

1 HB44
2 214779-1
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8 Gaston, Wheeler, Oliver, Hanes, McCutcheon, Smith, Wilcox,
9 Shedd, Treadaway and Isbell
10 RFD: Public Safety and Homeland Security
11 First Read: 11-JAN-22
12 PFD: 12/07/2021

8 SYNOPSIS: This bill would repeal certain restrictions
9 on the carrying or possession of a firearm on
10 certain property or in a motor vehicle by persons
11 with or without a concealed pistol permit.

12 This bill would revise certain restrictions
13 on the carrying or possession of firearms at
14 certain locations.

15 This bill would eliminate the need for a
16 person to obtain a concealed carry permit in order
17 to carry a pistol.

18 This bill would also make nonsubstantive,
19 technical revisions to update the existing code
20 language to current style.

21 Amendment 621 of the Constitution of Alabama
22 of 1901, as amended by Amendment 890, now appearing
23 as Section 111.05 of the Official Recompilation of
24 the Constitution of Alabama of 1901, prohibits a
25 general law whose purpose or effect would be to
26 require a new or increased expenditure of local
27 funds from becoming effective with regard to a

1 local governmental entity without enactment by a
2 2/3 vote unless: it comes within one of a number of
3 specified exceptions; it is approved by the
4 affected entity; or the Legislature appropriates
5 funds, or provides a local source of revenue, to
6 the entity for the purpose.

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

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT
18

19 Relating to firearms; to amend Sections 13A-11-7,
20 13A-11-50, 13A-11-55, 13A-11-61.2, 13A-11-62, 13A-11-71,
21 13A-11-75, as last amended by Act 2021-246, 2021 Regular
22 Session, and Sections 13A-11-85 and 13A-11-90, Code of Alabama
23 1975, to delete certain language regarding the carrying of a
24 visible pistol; to delete certain language regarding the
25 carrying of a concealed pistol; to revise certain restrictions
26 on the carrying or possession of firearms at certain
27 locations; to eliminate the requirement for a person to obtain

1 a concealed carry permit in order to carry a pistol; to revise
2 language regarding an employee storing a firearm in the
3 employee's vehicle; to make nonsubstantive, technical
4 revisions to update the existing code language to current
5 style; to repeal Sections 9-11-304, 13A-11-52, 13A-11-73, and
6 13A-11-74, Code of Alabama 1975, relating to the carrying or
7 possession of a firearm or pistol, to repeal certain
8 restrictions on the carrying or possession of a firearm on
9 certain property or in a motor vehicle; and in connection
10 therewith would have as its purpose or effect the requirement
11 of a new or increased expenditure of local funds within the
12 meaning of Amendment 621 of the Constitution of Alabama of
13 1901, as amended by Amendment 890, now appearing as Section
14 111.05 of the Official Recompilation of the Constitution of
15 Alabama of 1901.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Sections 13A-11-7, 13A-11-50, 13A-11-55,
18 13A-11-61.2, 13A-11-62, 13A-11-71, 13A-11-85, and 13A-11-90,
19 Code of Alabama 1975, are amended to read as follows:

20 "§13A-11-7.

21 "(a) A person commits the crime of disorderly
22 conduct if, with intent to cause public inconvenience,
23 annoyance, or alarm, or recklessly creating a risk thereof, he
24 or she does any of the following:

25 "(1) Engages in fighting or in violent tumultuous or
26 threatening behavior.

27 "(2) Makes unreasonable noise.

1 "(3) In a public place uses abusive or obscene
2 language or makes an obscene gesture.

3 "(4) Without lawful authority, disturbs any lawful
4 assembly or meeting of persons.

5 "(5) Obstructs vehicular or pedestrian traffic, or a
6 transportation facility.

7 "(6) Congregates with ~~other person~~ another person in
8 a public place and refuses to comply with a lawful order of
9 law enforcement to disperse.

10 "(b) Disorderly conduct is a Class C misdemeanor.

11 "(c) ~~It shall be a rebuttable presumption that the~~
12 The mere carrying of a ~~visible~~ pistol, holstered or secured,
13 in a public place, in and of itself, is not a violation of
14 this section.

