federal criminal history data
3 banks to determine whether possession of a pistol or firearm
4 by an 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 "(4)a. In making a determination whether to approve
18 or deny the issuance or renewal of a permit, the sheriff shall
19 consider whether the applicant:

20 "1. Was found guilty but mentally ill in a criminal
21 case.

22 "2. Was found not guilty in a criminal case by
23 reason of insanity or mental disease or defect.

24 "3. Was declared incompetent to stand trial in a
25 criminal case.

26 "4. Asserted a defense in a criminal case of not
27 guilty by reason of insanity or mental disease or defect.

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

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

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

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

13 "9. Is or was the subject of a prosecution or of a
14 commitment or incompetency proceeding that could lead to a
15 prohibition on the receipt or possession of a firearm pursuant
16 to state or federal law.

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

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

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

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

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

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

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

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

1 ~~person's self or others if granted a permit to carry a~~
2 ~~concealed weapon under this section.~~

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

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

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

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

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

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

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

21 "b. In making any determination to approve or deny a
22 permit under this section, a sheriff shall consider any
23 appeals, expungements, pardons, commutations, or restorations
24 of civil rights of the applicant which relate to any factor in
25 paragraph a..

1 "c.1. If the sheriff determines that any of the
2 factors in paragraph a. apply to the applicant, the sheriff
3 shall deny the application.

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

7 "3. Upon the denial by a sheriff of an application
8 for a concealed carry permit, the sheriff shall immediately
9 give a written notice to the applicant detailing the specific
10 reason or reasons for denial and including the date of
11 completion of the background check and the name and signature
12 of the sheriff whose office conducted the background check. If
13 a sheriff denies an application due to a determination that
14 the issuance or renewal of a permit to an individual would
15 cause or causes justifiable concern for public safety, then
16 the sheriff shall clearly articulate the reasoning behind that
17 determination within the written notice. The sheriff shall
18 notify the Alabama State Law Enforcement Agency of the denial
19 in a manner as prescribed by the agency for entry into the
20 state concealed carry permit information system.

21 "d.1. If the sheriff determines that the applicant
22 is not prohibited from the possession of a pistol or firearm
23 under state or federal law and that the applicant should not
24 otherwise be denied a concealed carry permit in light of the
25 factors listed in paragraph a. of subsection (b), the sheriff,
26 upon receipt of the appropriate fee as provided in paragraph
27 e., shall approve the application and document it in the state

1 concealed carry permit information system. The sheriff shall
2 enter into the system the date of completion of the background
3 check and the name and signature of the sheriff whose office
4 conducted the background check, and shall indicate whether the
5 application was for a one-year, five-year, or lifetime
6 concealed carry permit.

7 "2. Upon the approval of an application for a
8 concealed carry permit, the sheriff shall notify the Alabama
9 State Law Enforcement Agency in a manner as prescribed by the
10 agency, and shall issue the applicant a temporary paper permit
11 to carry a pistol in a vehicle or concealed on or about his or
12 her person within this state, in a form to be prescribed by
13 the Alabama State Law Enforcement Agency. This permit shall be
14 valid for 30 days following the date of issuance.

15 "3. A sheriff shall approve or deny an application
16 for a concealed carry permit within 30 days from receipt of
17 the application, and shall notify the Alabama State Law
18 Enforcement Agency in a manner prescribed by the agency for
19 entry into the state concealed carry permit information
20 system.

21 "e.1. Notwithstanding any provision of law to the
22 contrary, the fee for a concealed carry permit for a term of
23 one year or five years shall be the same as currently provided
24 by local law for that county, and the resulting funds shall be
25 distributed as currently provided by local law. If there is no
26 local law setting the fee for a one-year permit, the fee shall
27 be twenty-five dollars (\$25), and the funds shall be

