

1 HB308
2 204943-1
3 By Representatives Stringer, Reynolds, Farley, Isbell,
4 Marques, Pettus, Simpson, Sorrells, Shaver, McCampbell, Hanes,
5 Ledbetter and Rich
6 RFD: Public Safety and Homeland Security
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SYNOPSIS: Under current law, concealed carry permits are issued by the sheriffs of each county. Each sheriff may maintain separate databases of individuals authorized to carry a pistol in a vehicle or concealed on or about his or her person within this state.

This bill would create a statewide information database relating to pistol permits issued by the sheriff of each county, to be known as the Alabama Responding Officer Warning System (AROWS).

This bill would also further provide for the appearance and contents of pistol permits.

A BILL
TO BE ENTITLED
AN ACT

Relating to concealed carry permits; to create a statewide information database relating to pistol permits; and

1 to amend Section 13A-11-75, Code of Alabama 1975, to further
2 provide for the appearance and content of pistol permits.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. (a) (1) There is created a repository of
5 all permits issued by a sheriff pursuant to Section 13A-11-75,
6 Code of Alabama 1975, which would allow an individual to carry
7 a pistol in a vehicle or concealed on or about his or her
8 person. This repository shall be known as the Alabama
9 Responding Officer Warning System (AROWS).

10 (2) The repository shall be created, maintained, and
11 operated by the Montgomery County Sheriff's Office on behalf
12 of all sheriffs in the state.

13 (b) The sheriff of each county shall update the
14 repository at least once each day via electronic means
15 determined by the Montgomery County Sheriff's Office after
16 consultation with and agreement of a majority of the members
17 of the Alabama Sheriffs Association. The information updated
18 in the repository shall include, but not be limited to, all of
19 the following as they relate to each holder of a permit
20 granted by that sheriff:

21 (1) Full name.

22 (2) Current address, as reported by the permit
23 holder.

24 (3) Driver's license number.

25 (4) Race.

26 (5) Sex.

27 (6) Date of birth.

- 1 (7) Height.
- 2 (8) Weight.
- 3 (9) Hair color.
- 4 (10) Eye color.
- 5 (11) A photograph of the permit holder.
- 6 (12) The permit number, as well as the permitting
7 agency.
- 8 (13) AROWS record number.
- 9 (14) The ORI, or Originating Agency, number of the
10 issuing agency.
- 11 (15) Issuance date of the permit.
- 12 (16) Expiration date of the permit.
- 13 (17) Whether the permit is currently either of the
14 following:
- 15 a. Valid and in good standing.
- 16 b. Invalid due to revocation by the county sheriff
17 issuing the permit; and if invalid, the date of revocation.
- 18 (18) Notwithstanding any provision of law to the
19 contrary, any official probate court records regarding
20 involuntary commitments for mental health reasons shall also
21 be included in the repository upon delivery of those records
22 to the Montgomery County Sheriff's Office by the Alabama
23 Administrative Office of Courts or the Alabama State Law
24 Enforcement Agency.
- 25 (c) A sheriff may incorporate into the repository
26 any county jail records on a permit holder showing recent
27 arrests and dispositions of criminal cases that might not yet

1 be reported to the Alabama Criminal Justice Information Center
2 or other criminal records database.

3 (d) Upon the issuance of a new pistol permit, the
4 sheriff issuing the permit, within 24 hours and in a format
5 determined by the Montgomery County Sheriff's Office after
6 consultation with and agreement of a majority of the members
7 of the Alabama Sheriffs Association, shall electronically
8 transmit to the Montgomery County Sheriff's Office for
9 inclusion into the repository the information described in
10 subsections (b) and (c).

11 (e) Within 24 hours of the county sheriff issuing a
12 pistol permit or receiving notice of any material change in
13 status of the information described in subsection (b), he or
14 she shall electronically transmit to the Montgomery County
15 Sheriff's Office for inclusion into the repository the updated
16 information.

17 (d) Notwithstanding the provisions of Section
18 13A-11-75 or any other provision of law to the contrary, the
19 Montgomery County Sheriff's Office, upon request, shall make
20 available, electronically or in writing, all information
21 contained in the repository to all federal, state, county, and
22 municipal law enforcement agencies, prosecuting attorneys, or
23 probation officers for any lawful criminal justice purposes.

24 (e) A person who knowingly publishes or releases to
25 the public any information available through the repository,
26 except as authorized in this act or required by law or in

1 response to a court order or subpoena, shall be guilty of a
2 Class A misdemeanor.

3 (f) (1) On or before July 1 of each calendar year,
4 the Montgomery County Sheriff's Office, after consultation
5 with the Alabama Sheriff's Association and agreement of a
6 majority of the members of the association, shall establish a
7 projected cost for the ongoing operation,
8 upgrade, maintenance, and repair costs of the repository for
9 the upcoming fiscal year beginning the following October 1. By
10 that same July 1, the Montgomery County Sheriff's Office shall
11 divide this projected cost into a pro-rata share for each
12 county sheriff, and shall report to each county sheriff his or
13 her pro-rata share.

14 (2) Each sheriff shall remit to the Montgomery
15 County Sheriff's Office his or her pro-rata share of the
16 projected costs for ongoing operation, upgrade, maintenance,
17 and repair of the repository for the upcoming fiscal year on a
18 quarterly basis.