15 "(d) Nothing in Act 2013-283 shall be construed to
16 prohibit law enforcement personnel who have reasonable
17 suspicion from acting to prevent a breach of the peace or from
18 taking action to preserve public safety.

19 "§13A-11-50.

20 "Except as otherwise provided ~~in this Code~~ by law, a
21 person who carries concealed about his person a bowie knife or
22 knife or instrument of like kind or description ~~or a pistol or~~
23 ~~firearm of any other kind or an air gun~~ shall, on conviction,
24 be fined not less than ~~\$50.00~~ fifty dollars (\$50) nor more
25 than ~~\$500.00~~ five hundred dollars (\$500), and may also be
26 imprisoned in the county jail or sentenced to hard labor for
27 the county for not more than six months.

1 "§13A-11-55.

2 "(a) In an indictment for In the prosecution for
3 carrying weapons unlawfully, it is sufficient for the
4 complaint to state, with particularity, to charge that the
5 defendant carried concealed about his or her person a pistol,
6 or other description of firearms, on premises not his own, or
7 a bowie knife, or other knife or instrument of the like kind
8 or description, or other forbidden weapon., describing it, as
9 the case may be;

10 "(b) and the excuse, if any, must be proved by the
11 defendant on the trial, to the satisfaction of the jury; and
12 if the evidence offered to excuse the charge raises a
13 reasonable doubt of the defendant's guilt, the jury must
14 acquit him. The burden of injecting the issue of justification
15 in subsection (a) is on the defendant, but this does not shift
16 the burden of proof.

17 "§13A-11-61.2.

18 "(a) In addition to any other place limited or
19 prohibited by state or federal law, a person, including a
20 person with a permit issued under Section 13A-11-75(a)(1) or
21 recognized under Section 13A-11-85, may not knowingly possess
22 or carry a firearm in any of the following places without the
23 express permission of a person or entity with authority over
24 the premises:

25 "(1) Inside the building of a police, sheriff, or
26 highway patrol station.

1 "(2) Inside or on the premises of a prison, jail,
2 halfway house, community corrections facility, or other
3 detention facility for those who have been charged with or
4 convicted of a criminal or juvenile offense. It is not a
5 violation of this subdivision to knowingly possess or carry a
6 firearm at a location described in this subdivision if the
7 location is also a sheriff's office that issues pistol permits
8 and the pistol remains inside a locked vehicle at all times
9 while the person is on the premises.

10 "(3) Inside a facility which provides inpatient or
11 custodial care of those with psychiatric, mental, or emotional
12 disorders.

13 "(4)a. Inside a courthouse, a courthouse annex, a
14 building in which a district attorney's office is located, or
15 a building in which a county commission or city council is
16 currently having a regularly scheduled or specially called
17 meeting.

18 "b. For purposes of this subdivision, "courthouse
19 annex" means a building that is currently having regularly
20 scheduled or specially called court hearings.

21 ~~"(5) Inside any facility hosting an athletic event~~
22 ~~not related to or involving firearms which is sponsored by a~~
23 ~~private or public elementary or secondary school or any~~
24 ~~private or public institution of postsecondary education,~~
25 ~~unless the person has a permit issued under Section~~
26 ~~13A-11-75(a)(1) or recognized under Section 13A-11-85.~~

1 "~~(6) Inside any facility hosting a professional~~
2 ~~athletic event not related to or involving firearms, unless~~
3 ~~the person has a permit issued under Section 13A-11-75(a)(1)~~
4 ~~or recognized under Section 13A-11-85.~~

5 "(b) Notwithstanding the provisions of subsection
6 (a), a person, including a person with a permit issued under
7 Section 13A-11-75~~(a)(1)~~ or recognized under Section 13A-11-85,
8 ~~may not,~~ without the express permission of a person or entity
9 with authority over the premises, may not knowingly possess or
10 carry a firearm inside any building or facility to which
11 access of unauthorized persons and prohibited articles is
12 limited during normal hours of operation by the continuous
13 on-site posting of guards who are responsible for the
14 prevention of prohibited items from entering the facility, and
15 the use of other security features, including, but not limited
16 to, magnetometers, key cards, biometric screening devices, or
17 turnstiles or other physical barriers that prevent all persons
18 entering the facility from bringing prohibited items into the
19 facility. Nothing in this subsection otherwise restricts the
20 possession, transportation, or storage of a lawfully possessed
21 firearm or ammunition in an employee's privately owned motor
22 vehicle while parked or operated in a public or private
23 parking area provided the employee complies with the
24 requirements of Section 13A-11-90.

