

1 SB392  
2 198856-3  
3 By Senator Price  
4 RFD: Judiciary  
5 First Read: 08-MAY-19

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8 SYNOPSIS: Under current law, pistol permits are issued  
9 by the sheriffs of each Alabama county. Each  
10 sheriff may have differing fees, forms, and  
11 processes for the issuance of a pistol permit.  
12 Further, each county may maintain separate  
13 databases of persons authorized to carry a pistol.

14 This bill would create a new statewide  
15 pistol permit called the Lifetime Carry Permit, and  
16 create a standardized process through which an  
17 individual may apply for a Lifetime Carry Permit. A  
18 Lifetime Carry Permit designation would be notated  
19 in a new Lifetime Carry Permit state database,  
20 linked to the driver license system so that it is  
21 viewable by law enforcement and other authorized  
22 persons, similar to other special endorsements or  
23 information as prescribed and authorized by current  
24 law, and an endorsement would be placed on the  
25 individual's driver license or nondriver  
26 identification card, at the option of the  
27 individual. The bill would allow an individual to

1 opt to receive a separate Lifetime Carry Permit  
2 card.

3 This bill would create a process by which,  
4 if a law enforcement officer or court finds  
5 probable cause to believe an individual with a  
6 Lifetime Carry Permit is, in fact, an individual  
7 prohibited from possessing a firearm under state or  
8 federal law, has a reasonable suspicion that the  
9 individual may use a weapon unlawfully or in such  
10 other manner that would endanger the individual's  
11 self or others, or believes the individual  
12 otherwise should not be issued a permit based on  
13 the factors provided in Section 13A-11-75(a)(1),  
14 the law enforcement officer or court may request a  
15 revocation hearing in district court.

16 This bill would also create a process by  
17 which the Alabama State Law Enforcement Agency,  
18 upon conviction of any crime which would prohibit  
19 an individual from carrying a firearm under state  
20 or federal law, and upon receiving of a notice of  
21 that conviction forwarded by the convicting court,  
22 shall enter a Pistol Permit Prohibited Status  
23 endorsement into the state Lifetime Carry Permit  
24 system. This endorsement would not appear on the  
25 individual's driver license or nondriver  
26 identification card.

1                   This bill would also create a process by  
2                   which an individual's Lifetime Carry Permit shall  
3                   be reviewed by the Alabama State Law Enforcement  
4                   Agency every four years from the date of issuance.  
5                   This review would examine whether the individual  
6                   has been convicted of a crime which would prohibit  
7                   that person from possessing a firearm in the State  
8                   of Alabama, whether there is a reasonable suspicion  
9                   that the individual may use a weapon unlawfully or  
10                  in such other manner that would endanger the  
11                  individual's self or others, and whether the  
12                  individual otherwise should be issued a permit  
13                  based on the factors provided in Section  
14                  13A-11-75(a) (1).

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

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

8  
9                   A BILL  
10                  TO BE ENTITLED  
11                  AN ACT

12  
13                  Relating to firearms; to provide for a statewide  
14                  pistol permit called the Lifetime Carry Permit; to create a  
15                  process by which these permits may be issued; and in  
16                  connection therewith would have as its purpose or effect the  
17                  requirement of a new or increased expenditure of local funds  
18                  within the meaning of Amendment 621 of the Constitution of  
19                  Alabama of 1901, now appearing as Section 111.05 of the  
20                  Official Recompilation of the Constitution of Alabama of 1901,  
21                  as amended.

22                  BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23                  Section 1. (a) (1) The Alabama State Law Enforcement  
24                  Agency shall develop, create, maintain, and administer a  
25                  Lifetime Carry Permit state system. This system shall be  
26                  linked to state driver license records system so that  
27                  endorsements and restrictions are viewable by law enforcement

1 officers and other authorized persons through an individual's  
2 driver license.

3 (2) The Alabama State Law Enforcement Agency may  
4 contract with a third party for the development, creation, and  
5 maintenance of a Lifetime Carry Permit state system, but the  
6 agency shall administer the system.

