

1 SB308  
2 212648-3  
3 By Senator Price  
4 RFD: Judiciary  
5 First Read: 09-MAR-21

1 SB308

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3  
4 ENROLLED, An Act,

5 Relating to concealed carry permits; to establish  
6 the Alabama Uniform Concealed Carry Permit Act; to amend  
7 Sections 13A-11-70, 13A-11-75, and 22-52-10.1, Code of Alabama  
8 1975, to provide for a statewide standardized process by which  
9 concealed carry permits may be issued by sheriffs and a state  
10 firearms prohibited person database by which relevant data can  
11 be maintained and provided to law enforcement; to authorize a  
12 sheriff to provide for maintenance of permit records by  
13 electronic means; to provide a method by which a sheriff may  
14 revoke a permit; to provide a method by which an individual  
15 may appeal a permit revocation, denial, or his or her listing  
16 on the state firearms prohibited person database; to provide  
17 for the electronic forwarding of convictions and court orders  
18 to the Alabama State Law Enforcement Agency; to repeal Section  
19 13A-11-75.1, Code of Alabama 1975; and in connection therewith  
20 would have as its purpose or effect the requirement of a new  
21 or increased expenditure of local funds within the meaning of  
22 Amendment 621 of the Constitution of Alabama of 1901, now  
23 appearing as Section 111.05 of the Official Recompilation of  
24 the Constitution of Alabama of 1901, as amended.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

3           Section 2. (a) (1) No later than October 1, 2022, the  
4 Alabama State Law Enforcement Agency shall develop, create,  
5 maintain, and administer a state firearms prohibited person  
6 database, and shall send written notice to the Governor and  
7 the Director of the Legislative Services Agency certifying  
8 that the database is operational and fully compliant with this  
9 act. This database shall be linked to the state Law  
10 Enforcement Tactical System so that all "Firearms Prohibited  
11 Person" notices are viewable by law enforcement officers and  
12 other authorized persons through the Law Enforcement Tactical  
13 System. The database shall provide a method for municipal,  
14 probate, district, and circuit courts to report convictions  
15 and orders that affect an individual's eligibility to possess  
16 a firearm under federal or state law. Upon request by a  
17 sheriff, the agency shall share any information from the  
18 database with the sheriff.

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

24           (3) Except as otherwise provided in this act, any  
25 information in the database shall be kept confidential, shall

1 be exempt from disclosure under Section 36-12-40, Code of  
2 Alabama 1975, and may only be used for law enforcement  
3 purposes except when an individual on the database is charged  
4 in any state with a felony involving the use of a firearm.

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

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

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

22 (e) Any pistol permit issued prior to January 1,  
23 2023, shall remain valid until its expiration date.

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

1           "§13A-11-70.

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

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

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

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

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

22           "(5) HONORABLY DISCHARGED VETERAN. An individual  
23 honorably discharged from active duty in the Army, the Navy,  
24 the Marine Corps, the Air Force, the Space Force, or the Coast  
25 Guard of the United States, or any reserve or National Guard

1 component of the United States Armed Forces, as evidenced by  
2 his or her DD Form 214, Record and Report of Separation  
3 Honorable Discharge Record, or other applicable documentation.

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

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

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

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

18 "§13A-11-75.

19 ~~"(a) (1)a. The sheriff of a county, upon the~~  
20 ~~application of any person residing in that county, within 30~~  
21 ~~days from receipt of a complete application and accompanying~~  
22 ~~fee, shall issue or renew a permit for such person to carry a~~  
23 ~~pistol in a vehicle or concealed on or about his or her person~~  
24 ~~within this state for one- to five-year increments, as~~  
25 ~~requested by the person seeking the permit, from date of~~

1 ~~issue, unless the sheriff determines that the person is~~  
2 ~~prohibited from the possession of a pistol or firearm pursuant~~  
3 ~~to state or federal law, or has a reasonable suspicion that~~  
4 ~~the person may use a weapon unlawfully or in such other manner~~  
5 ~~that would endanger the person's self or others. In making~~  
6 ~~such determination, the sheriff may consider whether the~~  
7 ~~applicant:~~

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

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

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

22 "b. A sheriff may require an applicant for a  
23 lifetime carry permit to possess a valid concealed carry  
24 permit for not more than five consecutive years prior to  
25 approving the application for issuance of the permit. A

1 sheriff's determination under this paragraph shall not be  
2 subject to any appeal or review under subsection (j).

3 "(b) (1) Upon receipt of an application for a  
4 concealed carry permit, the sheriff shall complete a criminal  
5 background check through the National Instant Criminal  
6 Background Check System (NICS) and review the state firearms  
7 prohibited person database.

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

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

24 "(c) Within 30 days from receipt of a completed  
25 application, a sheriff shall approve or deny the application.