25 "(c) The person or entity with authority over the
26 premises set forth in ~~subdivisions (1) to (6), inclusive,~~ of
27 subsection (a) and subsection (b) shall place a notice at the

1 public entrances of ~~such~~ the premises or buildings alerting
2 those entering that firearms are prohibited.

3 "~~(d) Except as provided in subdivisions (5) and (6)~~
4 ~~of subsection (a), any~~ Any firearm on the premises of any
5 facility set forth in ~~subdivision (1) of subsection (a), or~~
6 ~~subdivisions (4) to (6) inclusive, of subsection (a),~~ or
7 subsection (b) ~~must~~ shall be kept from ordinary observation
8 and locked within a compartment or in the interior of the
9 person's motor vehicle or in a compartment or container
10 securely affixed to the motor vehicle.

11 "(e) A violation of subsection (a), (b), or (d) is a
12 Class C misdemeanor.

13 "(f) This section shall not prohibit any person from
14 possessing a firearm within the person's residence or during
15 ingress or egress thereto.

16 "(g) Prohibitions regarding the carrying of a
17 firearm under this section shall not apply to law enforcement
18 officers engaged in the lawful execution of their official
19 duties or a qualified retired law enforcement officer. For
20 purposes of this section, qualified retired law enforcement
21 officer shall mean a retired officer who meets all of the
22 following requirements:

23 "(1) Was separated from service in good standing
24 from service with a public agency as a law enforcement
25 officer.

26 "(2) Before separation, was authorized by law to
27 engage in or supervise the prevention, detection,

1 investigation, or prosecution of, or the incarceration of any
2 person for, any violation of law, and had statutory powers of
3 arrest.

4 "(3) Before separation, served as a law enforcement
5 officer for an aggregate of 10 years or more and separated
6 from service with such agency, after completing any applicable
7 probationary period of such service, due to a
8 service-connected disability, as determined by the agency.

9 "(4) During the most recent 12-month period, has
10 met, at the expense of the individual, the standards for
11 qualification in firearms training for active law enforcement
12 officers, as determined by the former agency of the
13 individual, the state in which the individual resides or, if
14 the state has not established such standards, either a law
15 enforcement agency within the state in which the individual
16 resides or the standards used by a certified firearms
17 instructor that is qualified to conduct a firearms
18 qualification test for active duty officers within that state.

19 "(5) Has not been officially found by a qualified
20 medical professional employed by the agency to be unqualified
21 for reasons relating to mental health, and as a result, will
22 not be issued the photographic identification described in
23 subdivision (8) and has not entered into an agreement with the
24 agency from which the individual is separating from service in
25 which that individual acknowledges he or she is not qualified
26 under this section for reasons relating to mental health and

1 for those reasons will not receive or accept the photographic
2 identification as described in ~~subsection~~ subdivision (8).

3 "(6) Is not under the influence of alcohol or
4 another intoxicating or hallucinatory drug or substance.

5 "(7) Is not prohibited by state or federal law from
6 receiving a firearm.

7 "(8) Is carrying any of the following identification
8 documents:

9 "a. A photographic identification issued by the
10 agency from which the individual separated from service as a
11 law enforcement officer that identifies the person as having
12 been employed as a police officer or law enforcement officer
13 and indicates that the individual has, not less recently than
14 one year before the date the individual is carrying the
15 concealed firearm, been tested or otherwise found by the
16 agency to meet the active duty standards for qualification in
17 firearms training as established by the agency to carry a
18 firearm of the same type as the concealed firearm.

