SB308
212648-2
By Senator Price
RFD: Judiciary
First Read: 09-MAR-21
SB308

ENGROSSED

A BILL

TO BE ENTITLED

AN ACT

Relating to concealed carry permits; to establish the Alabama Uniform Concealed Carry Permit Act; to amend Sections 13A-11-70, 13A-11-75, and 22-52-10.1, Code of Alabama 1975, to provide for a statewide standardized process by which concealed carry permits may be issued by sheriffs and a state firearms prohibited person database by which relevant data can be maintained and provided to law enforcement; to authorize a sheriff to provide for maintenance of permit records by electronic means; to provide a method by which a sheriff may revoke a permit; to provide a method by which an individual may appeal a permit revocation, denial, or his or her listing on the state firearms prohibited person database; to provide for the electronic forwarding of convictions and court orders 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 appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

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

(2) The Alabama State Law Enforcement Agency may contract with a third party for the development, creation, and maintenance of a state firearms prohibited person database, but the agency shall administer the database in a method as determined by the Alabama Justice Information Commission.
(3) Except as otherwise provided in this act, any information in the database shall be kept confidential, shall be exempt from disclosure under Section 36-12-40, Code of Alabama 1975, and may only be used for law enforcement purposes except when an individual on the database is charged in any state with a felony involving the use of a firearm.

(b) A sheriff may provide for application, review, and renewal of a concealed carry permit through electronic means, as well as maintenance of records of applications, issued permits, and denied permits through electronic means. A sheriff 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.

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

(d) 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.

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

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

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

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

(2) COMMISSION. The Alabama Justice Information Commission.

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

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

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

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

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

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

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

"§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 19 years of age or more may apply to the sheriff of his or her county of residence for issuance or renewal of a concealed carry permit, valid for one year or five years.

(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 or honorably discharged military veteran as defined in subsection (b) may apply to the sheriff of his or her county of residence for issuance or renewal of a concealed carry permit, valid for one year or five years.

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

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

(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 firearms prohibited person database.

"(2) The sheriff shall also review any other available local, state, and federal criminal history databases 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.

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

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

"2. (2) Was found not guilty in a criminal case by reason of insanity or mental disease or defect.
3.(3) Was declared incompetent to stand trial in a criminal case.

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

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

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

7.(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 to others.

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

9.(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 under the laws of Alabama or the United States.

10.(10) Falsified any portion of the permit application.

11.(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.

"e. 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.

"(d)(1) If the sheriff determines that any of the
factors in subdivisions (c)(1) to (11) apply to the applicant,
or that the criminal background check under subsection (b)
returned any result showing 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) If the sheriff cannot determine whether or not
a factor listed in subsection (c) applies to the applicant,
the sheriff may request additional information from the
applicant.

"(3)a. 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 giving the
specific reason or reasons for denial, the date of completion
of the background check, and the name and signature of the
sheriff whose office conducted the background check.

"b. If the 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.

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

"(5) Upon receiving notice of a denial of an
application for a concealed carry permit due to the applicant
being prohibited from possessing a firearm under state or
federal law, or a conviction or court order that would
prohibit that individual from possessing a pistol or firearm under state or federal law, the Alabama State Law Enforcement Agency shall enter the information into the state firearms prohibited person database and ensure that a "Firearms Prohibited Person" notice is viewable by law enforcement officers and other authorized persons through the Law Enforcement Tactical System.

"(e)(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 pursuant to this section, the sheriff, upon receipt of the appropriate fee as provided in subsection (f), shall approve the application.

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

"b. If the sheriff is unable to produce a hard copy secure permit card at time of approval, the sheriff shall issue the applicant a temporary paper permit, valid for 30 days following the date of issuance. The sheriff shall produce and mail to the applicant a hard copy secure permit card within 15 days of issuing the temporary paper permit.
(f)(1) Notwithstanding any provision of law to the contrary:

a. 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.

b. 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.

c. A sheriff shall charge no fee for issuing or renewing a permit to a service member, a retired or honorably discharged military veteran, 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)a. The fee for a lifetime concealed carry permit shall be three hundred dollars ($300). If an individual applies for a lifetime carry permit within one year after the expiration date of an otherwise valid pistol permit possessed by that individual, or the expiration of any extended renewal period offered by the sheriff, whichever is later, the price for the lifetime carry permit shall be reduced by an amount equal to the price of the expired permit at the time that expired permit was issued.
"b. Notwithstanding the foregoing, the fee for a lifetime concealed carry permit shall be one hundred fifty dollars ($150) if the applicant is 60 years of age or older at the time of application.

c. A sheriff shall charge no fee for issuing or renewing a lifetime carry permit to a service member, a retired or honorably discharged military veteran, 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.