1 In making a determination whether to approve or deny the  
2 issuance or renewal of a permit, the sheriff shall consider  
3 whether the applicant:

4 "1.(1) Was found guilty but mentally ill in a  
5 criminal case.

6 "2.(2) Was found not guilty in a criminal case by  
7 reason of insanity or mental disease or defect.

8 "3.(3) Was declared incompetent to stand trial in a  
9 criminal case.

10 "4.(4) Asserted a defense in a criminal case of not  
11 guilty by reason of insanity or mental disease or defect.

12 "5.(5) Was found not guilty only by reason of lack  
13 of mental responsibility under the Uniform Code of Military  
14 Justice.

15 "6.(6) Required involuntary inpatient treatment in a  
16 psychiatric hospital or similar treatment facility.

17 "7.(7) Required involuntary outpatient treatment in  
18 a psychiatric hospital or similar treatment facility based on  
19 a finding that the ~~person~~ individual is an imminent danger to  
20 himself or herself or to others.

21 "8.(8) Required involuntary commitment to a  
22 psychiatric hospital or similar treatment facility for any  
23 reason, including drug use.

24 "9.(9) Is or was the subject of a prosecution or of  
25 a commitment or incompetency proceeding that could lead to a

1 prohibition on the receipt or possession of a firearm under  
2 the laws of Alabama or the United States.

3 ~~"10.(10)~~ Falsified any portion of the permit  
4 application.

5 ~~"11.(11)~~ Caused or causes justifiable concern for  
6 public safety.

7 ~~"b. The sheriff shall take into account how recent  
8 any consideration under paragraph a. is in relation to the  
9 date of the application. The sheriff shall provide a written  
10 statement of the reasons for a denial of a permit and the  
11 evidence upon which it is based must be disclosed to the  
12 applicant, unless disclosure would interfere with a criminal  
13 investigation.~~

14 ~~"c. Except as otherwise provided by the laws of this  
15 state, a permit issued under this subdivision is valid  
16 throughout the state.~~

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

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

24 ~~"b. The sheriff shall provide a written statement of  
25 the reasons for the revocation and the evidence upon which it~~

1 ~~is based must be disclosed to the applicant, unless disclosure~~  
2 ~~would interfere with a criminal investigation.~~

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

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

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

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

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

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

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

12           ~~"(d) (1) If the sheriff determines that any of the~~  
13 ~~factors in subdivisions (c) (1) to (11) apply to the applicant,~~  
14 ~~or that the criminal background check under subsection (b)~~  
15 ~~returned any result showing that the applicant is prohibited~~  
16 ~~from the possession of a pistol or firearm pursuant to state~~  
17 ~~or federal law, the sheriff shall deny the application.~~

18           ~~"(2) If the sheriff cannot determine whether or not~~  
19 ~~a factor listed in subsection (c) applies to the applicant,~~  
20 ~~the sheriff may request additional information from the~~  
21 ~~applicant.~~

22           ~~"(3)a. Upon the denial by a sheriff of an~~  
23 ~~application for a concealed carry permit, the sheriff shall~~  
24 ~~immediately give a written notice to the applicant giving the~~  
25 ~~specific reason or reasons for denial, the date of completion~~

1 of the background check, and the name and signature of the  
2 sheriff whose office conducted the background check.

3 "b. If the sheriff denies an application due to a  
4 determination that the issuance or renewal of a permit to an  
5 individual would cause or causes justifiable concern for  
6 public safety, then the sheriff shall clearly articulate the  
7 reasoning behind that determination within the written notice.

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

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

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

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

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

20           "(f) (1) Notwithstanding any provision of law to the  
21 contrary:

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

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

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

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

21           "b. Notwithstanding the foregoing, the fee for a  
22 lifetime concealed carry permit shall be one hundred fifty  
23 dollars (\$150) if the applicant is 60 years of age or older at  
24 the time of application.

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

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

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

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

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

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

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

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

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

1 (b), to ensure that the individual has not been convicted of  
2 any crime which would prohibit that individual from purchasing  
3 or possessing a pistol or firearm under state or federal law  
4 and that the individual has otherwise remained eligible for a  
5 permit based upon the factors provided in subsection (c).

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

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

1           "c. Immediately upon revocation of a permit, the  
2 sheriff shall send notice of that revocation to the individual  
3 whose permit was revoked. The notice delivered to the  
4 individual shall be in written form, but an additional copy  
5 may also be delivered in an electronic form. The notice shall  
6 include all of the following:

7           "1. The name of the individual whose permit has been  
8 revoked.