19 "b. A photographic identification issued by the
20 agency from which the individual separated from service as a
21 law enforcement officer that identifies the person as having
22 been employed as a police officer or law enforcement officer,
23 and a certification issued by the state in which the
24 individual resides or by a certified firearms instructor who
25 is qualified to conduct a firearms qualification test for
26 active duty officers within that state that indicates that the
27 individual, not less than one year before the date the

1 individual is carrying the concealed firearm, has been tested
2 or otherwise found by the state or a certified firearms
3 instructor who is qualified to conduct a firearms
4 qualification test for active duty officers within that state
5 to have met either of the following:

6 "1. The active duty standards for qualification in
7 firearms training, as established by the state, to carry a
8 firearm of the same type as the concealed firearm.

9 "2. If the state has not established such standards,
10 standards set by any law enforcement agency within that state
11 to carry a firearm of the same type as the concealed firearm.

12 "(h) Nothing in this section shall be construed to
13 authorize the carrying or possession of a firearm where
14 prohibited by federal law.

15 "§13A-11-62.

16 "For purposes of this division, the following terms
17 shall have the following meanings, unless the context clearly
18 indicates otherwise:

19 "(1) FIREARM. Definition is same as provided in
20 Section 13A-8-1~~(4)~~.

21 "(2) RIFLE. Any weapon designed or redesigned, made
22 or remade, and intended to be fired from the shoulder and
23 designed or redesigned and made or remade to use the energy of
24 the explosive in a fixed metallic cartridge to fire only a
25 single projectile through a rifled bore for each pull of the
26 trigger.

1 "(3) SHOTGUN. A weapon designed or redesigned, made
2 or remade, and intended to be fired from the shoulder and
3 designed or redesigned and made or remade to use the energy of
4 the explosive in a fixed shotgun shell to fire through a
5 smooth bore either a number of ball shot or a single
6 projectile for each single pull of the trigger.

7 "(4) SHORT-BARRELED RIFLE. A rifle having one or
8 more barrels less than 16 inches in length and any weapon made
9 from a rifle (whether by alteration, modification, or
10 otherwise) if such weapon, as modified, has an overall length
11 of less than 26 inches.

12 "(5) SHORT-BARRELED SHOTGUN. A shotgun having one or
13 more barrels less than 18 inches in length and any weapon made
14 from a shotgun (whether by alteration, modification, or
15 otherwise) if such weapon as modified has an overall length of
16 less than 26 inches.

17 "§13A-11-71.

18 "Any person who commits or attempts to commit ~~if any~~
19 ~~person shall commit or attempt to commit~~ a crime of violence
20 when armed with a pistol, ~~he may~~, in addition to the
21 punishment provided for the crime, may additionally be
22 ~~punished also~~ as provided by this division. ~~In the trial of a~~
23 ~~person for committing or attempting to commit a crime of~~
24 ~~violence, the fact that he was armed with a pistol and had no~~
25 ~~license to carry the same shall be prima facie evidence of his~~
26 ~~intention to commit said crime of violence.~~

27 "§13A-11-85.

1 "(a) A person licensed to carry a handgun in any
2 state shall be authorized to carry a handgun in this state.
3 This section shall apply to a license holder from another
4 state only while the license holder is not a resident of this
5 state. A license holder from another state shall carry the
6 handgun in compliance with the laws of this state. The
7 issuance of a permit to carry a pistol pursuant to Section
8 13A-11-75 or the recognition of a nonresident license under
9 this section does not impose a general prohibition on the
10 carrying of a pistol without a permit.

11 "(b) The Attorney General is authorized to enter
12 into reciprocal agreements with other states for the mutual
13 recognition of licenses to carry handguns and shall
14 periodically publish a list of states which recognize licenses
15 issued pursuant to Section 13A-11-75.

16 "§13A-11-90.

17 "(a) Except as provided in subdivision (b), a public
18 or private employer may restrict or prohibit its employees,
19 including those with a permit issued or recognized under
20 Section 13A-11-75, from carrying firearms while on the
21 employer's property or while engaged in the duties of the
22 person's employment.