19 (g) Notwithstanding any law to the contrary, each
20 sheriff may add a fee not to exceed fifty cents (\$0.50) per
21 year of validity of the issued pistol permit to each pistol
22 permit issued in his or her county, the proceeds of which
23 shall be remitted to the Montgomery County Sheriff's Office
24 pursuant to subsection (f) to be used for the facilitation,
25 ongoing operations, upgrading, maintenance, and repair of the
26 repository. Notwithstanding the foregoing, any proceeds from

1 these fees left over after remittance under subsection (f) may
2 be retained by the sheriff's office.

3 Section 2. Section 13A-11-75 is amended to read as
4 follows:

5 "§13A-11-75.

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

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

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

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

26 "4. Asserted a defense in a criminal case of not
27 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 person is an imminent danger to himself or
9 herself or to others.

10 "8. Required involuntary commitment to a psychiatric
11 hospital or similar treatment facility for any reason,
12 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 justifiable concern for public safety.

20 "b. The sheriff shall take into account how recent
21 any consideration under paragraph a. is in relation to the
22 date of the application. The sheriff shall provide a written
23 statement of the reasons for a denial of a permit and the
24 evidence upon which it is based must be disclosed to the
25 applicant, unless disclosure would interfere with a criminal
26 investigation.

1 "c. Except as otherwise provided by the laws of this
2 state, a permit issued under this subdivision is valid
3 throughout the state.

4 "d. Except as expressly provided in this section, a
5 sheriff may not place conditions or requirements on the
6 issuance of a pistol permit or limit its scope or
7 applicability.

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

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

15 "(3) A person who is denied a permit under
16 subdivision (1), or a person whose permit is revoked under
17 subdivision (2), within 30 days of notification of the denial
18 or revocation, may appeal the denial or revocation to the
19 district court of the county where the denial or revocation
20 was issued. Upon a review of a denial under this subdivision,
21 the sheriff shall have the burden of proving by clear and
22 convincing evidence that the person is prohibited from
23 possession of a pistol or other firearm pursuant to state or
24 federal law or, based on any of the considerations enumerated
25 in subdivision (a) (1) that the person may use a weapon
26 unlawfully or in such other manner as would endanger the

1 person's self or others if granted a permit to carry a
2 concealed weapon under this section.

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

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

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

15 "(b) (1) Each permit shall be ~~written or in an~~
16 ~~electronic or digital form to be prescribed by the Secretary~~
17 ~~of State in consultation with~~ uniform in appearance, size, and
18 information content, and be in a form prescribed by the
19 Alabama Sheriff's Association, and shall bear the name,
20 address, description, and signature of the permittee all of
21 the following as they relate to the holder of the permit:

22 "a. Full name.

23 "b. Current address, as reported by the permit
24 holder.

25 "c. Driver's license number.

26 "d. Race.

27 "e. Sex.

- 1 "f. Date of birth.
- 2 "g. Height.
- 3 "h. Weight.
- 4 "i. Hair color.
- 5 "j. Eye color.
- 6 "k. A photograph of the permit holder.
- 7 "l. The issuing agency's permit number.
- 8 "m. The ORI, or Originating Agency, number of the
9 issuing agency.

10 "n. Issuance date of the permit.

11 "o. Expiration date of the permit.

12 "(2). The original hard copy of the permit shall be
13 issued to the permittee, and a duplicate shall, within seven
14 days, be sent by registered or certified mail to the Secretary
15 of the Alabama State Law Enforcement Agency. The application
16 and a copy shall be preserved for six years by the authority
17 issuing the ~~same~~ hard copy permit. The sheriff may charge a
18 fee as provided by local law for the issuance of the permit
19 under subdivision (1) of subsection (a). The amount of the fee
20 for a period of one year up to five years shall be the amount
21 of the fee as prescribed by local law multiplied by the number
22 of years of the permit requested by the applicant. The fee
23 shall be paid into the county treasury unless otherwise
24 provided by local law. Prior to issuance or renewal of a
25 permit, the sheriff shall contact available local, state, and
26 federal criminal history data banks, including the National
27 Instant Criminal Background Check System, to determine whether

1 possession of a firearm by an applicant would be a violation
2 of state or federal law.

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

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

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

26 "(f) The name, address, signature, photograph, and
27 any other personally identifying information collected from an

1 applicant or permittee under this section shall be kept
2 confidential, shall be exempt from disclosure under Section
3 36-12-40, and may only be used for law enforcement purposes
4 except when a current permittee is charged in any state with a
5 felony involving the use of a pistol. All other information on
6 permits under this section, including information concerning
7 the annual number of applicants, number of permits issued,
8 number of permits denied or revoked, revenue from issuance of
9 permits, and any other fiscal or statistical data otherwise,
10 shall remain public writings subject to public disclosure.
11 Except as provided above, the sheriff of a county shall redact
12 the name, address, signature, photograph, and any other
13 personally identifying information of a permit holder before
14 releasing a copy of a permit for a non-law enforcement
15 purpose. The sheriff may charge one dollar (\$1) per copy of
16 any redacted permit record requested other than when requested
17 for law enforcement purposes. To knowingly publish or release
18 to the public in any form any information or records related
19 to the licensing process, or the current validity of any
20 permit, except as authorized in this subsection or in response
21 to a court order or subpoena, is a Class A misdemeanor.

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

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

4 "(i) If a person issued a pistol permit in this
5 state establishes residence in another state, the pistol
6 permit shall expire upon the establishment of residence in the
7 other state."

8 Section 3. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.