HB39
203415-1
By Representative Robertson
RFD: Public Safety and Homeland Security
First Read: 04-FEB-20
PFD: 01/23/2020
SYNOPSIS: Under current law, concealed carry permits are issued by the sheriffs of each county. Each sheriff may have different fees, forms, and processes for the issuance of a concealed carry permit. Further, each county may maintain separate databases of individuals authorized to carry a pistol in a vehicle or concealed on or about his or her person within this state.

This bill would standardize a process by which concealed carry permits may be issued statewide and would create a state concealed carry permit information system by which relevant data may be maintained and provided to law enforcement.

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

This bill would provide that concealed carry permits may be issued for terms of one year or five years or for the lifetime of the permit holder.
This bill would authorize the Alabama State Law Enforcement Agency to conduct background checks on persons with concealed carry permits in order to ensure continued compliance with state and federal law.

This bill would also provide that the Alabama State Law Enforcement Agency may revoke a permit after a determination that the permit holder should not possess a permit under the same criteria for the issuance of a permit. This bill would allow sheriffs and other law enforcement officers to request that the Alabama State Law Enforcement Agency revoke a concealed carry permit upon reasonable belief that the permit holder should not possess a permit under the same criteria for the issuance of a permit.

This bill would allow an individual whose permit has been revoked to appeal that revocation to the district court of his or her county of residence within 30 days of the revocation.

This bill would require municipal, county, probate, and state courts to report to the Alabama State Law Enforcement Agency any disposition which would render that individual ineligible for a concealed carry permit, as well as report to the agency any update to any disposition which was previously forwarded to the Alabama State Law
Enforcement Agency, including notice of any appeal, expungement, pardon, commutation, or restoration of civil rights.

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

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

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

TO BE ENTITLED

AN ACT

Relating to concealed carry permits; to amend Sections 13A-11-75 and 13A-11-84, Code of Alabama 1975, to provide for a statewide standardized process by which concealed carry permits may be issued and a state concealed carry permit information system by which relevant data can be maintained and provided to law enforcement; to integrate into that state information system existing data relating to concealed carry permits issued by county sheriffs; to provide for a new lifetime concealed carry permit which shall be valid for the lifetime of the permit holder; to provide a method by which the Alabama State Law Enforcement Agency may revoke a concealed carry permit upon a determination that the permit holder should not possess a permit using the same factors for issuance of a permit; to provide a method by which a concealed carry permit holder may appeal a revocation to the district court; to provide for the electronic forwarding of court dispositions by municipal, county, probate, and state courts to the Alabama State Law Enforcement Agency; to repeal Section 13A-11-75.1, Code of Alabama 1975; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now
BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

(2) The Alabama State Law Enforcement Agency may contract with a third party for the development, creation, and maintenance of a state concealed carry permit information system, but the agency shall administer the system.

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

(c) The Alabama State Law Enforcement Agency may provide for application, review, and renewal of a concealed carry permit through electronic means. The agency may also accept payment for a permit by a debit or credit card or other consumer electronic payment method. Any transaction or banking
fee charged for the electronic payment method shall be paid by the applicant.

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

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

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

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

"§13A-11-75.

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

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

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

"(b)(1) Upon receipt of an application for a
concealed carry permit, the sheriff shall complete a criminal
background check through the National Instant Criminal
Background Check System (NICS) and review the state concealed
carry permit information system. Notwithstanding any other
provision of law, if the criminal background check or review
returns any results that show that the applicant is prohibited
from the possession of a pistol or firearm pursuant to state
or federal law, the sheriff shall deny the application."
"(2) The sheriff shall also review any other available local, state, and federal criminal history data banks to determine whether possession of a pistol or firearm by an applicant would be a violation of state or federal law.

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

"(4)a. In making a determination whether to approve or deny the issuance or renewal of a permit, the sheriff shall consider whether the applicant:

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

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

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

"4. Asserted a defense in a criminal case of not guilty by reason of insanity or mental disease or defect.
"5. Was found not guilty only by reason of lack of mental responsibility under the Uniform Code of Military Justice.

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

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

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

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

"10. Falsified any portion of the permit application.

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

"b. The sheriff shall take into account how recent any consideration under paragraph a. is in relation to the date of the application. The sheriff shall provide a written statement of the reasons for a denial of a permit and the evidence upon which it is based must be disclosed to the applicant, unless disclosure would interfere with a criminal investigation.
"c. Except as otherwise provided by the laws of this state, a permit issued under this subdivision is valid throughout the state.