23 "(b) A public or private employer may not restrict
24 or prohibit the transportation or storage of a lawfully
25 possessed ~~firearm~~ pistol or ammunition in an employee's
26 privately owned motor vehicle while parked or operated in a
27 public or private parking area. A public or private employer

1 may not restrict or prohibit the transportation or storage of
2 a lawfully possessed firearm, if the employee possesses a
3 firearm, other than a pistol, which may be lawfully used for
4 hunting in Alabama, and the employee satisfies all of the
5 following:

6 ~~"(1) The employee either:~~

7 ~~"a. Has a valid concealed weapon permit; or~~

8 ~~"b. If the weapon is any firearm legal for use for~~
9 ~~hunting in Alabama other than a pistol:~~

10 ~~"i. (1) The employee possesses a valid Alabama~~
11 ~~hunting license.~~

12 ~~"ii. (2) The weapon is unloaded at all times on the~~
13 ~~property.~~

14 ~~"iii. (3) It is during a season in which hunting is~~
15 ~~permitted by Alabama law or regulation.~~

16 ~~"iv. (4) The employee has never been convicted of~~
17 ~~any crime of violence as that term is defined in Section~~
18 ~~13A-11-70, nor of any crime set forth in Chapter 6 of Title~~
19 ~~13A, nor is subject to a Domestic Violence Order, as that term~~
20 ~~is defined in Section 13A-6-141.~~

21 ~~"v. The employee does not meet any of the factors~~
22 ~~set forth in Section 13A-11-75(a)(1)a.1-8; and~~

23 ~~"vi. (5) The employee has no documented prior~~
24 ~~workplace incidents involving the threat of physical injury or~~
25 ~~which resulted in physical injury.~~

26 ~~"(2) (6) The motor vehicle is operated or parked in~~
27 ~~a location where it is otherwise permitted to be.~~

1 "~~(3)~~ (7) The firearm is either of the following:

2 "a. In a motor vehicle attended by the employee,
3 kept from ordinary observation within the person's motor
4 vehicle.

5 "b. In a motor vehicle unattended by the employee,
6 kept from ordinary observation and locked within a
7 compartment, container, or in the interior of the person's
8 privately owned motor vehicle or in a compartment or container
9 securely affixed to the motor vehicle.

10 "(c) If an employer believes that an employee
11 presents a risk of harm to ~~himself/herself~~ himself, herself,
12 or to others, the employer may inquire as to whether the
13 employee possesses a firearm in his or her private motor
14 vehicle. If the employee does possess a firearm in his or her
15 private motor vehicle on the property of the employer, the
16 employer may make any inquiry necessary to establish that the
17 employee is in compliance with subsection (b).

18 "(1) If the employee is not in compliance with
19 subsection (b), the employer may take adverse employment
20 action against the employee, in the discretion of the
21 employer.

22 "(2) If the employee has been in compliance with
23 subsection (b) at all times, the employer may not take adverse
24 employment action against the employee based solely on the
25 presence of the firearm.

26 "(d) If an employer discovers by other means that an
27 employee is transporting or storing a firearm in his or her

1 private motor vehicle, the employer may not take any adverse
2 employment action against the employee based solely on the
3 possession of that firearm if the employee has complied with
4 the requirements in subsection (b).

5 "(e) Nothing in this section shall prohibit an
6 employer from reporting to law enforcement a complaint based
7 upon information and belief that there is credible evidence of
8 any of the following:

9 "(1) That the employee's motor vehicle contains:

10 "a. A firearm prohibited by state or federal law.

11 "b. Stolen property or a prohibited or illegal item
12 other than a firearm.

13 "(2) A threat made by an employee to cause bodily
14 harm to themselves or others.

15 "(f) If law enforcement officers, pursuant to a
16 valid search warrant or valid warrantless search based upon
17 probable cause, exigent circumstances, or other lawful
18 exception to the search warrant requirement, discover a
19 firearm prohibited by state or federal law, stolen property,
20 or a prohibited or illegal item other than a firearm, the
21 employer may take adverse employment action against the
22 employee.