7 (b) The Alabama State Law Enforcement Agency shall  
8 create all forms and notices mentioned in this chapter,  
9 including the Lifetime Carry Permit Verification of Background  
10 Form, the Lifetime Carry Permit Denial Form, the Notice of  
11 Revocation of Lifetime Carry Permit, and the Notice of Pistol  
12 Permit Prohibited Status.

13 (c) The Secretary of the Alabama State Law  
14 Enforcement Agency may adopt rules to implement this act.

15 Section 2. (a) (1) Any provision of law to the  
16 contrary notwithstanding, a holder of a Lifetime Carry Permit  
17 shall be entitled to the same rights and privileges as a  
18 holder of a pistol permit issued under Section 13A-10-75, Code  
19 of Alabama 1975, and shall also be subject to the same  
20 restrictions as a holder of that pistol permit, except as  
21 otherwise provided in this act.

22 (2) Any provision of law to the contrary  
23 notwithstanding, a pistol permit issued under this section  
24 shall be valid for the carrying of a pistol in a motor vehicle  
25 or concealed on the permittee's person throughout the state,  
26 unless prohibited by this act.

1 (b) This act shall not be construed to limit or  
2 place and conditions upon a person's right to carry a pistol  
3 that is not in a motor vehicle or not concealed.

4 Section 3. (a) (1) In addition to a pistol permit  
5 issued by a sheriff pursuant to Section 13A-11-75, Code of  
6 Alabama 1975, any resident of this state who is at least 21  
7 years of age may apply to the sheriff of any county for a  
8 statewide pistol permit to carry a pistol in a vehicle or  
9 concealed on or about his or her person, to be called a  
10 Lifetime Carry Permit.

11 (2) Any person who at least 18 years of age and is a  
12 service member as defined by Section 35-10-70 or a retired  
13 military veteran as defined by Section 13A-10-75.1, Code of  
14 Alabama 1975, may apply for a permit under this section.

15 (b) (1) Upon receipt of an application, the sheriff  
16 shall complete a criminal background check, including the  
17 National Instant Criminal Background Check System, to  
18 determine whether possession of a pistol or firearm by an  
19 applicant would be a violation of state or federal law,  
20 whether there is reasonable suspicion that the person may use  
21 a weapon unlawfully or in such other manner that would  
22 endanger the person's self or others, and whether the  
23 individual should otherwise not be issued a permit based on  
24 the factors provided in Section 13A-11-75(a) (1), Code of  
25 Alabama 1975.

26 (2) If a person who is not a United States citizen  
27 applies for a permit under this section, the sheriff shall

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

11               (c) Within 30 days from receipt of a completed  
12      application, the sheriff shall issue to the applicant a  
13      Lifetime Carry Permit Verification of Background Form  
14      confirming the completion of a favorable background check,  
15      unless the sheriff determines that the individual is  
16      prohibited from the possession of a pistol or firearm under  
17      state or federal law, has a reasonable suspicion that the  
18      individual may use a weapon unlawfully or in such other manner  
19      that would endanger the person's self or others, or that the  
20      individual should otherwise not be issued a permit based upon  
21      the factors provided in Section 13A-11-75(a) (1), Code of  
22      Alabama 1975.

23               (1) The Lifetime Carry Permit Verification of  
24      Background Form shall include all of the following:

- 25               a. The date of completion of the background check.  
26               b. The name of the employee or official who  
27      conducted the background check.



1           c. The name and signature of the sheriff of the  
2 county in which the background check was completed.

3           d. An expiration date of 30 days from the date of  
4 completion of the background check.

5           (2) If the sheriff determines that the applicant is  
6 an individual prohibited by federal or state law from  
7 possessing a pistol or firearm, that there is reasonable  
8 suspicion that the individual may use a weapon unlawfully or  
9 in such other manner that would endanger the individual's self  
10 or others, or that the individual should otherwise not be  
11 issued a permit based on the factors provided in Section  
12 13A-11-75(a)(1), Code of Alabama 1975, the sheriff shall issue  
13 the applicant a Lifetime Carry Permit Denial Form and a Notice  
14 of Pistol Permit Prohibited Status. This form shall state the  
15 specific reason for denial, shall include the date of  
16 completion of the background check and the name and signature  
17 of the sheriff, and shall describe to the applicant the  
18 process for appealing a denial or revocation as provided in  
19 this act.

