

NEWS RELEASE

# Luther Strange

Alabama Attorney General



FOR IMMEDIATE RELEASE

February 26, 2016

For More Information, contact:

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## ATTORNEY GENERAL STRANGE ANNOUNCES ALABAMA CONCEALED CARRY PERMIT HOLDERS NO LONGER REQUIRED TO SUBMIT TO ADDITIONAL BACKGROUND CHECKS FOR GUN PURCHASES

(MONTGOMERY) – Attorney General Luther Strange announced that holders of Alabama’s Permit to Carry Pistol in Vehicle or Concealed on Person are no longer required to undergo additional background checks each time they purchase a firearm.

The U.S. Department of Justice, Bureau of Alcohol, Tobacco and Firearms has agreed to Attorney General Strange’s request for an exemption to the mandatory National Instant Criminal Background Check provided the Alabama conceal carry permit was issued on or after August 1, 2013, and within the past five years by the State, and that the permit has not expired under State law.

“I’m pleased that the ATF has approved my request to exempt Alabama conceal carry permit holders from having to undergo additional background checks each time they want to buy a firearm,” said Attorney General Strange. “Alabama concealed carry permit holders in good standing have already passed a background check and there is no need to force them to submit to additional checks if they intend to buy a firearm within five years of receiving their permit.”

Alabama now joins 23 other states given NICS exemptions for concealed carry permit holders.

ATF NICS Exemption List: <https://www.atf.gov/rules-and-regulations/permanent-brady-permit-chart>

*A copy of the ATF NICS exemption approval and AG Strange’s request are attached.*

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STATE OF ALABAMA  
OFFICE OF THE ATTORNEY GENERAL

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September 28, 2015

Firearms Industry Programs Branch  
Bureau of Alcohol, Tobacco, Firearms and Explosives  
99 New York Avenue N.E  
Washington, DC 20226

***Re: National Instant Criminal Background Check System exemption status***

To Whom It May Concern:

I am writing to request National Instant Criminal Background Check System (NICS) exemption status for Alabama. In an email dated August 21, 2015, Jeanne Miller provided my Office with information regarding the NICS alternative criteria enumerated in 18 U.S.C. § 922(t)(3) and BATFE's interpretation of such. Upon review, I believe that Alabama's concealed carry permitting requirements—provided in Alabama Code § 13A-11-75—satisfy the listed criteria. Below, please see our application of Alabama law to each of the requisite criterion that was provided.

***1. "A full National Instant Criminal Background Check System (NICS) check must be conducted prior to issuance of a permit, including renewal"***

Alabama Code § 13A-11-75(b) provides—in pertinent part—that, "Prior to issuance or renewal of a permit, the sheriff shall contact available local, state, and federal criminal history data banks, including the National Instant Criminal Background Check System, to determine whether possession of a firearm by an applicant would be a violation of state or federal law."

***2. "The check must include the Immigration Alien Query (IAQ) for non-U.S. citizens; therefore, the applicant must submit the requisite information to run this check on or with the application, including place of birth, country of citizenship, and alien or admission number."***

Alabama Code § 13A-11-75(d) provides: "If a person who is not a United States citizen applies for a permit under this section, the sheriff shall conduct an Immigration Alien Query through U.S. Immigration and Customs enforcement, or any successor agency, and the application form shall require information relating to the applicant's country of citizenship, place of birth, and any alien or admission

number issued by U.S. Immigration and Customs Enforcement, or any successor agency. The sheriff shall review the results of these inquiries before making a determination of whether to issue a permit or renewal permit. A person who is unlawfully present in this state may not be issued a permit under this section.”

**3. “State law must provide that a permit will be denied to any person prohibited by federal law from possessing or receiving firearms.”**

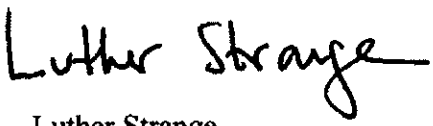
Alabama Code § 13A-11-75(a)(1)a.—in pertinent part—provides, “The sheriff of a county, upon application of any person residing in that county...shall issue or renew a permit for such person to carry a pistol in a vehicle or concealed on or about his or her person within this state...unless the sheriff 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 a manner that would endanger the person’s self or others.” Furthermore, Alabama Code § 13A-11-75(a)(6) provides, “Nothing in this section shall be construed to permit a sheriff to disregard any federal law or regulation pertaining to the purchase or possession of a firearm.”

**4. “A permit that qualifies as an alternative to the background check requirement can only be used for that purpose for five years from the date of issuance.”**

Alabama Code § 13A-11-75(a)(1)a.—in pertinent part—provides, “The sheriff of a county, upon the application of any person residing in that county...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 the date of issue....”

For your convenience, copies of the email and statutes are enclosed. Thank you for your consideration of this matter.

Sincerely,



Luther Strange  
Attorney General

LS:ch

Enclosure



**U.S. Department of Justice**

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

Washington, DC 20226

[www.atf.gov](http://www.atf.gov)

**FEB 24 2016**

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**OPEN LETTER TO ALL ALABAMA FEDERAL FIREARMS LICENSEES**

The purpose of this open letter is to advise you of an important change to the procedure you may follow to comply with the Brady Handgun Violence Prevention Act (Brady Act), 18 U.S.C. § 922(t), when transferring a firearm to an unlicensed person.

The permanent provisions of the Brady Act took effect on November 30, 1998. The Brady Act, codified at 18 U.S.C. § 922(t) generally requires Federal firearms licensees (FFLs) to initiate a National Instant Criminal Background Check System (NICS) background check before transferring a firearm to an unlicensed person. However, the Brady Act contains exceptions to the NICS check requirement, including an exception for holders of certain State permits to possess, carry, or acquire firearms. The law and implementing regulations provide that permits issued within the past 5 years may qualify as alternatives to the NICS check if certain other requirements are satisfied. Most importantly, the authority issuing the permit must conduct a NICS background check and must deny a permit to anyone prohibited from possessing firearms under Federal, State, or local law.

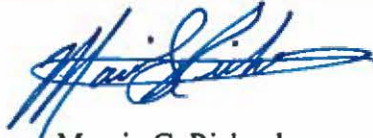
The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has reviewed Alabama's Permit to Carry Pistol in Vehicle or Concealed on Person and has determined that the permit qualifies as an alternative to the background check requirement. Please be advised that only permits issued pursuant to Alabama Code § 13A-11-75 on or after August 1, 2013, qualify as alternatives to the background check. If an unlicensed person presents a permit issued prior to August 1, 2013, the FFL must conduct a background check prior to transferring the firearm.

If you transfer a firearm to an unlicensed person pursuant to the permit alternative, you must comply with the following requirements:

1. Have the transferee complete and sign ATF Form 4473, Firearms Transaction Record.
2. Verify the identity of the transferee through a Government-issued photo identification (for example, a driver's license).
3. Verify that the permit was issued on or after August 1, 2013, and within the past 5 years by the State in which the transfer is to occur, and that the permit has not expired under State law.

4. Either retain a copy of the transferee's permit and attach it to the Form 4473, or record on the Form 4473 any identifying number from the permit, the date of issuance, and the expiration date of the permit.

If you have any questions about Alabama's Permit to Carry Pistol in Vehicle or Concealed on Person qualifying as an alternative to the NICS check, please call ATF's Firearms Industry Programs Branch at (202) 648-7190.

A handwritten signature in blue ink, appearing to read "Marvin G. Richardson", with a stylized flourish at the end.

Marvin G. Richardson  
Assistant Director  
Enforcement Programs and Services