23 "(g) ~~However,~~ Notwithstanding subsection (f), if the
24 employee has fully complied with the requirements of
25 subsection (b) and does not possess a firearm prohibited by
26 state or federal law, that employee is entitled to recovery as
27 specified in this subsection for any adverse employment action

1 against the employee. If demand for the recovery has not been
2 satisfied within 45 calendar days, the employee may file a
3 civil action in the appropriate court of this state against
4 the public or private employer. A plaintiff is entitled to
5 seek an award of all of the following:

6 "(1) Compensation, if applicable, for lost wages or
7 benefits.

8 "(2) Compensation, if applicable, for other lost
9 remuneration caused by the termination, demotion, or other
10 adverse action.

11 "(h) The license requirements set forth in ~~sections~~
12 ~~(b)(1)a. and (b)(1)b.i.~~ subdivision (b)(1) are for the
13 purposes of this section only in order to determine whether an
14 employee may transport or store a lawfully possessed firearm
15 or ammunition in an employee's privately owned motor vehicle
16 while parked or operated in a public or private parking area
17 owned by the employer and shall not be construed to otherwise
18 expand the requirements for the lawful possession of a
19 firearm. These requirements shall not be interpreted to mean
20 that the laws of the State of Alabama create any new
21 connection between the possession of a hunting license and the
22 right of a citizen to keep and bear arms.

23 "(i) Prohibitions regarding the carrying of a
24 firearm under this section shall not apply to law enforcement
25 officers engaged in the lawful execution of their official
26 duties.

1 "(j) Nothing in this section shall be construed to
2 authorize the transportation, carrying, storing, or possession
3 of a firearm or ammunition where prohibited by federal law."

4 Section 2. Section 13A-11-75, Code of Alabama 1975,
5 effective until receipt by the Governor and the Director of
6 the Legislative Services Agency of written notice from the
7 Alabama State Law Enforcement Agency certifying that the state
8 firearms prohibited persons database is operational and fully
9 compliant with Act 2021-246, is amended to read as follows:

10 "§13A-11-75.

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

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

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

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

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

7 "5. Was found not guilty only by reason of lack of
8 mental responsibility under the Uniform Code of Military
9 Justice.

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

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

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

19 "9. Is or was the subject of a prosecution or of a
20 commitment or incompetency proceeding that could lead to a
21 prohibition on the receipt or possession of a firearm under
22 the laws of Alabama or the United States.

23 "10. Falsified any portion of the permit
24 application.

25 "11. Caused justifiable concern for public safety.

26 "b. The sheriff shall take into account how recent
27 any consideration under paragraph a. is in relation to the

1 date of the application. The sheriff shall provide a written
2 statement of the reasons for a denial of a permit and the
3 evidence upon which it is based must be disclosed to the
4 applicant, unless disclosure would interfere with a criminal
5 investigation.

6 "c. Except as otherwise provided by the laws of this
7 state, a permit issued under this subdivision is valid
8 throughout the state.

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

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

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

20 "(3) A person who is denied a permit under
21 subdivision (1), or a person whose permit is revoked under
22 subdivision (2), within 30 days of notification of the denial
23 or revocation, may appeal the denial or revocation to the
24 district court of the county where the denial or revocation
25 was issued. Upon a review of a denial under this subdivision,
26 the sheriff shall have the burden of proving by clear and
27 convincing evidence that the person is prohibited from

1 possession of a pistol or other firearm pursuant to state or
2 federal law or, based on any of the considerations enumerated
3 in subdivision (a)(1) that the person may use a weapon
4 unlawfully or in such other manner as would endanger the
5 person's self or others if granted a permit to carry a
6 concealed weapon under this section.

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

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

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

19 "(b) Each permit shall be written or in an
20 electronic or digital form to be prescribed by the Secretary
21 of State in consultation with the Alabama Sheriff's
22 Association, and shall bear the name, address, description,
23 and signature of the permittee. The original hard copy of the
24 permit shall be issued to the permittee, and a duplicate
25 shall, within seven days, be sent by registered or certified
26 mail to the Secretary of the Alabama State Law Enforcement
27 Agency. The application and a copy shall be preserved for six

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

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

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

25 "(e) If a person who is not a United States citizen
26 applies for a permit under this section, the sheriff shall
27 conduct an Immigration Alien Query through U.S. Immigration

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

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

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

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

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

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

17 Section 3. Section 13A-11-75, Code of Alabama 1975,
18 as last amended by Act 2021-246, 2021 Regular Session,
19 effective upon receipt by the Governor and the Director of the
20 Legislative Services Agency of written notice from the Alabama
21 State Law Enforcement Agency certifying that the state
22 firearms prohibited persons database is operational and fully
23 compliant with Act 2021-246, is amended to read as follows:

24 "§13A-11-75.