20           (3)a. The sheriff shall immediately forward the  
21 Lifetime Carry Permit Denial Form to the Alabama State Law  
22 Enforcement Agency.

23           b. The individual shall deliver the Lifetime Carry  
24 Permit Denial Form and the Notice of Pistol Permit Prohibited  
25 Status to the Alabama State Law Enforcement within 10 days of  
26 issuance of that form.

1           (4) Upon receipt of a Lifetime Carry Permit Denial  
2 Form and a Notice of Pistol Permit Prohibited Status, the  
3 Alabama State Law Enforcement Agency shall enter a Pistol  
4 Permit Prohibited Status restriction into the state system.

5           (d) Upon submission of a favorable Lifetime Carry  
6 Permit Verification of Background Form and a fee in the amount  
7 of one hundred fifty dollars (\$150) to any state office  
8 authorized to issue a driver license or nondriver  
9 identification card, the agency shall enter the Lifetime Carry  
10 Permit endorsement into the state system and add a Lifetime  
11 Carry Permit endorsement to the individual's driver license or  
12 nondriver identification card.

13           (1) If an applicant meets the requirements for an  
14 indigent identification card, then the endorsement shall be  
15 added to the driver license or nondriver identification card  
16 without any fees or cost.

17           (2) If an applicant requests a Lifetime Carry Permit  
18 endorsement, but is ineligible to be issued a driver license  
19 or official identification card, or otherwise request that the  
20 endorsement not appear on his or her driver license or  
21 nondriver identification card, the Alabama State Law  
22 Enforcement Agency shall enter a Lifetime Carry Permit  
23 endorsement into the state Lifetime Carry Permit system and  
24 issue the individual a separate Lifetime Carry Permit.

25           (e) Once an applicant has completed the process to  
26 add a Lifetime Carry Permit endorsement, it shall remain valid  
27 for the duration of the applicant's life, except as otherwise

1 provided in this act. No state official or state entity may  
2 require renewal of or otherwise invalidate a Lifetime Carry  
3 Permit except as otherwise provided in this act.

4 (f) A sheriff shall keep and maintain a copy of any  
5 application for a Lifetime Carry Permit processed by the  
6 sheriff, as well as a copy of any Lifetime Carry Permit  
7 Verification of Background Form and any Lifetime Carry Permit  
8 Denial Form issued by the sheriff.

9 (g) The fee collected from each individual by the  
10 Alabama State Law Enforcement Agency under this section shall  
11 be duly accounted for and shall be distributed as follows:

12 (1) Sixty percent to the Alabama State Law  
13 Enforcement Agency, to be used for the administration of the  
14 Lifetime Carry Permit.

15 (2) Forty percent to the sheriff of the county of  
16 residence of each individual, to be used for the  
17 administration of the Lifetime Carry Permit and other law  
18 enforcement purposes.

19 Section 4. (a) Upon conviction of a state or federal  
20 crime which would prohibit an individual with a Lifetime Carry  
21 Permit from possessing a pistol or firearm under state or  
22 federal law, the court rendering that verdict shall  
23 immediately send a Notice of Pistol Permit Prohibited Status  
24 and a Notice of Revocation of Lifetime Carry Permit to the  
25 Alabama State Law Enforcement Agency and the managing entity  
26 for the National Instant Criminal Background Check System.

1 (b) A Notice of Revocation of Lifetime Carry Permit  
2 shall include all of the following:

3 (1) The name of the individual whose Lifetime Carry  
4 Permit is to be revoked.

5 (2) The specific reason for revocation of the  
6 Lifetime Carry Permit, including citation to relevant law.

7 (3) The date of conviction or other event on which  
8 the revocation is based.

9 (c) The court shall also provide a copy of the  
10 Notice of Revocation of Lifetime Carry Permit to the  
11 individual along with instructions that the individual shall,  
12 within 10 days, deliver the notice to the sheriff of the  
13 county of residence of the individual, who shall then forward  
14 the notice to the Alabama State Law Enforcement Agency.