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

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

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

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

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

5           "(j) (1) An individual who has been denied a permit  
6 under subsection (d), an individual whose permit has been  
7 revoked under subsections (g) or (i), or any individual who is  
8 listed on the state firearms prohibited person database may  
9 appeal the denial, revocation, or database entry to the  
10 district court of the county where the individual resides.  
11 During the court's review of the decision, the sheriff of the  
12 county of residence of the individual shall have the burden of  
13 proving by clear and convincing evidence that possession of a  
14 pistol or firearm by the individual would be in violation of  
15 state or federal law or that the individual otherwise should  
16 not possess a permit based on the factors provided for  
17 issuance under subsection (c).

18           "(2) A court hearing an appeal under this subsection  
19 shall issue a written determination within 30 days providing  
20 the reasoning for the determination, as well as any facts or  
21 evidence upon which the determination was based. The court  
22 shall deliver written copies of this determination to the  
23 individual, the sheriff of the county of residence of the  
24 individual, and the Alabama State Law Enforcement Agency.

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

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

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

17           ~~"(e) If a person who is not a United States citizen~~  
18 ~~applies for a permit under this section, the sheriff shall~~  
19 ~~conduct an Immigration Alien Query through U.S. Immigration~~  
20 ~~and Customs Enforcement, or any successor agency, and the~~  
21 ~~application form shall require information relating to the~~  
22 ~~applicant's country of citizenship, place of birth, and any~~  
23 ~~alien or admission number issued by U.S. Immigration and~~  
24 ~~Customs Enforcement, or any successor agency. The sheriff~~  
25 ~~shall review the results of these inquiries before making a~~

1 ~~determination of whether to issue a permit or renewal permit.~~  
2 ~~A person who is unlawfully present in this state may not be~~  
3 ~~issued a permit under this section.~~

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

1 the current validity of any permit, except as authorized in  
2 this subsection or in response to a court order or subpoena,  
3 is ~~a Class A misdemeanor~~ a violation of this act subject to  
4 misuse penalties established by rule of the commission.

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

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

13 "~~(i)~~ (n) (1) If a ~~person issued a pistol permit in~~  
14 ~~this state~~ permittee establishes residence in another state,  
15 ~~the pistol~~ his or her permit shall expire upon the  
16 establishment of residence in the other state.

17 "(2) Notwithstanding subdivision (1), if a service  
18 member possesses a lifetime concealed carry permit and  
19 establishes residence in another state, the permit shall  
20 expire upon the establishment of residence in the other state.  
21 Notwithstanding the foregoing, if the service member's  
22 establishment of residence in the other state was a result of  
23 relocation related to the military service of that service  
24 member, and that service member thereafter re-establishes  
25 residence in Alabama, the sheriff of the county of residence,

1 upon request of the service member, shall reinstate the  
2 lifetime concealed carry permit of that service member.

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

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

11 Section 4. (a) Within 30 days after a conviction or  
12 final order in a case involving a misdemeanor charge of  
13 domestic violence, as defined in Section 13A-11-72, Code of  
14 Alabama 1975, all municipal, probate, district, and circuit  
15 courts, electronically or in a method determined by the  
16 Alabama Justice Information Commission, shall report to the  
17 Alabama State Law Enforcement Agency for entry into the state  
18 firearms prohibited person database.

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

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

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

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

20           (d) Upon reporting a conviction or order to the  
21 Alabama State Law Enforcement Agency pursuant to this section,  
22 a court may collect fifty dollars (\$50) in additional court  
23 costs, to be paid by the individual. Court costs collected  
24 under this subsection shall be distributed as follows:

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

5           (2) Ten percent to the reporting court.

6           Section 5. Section 22-52-10.1, Code of Alabama 1975,  
7 is amended to read as follows:

8           "§22-52-10.1.

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

14           "(1) Outpatient treatment; or

15           "(2) Inpatient treatment.

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

19           "(b) The petition for involuntary commitment shall  
20 be dismissed if the criteria for commitment is not proved.

21           "(c) (1) The judge shall immediately report an order  
22 for inpatient treatment to the Alabama State Law Enforcement  
23 Agency in a manner prescribed by the Alabama Justice  
24 Information Commission for entry into the state firearms

1 prohibited person database and the National Instant Criminal  
2 Background Check (NICS) system.

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

9 Section 6. Section 13A-11-75.1, Code of Alabama  
10 1975, relating to pistol permits for retired military  
11 personnel, is repealed.

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

20 Section 8. Sections 1 and 2 of this act shall become  
21 effective immediately following its passage and approval by  
22 the Governor, or its otherwise becoming law; the remainder of  
23 this act shall only become effective upon receipt by the  
24 Governor and the Director of the Legislative Services Agency  
25 of written notice from the Alabama State Law Enforcement

1 Agency certifying that the state firearms prohibited persons  
2 database is operational and fully compliant with this act  
3 following its passage and approval by the Governor, and its  
4 otherwise becoming law.

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB308

Senate 01-APR-21

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,  
Secretary.

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House of Representatives  
Passed: 08-APR-21

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By: Senator Price