25 "(a) (1) An Alabama resident who is 19 years of age
26 or more may apply to the sheriff of his or her county of

1 residence for issuance or renewal of a concealed carry permit,
2 valid for one year or five years.

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

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

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

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

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

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

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

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

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

22 "(3) Was declared incompetent to stand trial in a
23 criminal case.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 "b. Notwithstanding paragraph a., beginning October
19 1, 2024, the agency may use these funds only for the
20 administration of the state firearms prohibited person
21 database.

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

25 "(5) Each sheriff shall prepare a report on the
26 number of permits issued and renewed within the county, and
27 shall include a detailed accounting of fees and their

1 distribution. A sheriff, upon request, shall provide a copy of
2 this report to the Alabama State Law Enforcement Agency or the
3 Legislative Services Agency.

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

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

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

24 "(h) At least once every five years from the date of
25 issuance, each sheriff shall conduct a background check on
26 each individual with a lifetime carry permit issued within his
27 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.

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

1 individual shall be in written form, but an additional copy
2 may also be delivered in an electronic form. The notice shall
3 include all of the following:

4 "1. The name of the individual whose permit has been
5 revoked.

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

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

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

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

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

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

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

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

26 "(4)a. Within three days of receiving a notice of a
27 court determination that the revocation or denial of a permit

1 was improper, the sheriff shall issue or reissue a physical
2 permit to the applicant in the same manner as provided in
3 subdivision (e) (2).

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

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

1 any redacted permit record requested other than when requested
2 for law enforcement purposes. To knowingly publish or release
3 to the public in any form any information or records related
4 to the licensing process, or the current validity of any
5 permit, except as authorized in this subsection or in response
6 to a court order or subpoena, is a violation of Act 2021-246
7 subject to misuse penalties established by rule of the
8 commission.

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

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

16 "(n) (1) If a permittee establishes residence in
17 another state, his or her permit shall expire upon the
18 establishment of residence in the other state.

19 "(2)a. Notwithstanding subdivision (1), if a service
20 member possesses a lifetime concealed carry permit and
21 establishes residence in another state, the permit shall
22 expire upon the establishment of residence in the other state.

23 "b. Notwithstanding paragraph a., if the service
24 member's establishment of residence in the other state was a
25 result of relocation related to the military service of that
26 service member, and that service member thereafter
27 re-establishes residence in Alabama, the sheriff of the county

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

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

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

12 Section 4. The issuance of a permit to carry a
13 pistol pursuant to Section 13A-11-75, Code of Alabama 1975, or
14 the recognition of nonresident licenses pursuant to Section
15 13A-11-85, Code of Alabama 1975, does not impose a general
16 prohibition on the carrying of a pistol without a permit.

17 Section 5. Section 9-11-304, Code of Alabama 1975,
18 relating to carrying a pistol on any wildlife management area,
19 Section 13A-11-52, Code of Alabama 1975, relating to carrying
20 a pistol on private property, Section 13A-11-73, Code of
21 Alabama 1975, relating to possession of an unloaded pistol in
22 motor vehicle, and 13A-11-74, Code of Alabama 1975, relating
23 to exceptions to requirement of having a license to carry a
24 pistol in vehicle or concealed on a person, are repealed.

25 Section 6. Although this bill would have as its
26 purpose or effect the requirement of a new or increased
27 expenditure of local funds, the bill is excluded from further

1 requirements and application under Amendment 621, as amended
2 by Amendment 890, now appearing as Section 111.05 of the
3 Official Recompilation of the Constitution of Alabama of 1901,
4 as amended, because the bill defines a new crime or amends the
5 definition of an existing crime.

6 Section 7. This act shall become effective on the
7 first day of the third month following its passage and
8 approval by the Governor, or its otherwise becoming law.