15 (d) Upon receipt of a Notice of Revocation of  
16 Lifetime Carry Permit, the Alabama State Law Enforcement  
17 Agency shall remove the individual's Lifetime Carry Permit  
18 endorsement from the state Lifetime Carry Permit system and  
19 shall enter a Pistol Permit Prohibited Status restriction into  
20 the state Lifetime Carry Permit system. This Pistol Permit  
21 Prohibited Status restriction shall not be printed on the  
22 individual's driver license or nondriver identification card.

23 (e) Any conviction subject to this section shall be  
24 accompanied by court costs in the amount of fifty dollars  
25 (\$50), to be distributed as follows:

26 (1) Ninety percent to the sheriff of the county of  
27 residence of the individual whose Lifetime Carry Permit was

1       revoked, to be used for the administration of the Lifetime  
2       Carry Permit.

3               (2) Ten percent to the court of conviction.

4               Section 5. (a) The Alabama State Law Enforcement  
5       Agency shall review each individual's Lifetime Carry Permit at  
6       least once every four years from the date of issuance to  
7       ensure that the individual has not been convicted of any crime  
8       which would prohibit that individual from possessing a pistol  
9       or firearm under state or federal law and that the individual  
10      has remained eligible for a permit based on the factors  
11      provided in Section 13A-11-75(a) (1), Code of Alabama 1975.

12              (b) If the review conducted pursuant to this section  
13      reveals a conviction which would prohibit an individual from  
14      possessing a pistol or firearm under state or federal law or  
15      otherwise concludes that the individual should not be issued a  
16      permit based on the factors provided in Section  
17      13A-11-75(a) (1), the Alabama State Law Enforcement Agency  
18      shall immediately request a Lifetime Carry Permit revocation  
19      hearing pursuant to this act.

20              (c) The Alabama State Law Enforcement Agency may  
21      conduct a review under this section at any time, and may  
22      request a Lifetime Carry Permit revocation hearing for any  
23      reason that would lead to denial of a pistol permit under  
24      Section 13A-11-75(a) (1), Code of Alabama 1975.

25              Section 6. (a) The Alabama State Law Enforcement  
26      Agency or any law enforcement officer that finds probable  
27      cause to believe that an individual with a Lifetime Carry

1 Permit is an individual prohibited from possessing a pistol  
2 under state or federal law, that there is reasonable suspicion  
3 that the person may use a weapon unlawfully or in such other  
4 manner that would endanger the person's self or others, or  
5 that the individual should otherwise not be issued a permit  
6 based on the factors provided in Section 13A-11-75(a)(1), Code  
7 of Alabama 1975, may request a Lifetime Carry Permit  
8 revocation hearing in district court.

9 (b)(1) If the law enforcement officer or court  
10 proves that the person is prohibited from possessing a pistol  
11 or firearm under state or federal law, that there is  
12 reasonable suspicion that the person may use a weapon  
13 unlawfully or in such other manner that would endanger the  
14 person's self or others, or that the individual should  
15 otherwise not be issued a permit based on the factors provided  
16 in Section 13A-11-75(a)(1), Code of Alabama 1975, the judge of  
17 the district court shall immediately send a Notice of  
18 Revocation of Lifetime Carry Permit and a Notice of Pistol  
19 Permit Prohibited Status to the Alabama State Law Enforcement  
20 Agency and the managing entity for the National Instant  
21 Criminal Background Check System.

22 (2) The court shall issue a copy of the Notice of  
23 Revocation of Lifetime Carry Permit and the Notice of Pistol  
24 Permit Prohibited Status to the individual, who shall deliver  
25 those notices to the Alabama State Law Enforcement Agency  
26 within 10 days.

1           (3) A Notice of Revocation of Lifetime Carry Permit  
2 shall include all of the following:

3           a. The name of the individual whose Lifetime Carry  
4 Permit is to be revoked.

5           b. The specific reason for revocation of the  
6 Lifetime Carry Permit, including citation to relevant law.