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

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

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

(3) A person who is denied a permit under subdivision (1), or a person whose permit is revoked under subdivision (2), within 30 days of notification of the denial or revocation, may appeal the denial or revocation to the district court of the county where the denial or revocation was issued. Upon a review of a denial under this subdivision, the sheriff shall have the burden of proving by clear and convincing evidence that the person is prohibited from possession of a pistol or other firearm pursuant to state or federal law or, based on any of the considerations enumerated in subdivision (a)(1) that the person may use a weapon unlawfully or in such other manner as would endanger the
person's self or others if granted a permit to carry a concealed weapon under this section.

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

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

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

"(b) Each permit shall be written or in an electronic or digital form to be prescribed by the Secretary of State in consultation with the Alabama Sheriff's Association, and shall bear the name, address, description, and signature of the permittee. The original hard copy of the permit shall be issued to the permittee, and a duplicate shall, within seven days, be sent by registered or certified mail to the Secretary of the Alabama State Law Enforcement Agency. The application and a copy shall be preserved for six years by the authority issuing the same. The sheriff may charge a fee as provided by local law for the issuance of the permit under subdivision (1) of subsection (a). The amount of the fee for a period of one year up to five years shall be the
amount of the fee as prescribed by local law multiplied by the number of years of the permit requested by the applicant. The fee shall be paid into the county treasury unless otherwise provided by local law. Prior to issuance or renewal of a permit, the sheriff shall contact available local, state, and federal criminal history data banks, including the National Instant Criminal Background Check System, to determine whether possession of a firearm by an applicant would be a violation of state or federal law.

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

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

"b. In making any determination to approve or deny a permit under this section, a sheriff shall consider any appeals, expungements, pardons, commutations, or restorations of civil rights of the applicant which relate to any factor in paragraph a.}"
"c.1. If the sheriff determines that any of the factors in paragraph a. apply to the applicant, the sheriff shall deny the application.

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

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

"d.1. If the sheriff determines that the applicant is not prohibited from the possession of a pistol or firearm under state or federal law and that the applicant should not otherwise be denied a concealed carry permit in light of the factors listed in paragraph a. of subsection (b), the sheriff, upon receipt of the appropriate fee as provided in paragraph e., shall approve the application and document it in the state
concealed carry permit information system. The sheriff shall enter into the system the date of completion of the background check and the name and signature of the sheriff whose office conducted the background check, and shall indicate whether the application was for a one-year, five-year, or lifetime concealed carry permit.

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

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

"e.1. Notwithstanding any provision of law to the contrary, the fee for a concealed carry permit for a term of one year or five years shall be the same as currently provided by local law for that county, and the resulting funds shall be distributed as currently provided by local law. If there is no local law setting the fee for a one-year permit, the fee shall be twenty-five dollars ($25), and the funds shall be
distributed to the sheriff. If there is no local law setting
the fee for a five-year permit, the fee shall be one hundred
twenty five dollars ($125), and the funds shall be distributed
to the sheriff. The sheriff and the Alabama State Law
Enforcement Agency shall charge no fee for issuing or renewing
a permit to a service member as defined in Section 35-10-70, a
retired military veteran as defined in Section 13A-11-75.1, a
law enforcement officer as defined by Section 36-30-20, or an
honorably retired law enforcement officer eligible for a card
under Section 36-21-9.

"2. The fee for a lifetime concealed carry permit
shall be two hundred dollars ($200). Notwithstanding the
foregoing, the fee for a lifetime concealed carry permit shall
be one hundred fifty dollars ($150) if the applicant is 65
years of age or older at the time of application. The sheriff
and the Alabama State Law Enforcement Agency shall charge no
fee for issuing or renewing a permit to a service member as
defined in Section 35-10-70, a retired military veteran as
defined in Section 13A-11-75.1, a law enforcement officer as
defined by Section 36-30-20, or an honorably retired law
enforcement officer eligible for a card under Section 36-21-9.
40 percent of these fees shall be distributed to the sheriff
of the county of residence of the applicant, to be used for
the administration of the concealed carry permit application
process and other law enforcement purposes. The remaining 60
percent shall be distributed to the Alabama State Law
Enforcement Agency, to be used for the administration of the
state concealed carry permit information system and for other law enforcement purposes. Notwithstanding the foregoing, beginning October 1, 2023, the agency may use these funds only for the administration of the state concealed carry permit information system.