1 distributed to the sheriff. If there is no local law setting
2 the fee for a five-year permit, the fee shall be one hundred
3 twenty five dollars (\$125), and the funds shall be distributed
4 to the sheriff. The sheriff and the Alabama State Law
5 Enforcement Agency shall charge no fee for issuing or renewing
6 a permit to a service member as defined in Section 35-10-70, a
7 retired military veteran as defined in Section 13A-11-75.1, a
8 law 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 "2. The fee for a lifetime concealed carry permit
12 shall be two hundred dollars (\$200). Notwithstanding the
13 foregoing, the fee for a lifetime concealed carry permit shall
14 be one hundred fifty dollars (\$150) if the applicant is 65
15 years of age or older at the time of application. The sheriff
16 and the Alabama State Law Enforcement Agency shall charge no
17 fee for issuing or renewing a permit to a service member as
18 defined in Section 35-10-70, a retired military veteran as
19 defined in Section 13A-11-75.1, a law enforcement officer as
20 defined by Section 36-30-20, or an honorably retired law
21 enforcement officer eligible for a card under Section 36-21-9.
22 40 percent of these fees shall be distributed to the sheriff
23 of the county of residence of the applicant, to be used for
24 the administration of the concealed carry permit application
25 process and other law enforcement purposes. The remaining 60
26 percent shall be distributed to the Alabama State Law
27 Enforcement Agency, to be used for the administration of the

1 state concealed carry permit information system and for other
2 law enforcement purposes. Notwithstanding the foregoing,
3 beginning October 1, 2023, the agency may use these funds only
4 for the administration of the state concealed carry permit
5 information system.

6 "(c) (1) The Alabama State Law Enforcement shall
7 ensure that all fees set forth within this section are
8 properly distributed pursuant to this section on a quarterly
9 basis.

10 "(2) The Alabama State Law Enforcement Agency shall
11 annually prepare a report on the number of permits issued and
12 renewed within each county and statewide, and shall include a
13 detailed accounting of fees and their distribution, both
14 statewide and by county.

15 "(d) (1)a. Upon receiving notice from a sheriff of an
16 approved application for a concealed carry permit, the Alabama
17 State Law Enforcement Agency shall immediately enter the
18 information into the state concealed carry permit information
19 system and ensure that a concealed carry permit endorsement is
20 viewable by law enforcement officers and other authorized
21 persons through the individual's driver license.

22 "b. Within 15 days from the date of receipt of
23 notice of approval of a concealed carry permit application,
24 the Alabama State Law Enforcement Agency shall produce and
25 mail to the residence of the individual a secure permit card
26 valid for a term of one year, five years, or the permit

1 holder's lifetime, as indicated within the approved
2 application.

3 "(2) Upon receiving notice of a denial of an
4 application for a concealed carry permit or a court
5 disposition which would prohibit that individual from
6 purchasing or possessing a pistol or firearm under state or
7 federal law or render that individual ineligible for a permit
8 based upon the factors provided in paragraph a. of subsection
9 (b), the Alabama State Law Enforcement Agency shall enter the
10 information into the state concealed carry permit information
11 system and ensure that a "Concealed Carry Prohibited"
12 restriction is viewable by law enforcement officers and other
13 authorized persons through an individual's driver license.

14 "(e) (1) An individual with a valid concealed carry
15 permit who changes permanent address shall report that change
16 of address to the sheriff of the county of new residence
17 within 30 days. Upon receipt of notice of a change of address,
18 the sheriff shall enter that information into the state
19 concealed carry permit information system. Failure by an
20 individual with a valid concealed carry permit to report the
21 change of address as directed by this subdivision shall result
22 in the permit being subject to revocation.

23 "(2) An individual with a valid concealed carry
24 permit who loses the physical concealed carry permit or who
25 has his or her physical concealed carry permit stolen shall
26 report that lost permit to the sheriff of the county of
27 residence within thirty days. Upon receipt of notice of a lost

1 concealed carry permit, the sheriff shall notify the Alabama
2 State Law Enforcement Agency of the lost permit card in a
3 manner as prescribed by the agency for entry into the state
4 concealed carry permit information system.

5 "(f) The Alabama State Law Enforcement Agency shall
6 conduct a background check on each individual with a valid
7 concealed carry permit, at least once every five years from
8 the date of issuance, to ensure that the individual has not
9 been convicted of any crime which would prohibit that
10 individual from purchasing or possessing a pistol or firearm
11 under state or federal law and that the individual has
12 otherwise remained eligible for a permit based upon the
13 factors provided in paragraph a. of subsection (b).

