



STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

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December 8, 2015

VIA CERTIFIED MAIL



Re: Mobile County Sheriff Pistol Permits

Dear 

On October 16, 2015, my Office received your petition under Ala. Code § 13A-11-61.3 regarding a possible violation of Alabama law by the Mobile County Sheriff. Specifically, you allege that the Sheriff requires that applicants for a pistol permit under the age of 21 provide a high school diploma, proof of employment or enrollment in school, and two letters of recommendation. You stated that you provided those materials and were granted a permit.

I have evaluated your complaint, and I have determined not to file suit for two reasons.

First, this issue is governed by the pistol-permit statute, not the statute that preempts local laws and ordinances and that authorizes my Office to sue. The preemption statute expressly states that it "shall not be construed to prevent . . . [a] sheriff of a county from acting on an application for a permit under Section 13A-11-75." Ala. Code § 13A-11-61.3(g)(8). Unlike the preemption statute, the pistol-permit statute, Ala. Code § 13A-11-75, does not grant the Attorney General authority to review the permitting decisions of local sheriffs. Instead, it provides that persons who have been denied a permit may appeal the denial to district court. *See* Ala. Code § 13A-11-75(a)(3).

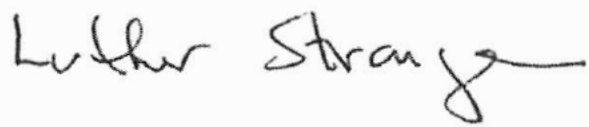
Second, the law allows a sheriff to make a reasonable investigation to determine whether the issuance of a permit is warranted. The statute provides that a sheriff should deny a permit if he or she has reasonable suspicion that the applicant "may use a weapon unlawfully or in such other manner that would endanger the person's self or others." Ala. Code § 13A-11-75(a)(1)a. This Office has explained that the sheriff has considerable discretion in making that



determination. Opinion to Honorable D.T. Marshall, Montgomery County Sheriff, dated March 14, 2014. And subsection (e) of the statute expressly contemplates that a sheriff will require applicants to submit documentation and collect other "personally identifying information." Ala. Code § 13A-11-75(e).

A redacted copy of this letter will be posted to my Office's website, in compliance with the statutory requirement that I "publicly state in writing the justification for the determination not to file suit." Ala. Code § 13A-11-61.3(f)(3).

Sincerely,



Luther Strange
Attorney General

LS: gwb