7           c. The date of conviction or other event on which  
8 the revocation is based.

9           (c) The Alabama State Law Enforcement Agency, upon  
10 receipt of the Notice of Pistol Permit Prohibited Status,  
11 shall enter a Pistol Permit Prohibited Status endorsement into  
12 the state Lifetime Carry Permit system and viewable by law  
13 enforcement and other authorized persons, similar to other  
14 special endorsements or information as prescribed and  
15 authorized by current law. This Pistol Permit Prohibited  
16 Status restriction shall not be printed on the individual's  
17 driver license or nondriver identification card.

18           (d) In addition to any court costs and fees now or  
19 hereafter authorized, additional court costs amounting to  
20 fifty dollars (\$50) shall be assessed and taxed as costs on  
21 each Lifetime Carry Permit revocation hearing that results in  
22 a revocation. These costs shall be distributed as follows:

23           (1) Ninety percent to the sheriff of the county of  
24 residence of the individual whose Lifetime Carry Permit was  
25 revoked, to be used for the administration of the Lifetime  
26 Carry Permit.

1                   (2) Ten percent to the court which conducted the  
2 hearing.

3                   Section 7. An individual who is issued a Lifetime  
4 Carry Permit Denial Form or a Notice of Revocation of Lifetime  
5 Carry Permit, within 30 days of receipt of that form, may  
6 appeal the decision of the Alabama State Law Enforcement  
7 Agency to the district court of the county where the  
8 individual resides. Upon the court's review of the decision,  
9 the agency shall have the burden of proving by clear and  
10 convincing evidence that the person is prohibited from  
11 possession of a pistol or other firearm pursuant to state or  
12 federal law or, based on any of the considerations enumerated  
13 in Section 13A-11-75, Code of Alabama 1975, that the person  
14 may use a weapon unlawfully or in such other manner as would  
15 endanger the person's self or others.

16                  Section 8. Any individual who knowingly violates the  
17 portions of this act relating to the mandatory delivery to the  
18 Alabama State Law Enforcement Agency of a Lifetime Carry  
19 Permit Denial Form, Notice of Revocation of Lifetime Carry  
20 Permit, or Notice of Pistol Permit Prohibited Status shall be  
21 guilty of a Class C felony. This section shall not apply to an  
22 individual who did not deliver a form or notice due to  
23 incarceration.

24                  Section 9. The name, address, signature, photograph,  
25 and any other personally identifying information collected  
26 from an applicant or permittee under this section shall be  
27 kept confidential, shall be exempt from disclosure under



1 Section 36-12-40, Code of Alabama 1975, and may only be used  
2 for law enforcement purposes except when a current permittee  
3 is charged in any state with a felony involving the use of a  
4 pistol. All other information on permits under this section,  
5 including information concerning the annual number of  
6 applicants, number of permits issued, number of permits denied  
7 or revoked, revenue from issuance of permits, and any other  
8 fiscal or statistical data otherwise, shall remain public  
9 writings subject to public disclosure. Except as provided  
10 above, the sheriff of a county shall redact the name, address,  
11 signature, photograph, and any other personally identifying  
12 information of a permit holder before releasing a copy of a  
13 permit for a non-law enforcement purpose. The sheriff may  
14 charge a reasonable fee not to exceed five dollars (\$5) per  
15 copy of any redacted permit record requested other than when  
16 requested for law enforcement purposes. To knowingly publish  
17 or release to the public in any form any information or  
18 records related to the licensing process, or the current  
19 validity of any permit, except as authorized in this section  
20 or in response to a court order or subpoena, is a Class A  
21 misdemeanor.

22 Section 10. Although this bill would have as its  
23 purpose or effect the requirement of a new or increased  
24 expenditure of local funds, the bill is excluded from further  
25 requirements and application under Amendment 621, now  
26 appearing as Section 111.05 of the Official Recompilation of  
27 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an  
2 existing crime.

3 Section 11. This act shall become effective on  
4 January 20, 2020, following its passage and approval by the  
5 Governor, or its otherwise becoming law.