14 "(g) (1)a. At any point after the issuance of a
15 concealed carry permit, and so long as the concealed carry
16 permit is valid, if the Alabama State Law Enforcement Agency
17 becomes aware that the individual with the concealed carry
18 permit becomes prohibited from possessing a pistol or firearm
19 under state or federal law, or otherwise concludes that the
20 individual should not possess a concealed carry permit based
21 on the factors provided for issuance under paragraph a. of
22 subsection (b), the Alabama State Law Enforcement Agency shall
23 immediately revoke the concealed carry permit through the
24 state concealed carry permit information system and remove the
25 concealed carry endorsement from the state concealed carry
26 permit information system. The agency shall also enter a
27 "Concealed Carry Prohibited" restriction into the state

1 concealed carry permit information system so that it is
2 viewable by law enforcement officers and other authorized
3 persons through the individual's driver license.

4 "b. Immediately upon revocation of a concealed carry
5 permit, the agency shall send notice of that revocation to the
6 sheriff of the county of residence of the individual and the
7 individual whose permit was revoked. The notice delivered to
8 the individual shall be in written form, but an additional
9 copy may also be delivered in an electronic form. The notice
10 shall include all of the following:

11 "1. The name of the individual whose concealed carry
12 permit has been revoked.

13 "2. The specific reason for revocation of the
14 concealed carry permit, including citation to relevant law.

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

17 "4. Information on how the individual may appeal the
18 revocation.

19 "(2) If a sheriff, law enforcement officer, or a
20 court finds probable cause to believe that an individual with
21 a concealed carry permit is prohibited from purchasing or
22 possessing a pistol or firearm under federal law, or otherwise
23 concludes that the individual with a concealed carry permit
24 should not possess a concealed carry permit based on the
25 factors provided for issuance under paragraph a. of subsection
26 (b), that sheriff, law enforcement officer, or court may, in a
27 manner prescribed by the Alabama State Law Enforcement Agency,

1 request that the Alabama State Law Enforcement Agency revoke
2 the concealed carry permit of that individual. A sheriff, law
3 enforcement officer, or court shall furnish relevant evidence
4 along with any request for revocation of a concealed carry
5 permit.

6 "(3) Upon receipt of notice from the Alabama State
7 Law Enforcement Agency that a concealed carry permit has been
8 revoked, the sheriff of the county of residence of the
9 individual or any other law enforcement officer with a
10 reasonable opportunity shall make reasonable efforts to
11 confiscate the concealed carry permit card.

12 "(h) Any individual who has been denied a permit
13 under subsection (b) or whose permit has been revoked under
14 subsections (e) or (g) may appeal the revocation to the
15 district court of the county where the individual resides.
16 During the court's review of the decision, the Alabama State
17 Law Enforcement Agency shall have the burden of proving by
18 clear and convincing evidence that possession of a pistol or
19 firearm by the individual would be in violation of state or
20 federal law or that the individual otherwise should not
21 possess a concealed carry permit based on the factors provided
22 for issuance under paragraph a. of subsection (b).

23 "(1) A court hearing an appeal under this subsection
24 shall issue a written determination within 30 days providing
25 the reasoning for the determination, as well as any facts or
26 evidence upon which the determination was based. The court

1 shall deliver written copies of this determination to both the
2 individual and the Alabama State Law Enforcement Agency.

3 "(2) Within three days of receiving a notice of a
4 court determination that the revocation or denial of a
5 concealed carry permit was improper, the Alabama State Law
6 Enforcement Agency shall issue or re-issue a concealed carry
7 permit to the individual, and shall ensure that the results of
8 the appeal are properly reflected in the state concealed carry
9 permit information system and the NICS system. The sheriff of
10 the county of residence of the individual shall issue a
11 temporary paper permit at that time.

12 "(i) Upon the expiration of any concealed carry
13 permit, the Alabama State Law Enforcement Agency shall remove
14 the individual's concealed carry permit endorsement from the
15 state concealed carry permit information system.
16 Notwithstanding the foregoing, the Alabama State Law
17 Enforcement Agency shall maintain records of any applications,
18 permits, revocations, appeals, and other relevant information
19 relating to any individual who has applied for a concealed
20 carry permit under this section, as well as any dispositions
21 received from a court relating to an individual's eligibility
22 for a concealed carry permit under this section.

23 ~~"(e) If a person who is not a United States citizen~~
24 ~~applies for a permit under this section, the sheriff shall~~
25 ~~conduct an Immigration Alien Query through U.S. Immigration~~
26 ~~and Customs Enforcement, or any successor agency, and the~~
27 ~~application form shall require information relating to the~~

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

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

1 knowingly publish or release to the public in any form any
2 information or records related to the licensing process, or
3 the current validity of any permit, except as authorized in
4 this subsection or in response to a court order or subpoena,
5 is a Class A misdemeanor.