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

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

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

"b. Within 15 days from the date of receipt of notice of approval of a concealed carry permit application, the Alabama State Law Enforcement Agency shall produce and mail to the residence of the individual a secure permit card valid for a term of one year, five years, or the permit
holder's lifetime, as indicated within the approved application.

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

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

“(2) An individual with a valid concealed carry permit who loses the physical concealed carry permit or who has his or her physical concealed carry permit stolen shall report that lost permit to the sheriff of the county of residence within thirty days. Upon receipt of notice of a lost
concealed carry permit, the sheriff shall notify the Alabama State Law Enforcement Agency of the lost permit card in a manner as prescribed by the agency for entry into the state concealed carry permit information system.

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

"(g)(1)a. At any point after the issuance of a concealed carry permit, and so long as the concealed carry permit is valid, if the Alabama State Law Enforcement Agency becomes aware that the individual with the concealed carry permit becomes prohibited from possessing a pistol or firearm under state or federal law, or otherwise concludes that the individual should not possess a concealed carry permit based on the factors provided for issuance under paragraph a. of subsection (b), the Alabama State Law Enforcement Agency shall immediately revoke the concealed carry permit through the state concealed carry permit information system and remove the concealed carry endorsement from the state concealed carry permit information system. The agency shall also enter a "Concealed Carry Prohibited" restriction into the state
concealed carry permit information system so that it is viewable by law enforcement officers and other authorized persons through the individual's driver license.

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

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

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

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

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

"(2) If a sheriff, law enforcement officer, or a court finds probable cause to believe that an individual with a concealed carry permit is prohibited from purchasing or possessing a pistol or firearm under federal law, or otherwise concludes that the individual with a concealed carry permit should not possess a concealed carry permit based on the factors provided for issuance under paragraph a. of subsection (b), that sheriff, law enforcement officer, or court may, in a manner prescribed by the Alabama State Law Enforcement Agency,
request that the Alabama State Law Enforcement Agency revoke
the concealed carry permit of that individual. A sheriff, law
enforcement officer, or court shall furnish relevant evidence
along with any request for revocation of a concealed carry
permit.

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

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

"(1) A court hearing an appeal under this subsection
shall issue a written determination within 30 days providing
the reasoning for the determination, as well as any facts or
evidence upon which the determination was based. The court
shall deliver written copies of this determination to both the
individual and the Alabama State Law Enforcement Agency.

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

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

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

"(f) (j) The name, address, signature, photograph, and any other personally identifying information collected from an applicant or permittee under this section shall be kept confidential, shall be exempt from disclosure under Section 36-12-40, and may only be used for law enforcement purposes except when a current permittee is charged in any state with a felony involving the use of a pistol. All other information on permits under this section, including information concerning the annual number of applicants, number of permits issued, number of permits denied or revoked, revenue from issuance of permits, and any other fiscal or statistical data otherwise, shall remain public writings subject to public disclosure. Except as provided above, the sheriff of a county and the Alabama State Law Enforcement Agency shall redact the name, address, signature, photograph, and any other personally identifying information of a permit holder before releasing a copy of a permit for a non-law enforcement purpose. The sheriff or the agency may charge one dollar ($1) per copy of any redacted permit record requested other than when requested for law enforcement purposes. To
knowingly publish or release to the public in any form any
information or records related to the licensing process, or
the current validity of any permit, except as authorized in
this subsection or in response to a court order or subpoena,
is a Class A misdemeanor.

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

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

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

"(2) Notwithstanding subdivision (1), if a service
member as defined by Section 35-10-70 possesses a lifetime
concealed carry permit and establishes residence in another
state, the concealed carry permit shall expire upon the
establishment of residence in the other state. Notwithstanding
the foregoing, if the service member's establishment of
residence in the other state was a result of relocation
related to the military service of that service member, and
that service member thereafter re-establishes residence in
Alabama, the Alabama State Law Enforcement Agency, upon
request of the service member, shall reinstate the lifetime
concealed carry permit of that service member and shall ensure
that the reinstatement is properly reflected within the state
concealed carry permit information system.

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

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

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

"§13A-11-84.

"(a) Every violation of subsection (a) of Section
13A-11-72 or Section 13A-11-81 shall be a Class C felony.
Every violation of subsection (b) of Section 13A-11-72 or
Sections 13A-11-73, 13A-11-74, 13A-11-76, and 13A-11-77 through 13A-11-80 shall be a Class A misdemeanor. The punishment for violating Section 13A-11-78 or 13A-11-79 may include revocation of license. Notwithstanding any other provision of law, it is a defense to any prosecution for a violation of Section 13A-11-73 that the individual was in physical possession of a driver's license that links to a valid concealed carry endorsement in the state concealed carry permit information system.

