

1 HB44

2 214779-1

3 By Representatives Sorrell, Sullivan, Mooney, Kiel,  
4 Stadthagen, Rowe, Kitchens, Whorton, Harbison, Wadsworth,  
5 Estes, Wood (D), Dismukes, Lipscomb, Fincher, Holmes, Greer,  
6 Easterbrook, Crawford, Carns, Standridge, Brown (C), Marques,  
7 Robbins, Meadows, Moore (P), Garrett, Robertson, Stringer,  
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) of subsection (a), any~~ Any firearm on the premises of any  
4 facility set forth in ~~subdivision (1) of subsection (a), or subdivisions (4) to (6) inclusive, of subsection (a), or~~  
5 subsection (b) ~~must~~ shall be kept from ordinary observation  
6 and locked within a compartment or in the interior of the  
7 person's motor vehicle or in a compartment or container  
8 securely affixed to the motor vehicle.

9  
10  
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.

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

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

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

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

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

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

"(d) If an employer discovers by other means that an 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.

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

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

"§13A-11-75.

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

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

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

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

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

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

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

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

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

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

"10. Falsified any portion of the permit application.

"11. Caused justifiable concern for public safety.

"b. The sheriff shall take into account how recent 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:

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

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

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

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

"b. Notwithstanding paragraph a., the fee for a 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.

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

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

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

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

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.