6 ~~"(g)~~ (k) A concealed ~~pistol~~ carry permit issued
7 under this section shall be valid for the carrying of a pistol
8 in a motor vehicle or concealed on the permittee's person
9 throughout the state, unless prohibited by this section.

10 ~~"(h)~~ (l) This section shall not be construed to
11 limit or place any conditions upon an individual's right to
12 carry a pistol that is not in a motor vehicle or not
13 concealed.

14 ~~"(i)~~ (m) (1) If an individual issued a ~~pistol~~
15 concealed carry permit in this state establishes residence in
16 another state, the ~~pistol~~ permit shall expire upon the
17 establishment of residence in the other state.

18 "(2) Notwithstanding subdivision (1), if a service
19 member as defined by Section 35-10-70 possesses a lifetime
20 concealed carry permit and establishes residence in another
21 state, the concealed carry permit shall expire upon the
22 establishment of residence in the other state. Notwithstanding
23 the foregoing, if the service member's establishment of
24 residence in the other state was a result of relocation
25 related to the military service of that service member, and
26 that service member thereafter re-establishes residence in
27 Alabama, the Alabama State Law Enforcement Agency, upon

1 request of the service member, shall reinstate the lifetime
2 concealed carry permit of that service member and shall ensure
3 that the reinstatement is properly reflected within the state
4 concealed carry permit information system.

5 "(n) If an individual with a valid concealed carry
6 permit changes permanent address, loses his or her concealed
7 carry permit, has his or her concealed carry permit stolen, or
8 desires to replace a damaged concealed carry permit, and
9 requests a new physical permit prior to the expiration date of
10 the concealed carry permit, upon receipt of request and a fee
11 not to exceed twenty five dollars (\$25), the sheriff of the
12 county of residence shall notify the Alabama State Law
13 Enforcement Agency in a manner prescribed by the agency, and
14 shall issue a temporary paper permit valid for a term of 30
15 days. The Alabama State Law Enforcement Agency shall produce a
16 secure permit card and mail it to the individual within 15
17 days of notice.

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

22 Section 4. Section 13A-11-84, Code of Alabama 1975,
23 is amended to read as follows:

24 "§13A-11-84.

25 "(a) Every violation of subsection (a) of Section
26 13A-11-72 or Section 13A-11-81 shall be a Class C felony.
27 Every violation of subsection (b) of Section 13A-11-72 or

1 Sections 13A-11-73, 13A-11-74, 13A-11-76, and 13A-11-77
2 through 13A-11-80 shall be a Class A misdemeanor. The
3 punishment for violating Section 13A-11-78 or 13A-11-79 may
4 include revocation of license. Notwithstanding any other
5 provision of law, it is a defense to any prosecution for a
6 violation of Section 13A-11-73 that the individual was in
7 physical possession of a driver's license that links to a
8 valid concealed carry endorsement in the state concealed carry
9 permit information system.

10 "(b) It shall be the duty of any sheriff, policeman,
11 or other peace officer of the State of Alabama, arresting any
12 person charged with violating Sections 13A-11-71 through
13 13A-11-73, or any one or more of those sections, to seize the
14 pistol or pistols in the possession or under the control of
15 the person or persons charged with violating the section or
16 sections, and to deliver the pistol or pistols to one of the
17 following named persons: if a municipal officer makes the
18 arrest, to the city clerk or custodian of stolen property of
19 the municipality employing the arresting officer; if a county,
20 state, or other peace officer makes the arrest, to the sheriff
21 of the county in which the arrest is made. The person
22 receiving the pistol or pistols from the arresting officer
23 shall keep ~~it~~ the pistol or pistols in a safe place in as good
24 condition as received until disposed of as hereinafter
25 provided. Within five days after the final conviction of any
26 person arrested for violating any of the above-numbered
27 sections, the person receiving possession of the pistol or

