

OFFICE OF THE ATTORNEY GENERAL



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JAN 31 1983

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Honorable J. Bryce Smith
Sheriff
Crenshaw County
Luverne, Alabama 36049

Sheriffs - Firearms -
Reserve Police Officers

Special Deputy Sheriff
must have a pistol permit
in order to carry a con-
cealed pistol.

Dear Sheriff Smith:

This letter is in response to your letter of January 10, 1983, in which you requested an opinion as to whether a person who has been commissioned by you as a special deputy sheriff can carry a pistol on his immediate person.

The Code of Alabama 1975, Section 13a-11-73 provides that:

"No person shall carry a pistol in any vehicle or concealed on or about his person, except on his land, in his own abode or fixed place of business, without a license therefor as hereinafter provided."

Section 13A-11-74 provides that the provisions of Section 13A-11-73, "shall not apply to marshalls, sheriffs, prison and jail wardens and their regularly employed deputies..." Since a special deputy sheriff would not be a regularly employed deputy he would be required to have a pistol permit to carry a pistol in a motor vehicle or concealed on or about his person.

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Sheriff
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A license or permit to carry a pistol must be in a form prescribed by the Secretary of State. Section 13A-11-75. It would thus be the opinion of this office that the special deputy commission issued by your office would not entitle the bearer to carry a pistol in a motor vehicle or concealed on or about his person.

I hope I have satisfactorily answered your inquiry with regard to this matter.

Sincerely yours,



JACK M. CURTIS
Assistant Attorney General

JMC:db