"(3) Eighty percent of the fees for a lifetime carry permit 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 20 percent shall be distributed to the Alabama State Law Enforcement Agency, to be used for the administration of the state firearms prohibited person database and for other law enforcement purposes. Notwithstanding the foregoing, beginning October 1, 2024, the agency may use these funds only for the administration of the state firearms prohibited person database.

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

"(5) Each sheriff shall prepare a report on the number of permits issued and renewed within the county, and shall include a detailed accounting of fees and their
distribution. A sheriff, upon request, shall provide a copy of this report to the Alabama State Law Enforcement Agency or the Legislative Services Agency.

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

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

"(3) If a permittee 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 issue a permit in the same manner as provided in subdivision (e)(2).

"(h) At least once every five years from the date of issuance, each sheriff shall conduct a background check on each individual with a lifetime carry permit issued within his or her county in the same manner as provided in subsection (b), 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 subsection (c).

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

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

"c. Immediately upon revocation of a permit, the
sheriff shall send notice of that revocation to 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 permit has been revoked.

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

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

(j)(1) An individual who has been denied a permit under subsection (d), an individual whose permit has been
revoked under subsections (g) or (i), or any individual who is listed on the state firearms prohibited person database may appeal the denial, revocation, or database entry to the district court of the county where the individual resides. During the court's review of the decision, the sheriff of the county of residence of the individual 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 permit based on the factors provided for issuance under subsection (c).

"(2) 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 the individual, the sheriff of the county of residence of the individual, and the Alabama State Law Enforcement Agency.

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

"(4)a. Within three days of receiving a notice of a court determination that the revocation or denial of a permit was improper, the sheriff shall issue or reissue a physical
permit to the applicant in the same manner as provided in subdivisions (e)(2).

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

"(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) (k) 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 a violation of this act subject to misuse penalties established by rule of the commission.

"(g) (l) 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) (m) This section shall not be construed to limit or place any conditions upon a person's or an individual's right to carry a pistol that is not in a motor vehicle or not concealed."
"(i) (n)(1) If a person issued a pistol permit in this state establishes residence in another state, the pistol his or her permit shall expire upon the establishment of residence in the other state.

"(2) Notwithstanding subdivision (1), if a service member possesses a lifetime concealed carry permit and establishes residence in another state, the 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 sheriff of the county of residence, upon request of the service member, shall reinstate the lifetime concealed carry permit of that service member.

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

"(p) 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. (a) Within 30 days after a conviction or final order in a case involving a misdemeanor charge of domestic violence, as defined in Section 13A-11-72, Code of Alabama 1975, all municipal, probate, district, and circuit
courts, electronically or in a method determined by the Alabama Justice Information Commission, shall report to the Alabama State Law Enforcement Agency for entry into the state firearms prohibited person database.

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

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

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

b. Upon receipt of notice of any appeal, expungement, pardon, commutation, or restoration of civil rights that would nullify the reason why an individual is prohibited from possessing a firearm under federal or state law, the Alabama State Law Enforcement Agency shall
accordingly adjust or remove that individual's information in
the state firearms prohibited persons database.

(d) Upon reporting a conviction or order to the
Alabama State Law Enforcement Agency pursuant to this section,
a court 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 5. Section 22-52-10.1, Code of Alabama 1975,
is amended to read as follows:

"§22-52-10.1.

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

"(1) Outpatient treatment; or

"(2) Inpatient treatment.

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

"(b) The petition for involuntary commitment shall
be dismissed if the criteria for commitment is not proved.
"(c)(1) The judge shall immediately report an order for inpatient treatment to the Alabama State Law Enforcement Agency in a manner prescribed by the Alabama Justice Information Commission for entry into the state firearms prohibited person database and the National Instant Criminal Background Check (NICS) system.

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

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. Sections 1 and 2 of this act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law; the remainder of this act shall only become effective upon receipt by the
Governor and the Director of the Legislative Services Agency of written notice from the Alabama State Law Enforcement Agency certifying that the state firearms prohibited persons database is operational and fully compliant with this act following its passage and approval by the Governor, and its otherwise becoming law.
Senate

Read for the first time and referred to the Senate committee on Judiciary............................ Q9-MAR-21

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

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

Yeas 25
Nays 6

Patrick Harris,
Secretary.