1 pistols, seized as provided in this section, shall report the
2 seizure and detention of the pistol or pistols to the district
3 attorney within the county where the pistol or pistols are
4 seized, giving a full description thereof, the number, make
5 and model thereof, the name of the person in whose possession
6 it was found when seized, the person making claim to same or
7 any interest therein, if the name can be ascertained or is
8 known, and the date of the seizure. Upon receipt of the report
9 from the person receiving possession of the pistol or pistols,
10 it shall be the duty of the district attorney within the
11 county wherein the pistol or pistols were seized to ~~forthwith~~
12 promptly file a complaint in the circuit court of the proper
13 county, praying that the seized pistol or pistols be declared
14 contraband, be forfeited to the state and be destroyed. Any
15 person, firm or corporation or association of persons in whose
16 possession the pistol or pistols may be seized or who claim to
17 own the same or any interest therein shall be made a party
18 defendant to the complaint, and thereupon the matter shall
19 proceed and be determined in the circuit court of the proper
20 county in the same form and manner, as near as may be, as in
21 the forfeiture and destruction of gaming devices, except as
22 otherwise provided. When any judgment of condemnation and
23 forfeiture is made in any case filed under this section, the
24 judge making the judgment shall direct the destruction of the
25 pistol or pistols by the person receiving possession of the
26 pistol or pistols from the arresting officer in the presence
27 of the clerk or register of the court, unless the judge is of

1 the opinion that the nondestruction thereof is necessary or
2 proper in the ends of justice, in which event and upon
3 recommendation of the district attorney, the judge shall award
4 the pistol or pistols to the sheriff of the county or to the
5 chief of police of the municipality to be used exclusively by
6 the sheriff or the chief of police in the enforcement of law,
7 and the sheriff of the county and the chiefs of police of the
8 municipalities shall keep a permanent record of all pistols
9 awarded to them as provided for in this section, to be
10 accounted for as other public property, and the order, in the
11 event that no appeal is taken within 15 days from the
12 rendition thereof, shall be carried out and executed before
13 the expiration of 20 days from the date of the judgment. The
14 court may direct in the judgment that the costs of the
15 proceedings be paid by the person in whose possession the
16 pistol or pistols were found when seized, or by any party or
17 parties who claim to own the pistol or pistols, or any
18 interest therein, and who contested the condemnation and
19 forfeiture thereof."

20 Section 5. (a) Within 30 days or less of
21 disposition, all municipal, county, and state courts shall,
22 electronically or in a method determined by ALEA, report to
23 the Alabama State Law Enforcement Agency for entry into the
24 state concealed carry permit information system all
25 dispositions for cases involving a misdemeanor charge of
26 domestic violence as defined in Section 13A-11-72, Code of
27 Alabama 1975.

1 (b) All municipal courts shall also report to the
2 Alabama State Law Enforcement Agency for inclusion into the
3 state concealed carry permit information system all other
4 criminal dispositions which would result in an individual
5 being denied a permit under Section 13A-11-75, Code of Alabama
6 1975.

7 (c) When the judge of probate of any county enters
8 an order for the involuntary commitment of an individual
9 pursuant to Chapter 52 of Title 22, Code of Alabama 1975, or
10 as otherwise provided by law, the judge shall immediately
11 report that order to the Alabama State Law Enforcement Agency
12 in a manner prescribed by the agency. The Alabama State Law
13 Enforcement Agency shall promptly enter the order into the
14 state concealed carry permit information system and the
15 National Instant Criminal Background Check (NICS) system. A
16 judge of probate shall report to the Alabama State Law
17 Enforcement Agency updates to any disposition which was
18 previously forwarded to the Alabama State Law Enforcement
19 Agency, including notice of any appeal, expungement, pardon,
20 commutation, or restoration of civil rights.

21 (d) Within 30 days or less of disposition, each
22 municipal, county, and state court shall forward to the
23 Alabama State Law Enforcement Agency in a manner prescribed by
24 the agency the disposition of any case which would result in
25 an individual being denied a permit under Section 13A-11-75,
26 Code of Alabama 1975. A court shall report to the Alabama
27 State Law Enforcement Agency updates to any disposition which

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

4 (e) A court reporting an order or disposition to the
5 Alabama State Law Enforcement Agency pursuant to this section,
6 upon reporting, may collect fifty dollars (\$50) in additional
7 court costs, to be paid by the individual. Court costs
8 collected under this subsection shall be distributed as
9 follows:

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

14 (2) Ten percent to the reporting court.

15 Section 6. Section 13A-11-75.1, Code of Alabama
16 1975, relating to pistol permits for retired military
17 personnel, is repealed.

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

1 Section 8. This act shall become effective on
2 January 1, 2022, following its passage and approval by the
3 Governor, or its otherwise becoming law.