"(b) It shall be the duty of any sheriff, policeman, or other peace officer of the State of Alabama, arresting any person charged with violating Sections 13A-11-71 through 13A-11-73, or any one or more of those sections, to seize the pistol or pistols in the possession or under the control of the person or persons charged with violating the section or sections, and to deliver the pistol or pistols to one of the following named persons: if a municipal officer makes the arrest, to the city clerk or custodian of stolen property of the municipality employing the arresting officer; if a county, state, or other peace officer makes the arrest, to the sheriff of the county in which the arrest is made. The person receiving the pistol or pistols from the arresting officer shall keep the pistol or pistols in a safe place in as good condition as received until disposed of as hereinafter provided. Within five days after the final conviction of any person arrested for violating any of the above-numbered sections, the person receiving possession of the pistol or
pistols, seized as provided in this section, shall report the
seizure and detention of the pistol or pistols to the district
attorney within the county where the pistol or pistols are
seized, giving a full description thereof, the number, make
and model thereof, the name of the person in whose possession
it was found when seized, the person making claim to same or
any interest therein, if the name can be ascertained or is
known, and the date of the seizure. Upon receipt of the report
from the person receiving possession of the pistol or pistols,
it shall be the duty of the district attorney within the
county wherein the pistol or pistols were seized to promptly file a complaint in the circuit court of the proper
county, praying that the seized pistol or pistols be declared
contraband, be forfeited to the state and be destroyed. Any
person, firm or corporation or association of persons in whose
possession the pistol or pistols may be seized or who claim to
own the same or any interest therein shall be made a party
defendant to the complaint, and thereupon the matter shall
proceed and be determined in the circuit court of the proper
county in the same form and manner, as near as may be, as in
the forfeiture and destruction of gaming devices, except as
otherwise provided. When any judgment of condemnation and
forfeiture is made in any case filed under this section, the
judge making the judgment shall direct the destruction of the
pistol or pistols by the person receiving possession of the
pistol or pistols from the arresting officer in the presence
of the clerk or register of the court, unless the judge is of
the opinion that the nondestruction thereof is necessary or proper in the ends of justice, in which event and upon recommendation of the district attorney, the judge shall award the pistol or pistols to the sheriff of the county or to the chief of police of the municipality to be used exclusively by the sheriff or the chief of police in the enforcement of law, and the sheriff of the county and the chiefs of police of the municipalities shall keep a permanent record of all pistols awarded to them as provided for in this section, to be accounted for as other public property, and the order, in the event that no appeal is taken within 15 days from the rendition thereof, shall be carried out and executed before the expiration of 20 days from the date of the judgment. The court may direct in the judgment that the costs of the proceedings be paid by the person in whose possession the pistol or pistols were found when seized, or by any party or parties who claim to own the pistol or pistols, or any interest therein, and who contested the condemnation and forfeiture thereof."

Section 5. (a) Within 30 days or less of disposition, all municipal, county, and state courts shall, electronically or in a method determined by ALEA, report to the Alabama State Law Enforcement Agency for entry into the state concealed carry permit information system all dispositions for cases involving a misdemeanor charge of domestic violence as defined in Section 13A-11-72, Code of Alabama 1975.
(b) All municipal courts shall also report to the Alabama State Law Enforcement Agency for inclusion into the state concealed carry permit information system all other criminal dispositions which would result in an individual being denied a permit under Section 13A-11-75, Code of Alabama 1975.

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

(d) Within 30 days or less of disposition, each municipal, county, and state court shall forward to the Alabama State Law Enforcement Agency in a manner prescribed by the agency the disposition of any case which would result in an individual being denied a permit under Section 13A-11-75, Code of Alabama 1975. A court shall report to the Alabama State Law Enforcement Agency updates to any disposition which
was previously forwarded to the Alabama State Law Enforcement Agency, including notice of any appeal, expungement, pardon, commutation, or restoration of civil rights.

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

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

(2) Ten percent to the reporting court.

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

Section 7. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, because the bill defines a new crime or amends the definition of an existing crime.
Section 8. This act shall become effective on
January 1, 2022, following its passage and approval by the
Governor, or its otherwise becoming law.