ALABAMA JUSTICE INFORMATION COMMISSION
ADMINISTRATIVE CODE

CHAPTER 265-X-7
FIREARMS PROHIBITED PERSON DATABASE

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265-X-7-.01 Purpose.

(1) The purpose of this Rule is to provide uniform directions to all government agencies in Alabama regarding the collection and submission of information to be included in the state Firearms Prohibited Person Database (FPPD).
Author: Maury Mitchell
Statutory Authority: Code of Ala. 1975, §41-9-620.
History: New Rule: Published January 31, 2022; effective March 17, 2022.

265-X-7-.02 Collection By ALEA CJIS.

(1) Beginning October 1, 2022, the Alabama Law Enforcement Agency (ALEA) Alabama State Bureau of Investigation (SBI) Criminal Justice Information Services Division (CJIS) shall provide a method of collection for individuals to be included in the Firearms Prohibited Person Database (FPPD).
Author: Maury Mitchell
Statutory Authority: Code of Ala. 1975, §41-9-620.
History: New Rule: Published January 31, 2022; effective March 17, 2022.

265-X-7-.03 Probate Judges.

(1) The Alabama probate courts will report:

(a) Final orders of involuntary commitments to inpatient facilities to SBI CJIS using the Alabama Registry of Involuntary Commitments (ARTIC) for inclusion in the Firearms FPPD;

(b) Updates to any order for inpatient treatment including notice of any reversal of petition or appeal.

Author: Maury Mitchell
Statutory Authority: Code of Ala. 1975, §41-9-620.
History: New Rule: Published January 31, 2022; effective March 17, 2022.

265-X-7-.04 Municipal Courts.

(1) Alabama municipal courts shall report all dispositions involving municipal crimes of domestic violence within 30 days to SBI CJIS for inclusion in the FPPD.

Author: Maury Mitchell
Statutory Authority: Code of Ala. 1975, §41-9-620.
History: New Rule: Published January 31, 2022; effective March 17, 2022.

265-X-7-.05 District Courts.

(1) Alabama district courts shall report:

(a) All convictions or final orders in a case involving a charge or misdemeanor domestic violence within 30 days to SBI CJIS for inclusion in the FPPD.

(b) All other criminal convictions and orders that would cause an individual to be prohibited from possessing a firearm under state or federal law.

Author: Maury Mitchell
Statutory Authority: Code of Ala. 1975, §41-9-620.
History: New Rule: Published January 31, 2022; effective March 17, 2022.

265-X-7-.06 Circuit Courts.

(1) Alabama circuit courts shall report:

(a) All convictions or final orders in a case involving a charge or misdemeanor domestic violence within 30 days to SBI CJIS for inclusion in the FPPD.

(b) All other criminal convictions and orders that would cause an individual to be prohibited from possessing a firearm under state or federal law;

(c) Updates to any conviction or court order including notice of appeal, expungement, pardon, commutation, or restoration of civil rights.

Author: Maury Mitchell
Statutory Authority: Code of Ala. 1975, §41-9-620.
History: New Rule: Published January 31, 2022; effective March 17, 2022.

265-X-7-.07 Sheriffs.

(1) Alabama sheriff's offices will report:

(a) All applicants who are denied a concealed carry permit, based on state or federal law, to SBI CJIS for inclusion in the Firearms FPPD. In making a determination whether to approve or deny the issuance or renewal of a concealed carry permit, the sheriff shall consider whether the applicant is:

1. Persons who were found guilty but mentally ill in a criminal case.

2. Persons who were found not guilty in a criminal case by reason of insanity or mental disease or defect.

3. Persons who were declared incompetent to stand trial in a criminal case.

4. Persons who asserted a defense in a criminal case of not guilty by reason of insanity or mental disease or defect.

5. Persons who were found not guilty only by reason of lack of mental responsibility under the Uniform Code of Military Justice.

6. Persons who required involuntary inpatient treatment in a psychiatric hospital or similar treatment facility.

7. Persons who require involuntary outpatient treatment in a psychiatric hospital or similar treatment facility based on a finding that the individual is an imminent danger to himself or herself or to others.

8. Persons who required involuntary commitment to a psychiatric hospital or similar treatment facility for any reason including drug use.

9. Person who is or was the subject of prosecution or of commitment or incompetency proceeding that could lead to a prohibition on the receipt or possession of a firearm under the laws of Alabama or the United States.

10. Person who falsified any portion of the permit application (not for inclusion in the FPPD).

11. Person who caused or causes justifiable concern for public safety (not for inclusion in the FPPD).

(b) All revocations of concealed carry permits to ALEA for inclusion in the FPPD if the permit revocation is based on state or federal law.

(c) Alabama sheriffs shall conduct an immigration alien query through the U. S. Immigration and Customs Enforcement on non-U.S. citizens. An individual who applied for a concealed carry permit and is determined to be unlawfully in the U.S. shall be entered into the FPPD.

(d) Alabama Sheriffs shall enter the following collected data for inclusion into the FPPD:

1. Date

2. Agency Name

3. ALACOP username of person entering the data into the FPPD

4. Type of entry

(i) New entry

(ii) Renewal

(iii) Re-check of lifetime permit

5. Whether this is an entry or removal of a person from the FPPD

6. Reason the individual is denied

7. First name of individual

8. Middle name or initial of individual

9. Last name of individual

10. Date of Birth

11. Race

12. Gender

13. Social Security Number

14. Drives license number

15. Immigration number if applicable.

Author: Maury Mitchell
Statutory Authority: Code of Ala. 1975, §41-9-620.
History: **New Rule:** Published January 31, 2022; effective March 17, 2022.

265-X-7-.08 ALEA CJIS Division.

(1) The ALEA CJIS Division shall:

(a) Enter or remove an individual from the FPPD within three (3) business day of receipt of notice from a sheriff or court.

(b) Make the FPPD available to law enforcement officers in the Law Enforcement Tactical System (LETS) or its successor.

Author: Maury Mitchell
Statutory Authority: Code of Ala. 1975, §41-9-620.
History: **New Rule:** Published January 31, 2022; effective March 17, 2022.

265-X-7-.09 LETS.

(1) FPPD information will be accessible in LETS when the following queries are performed:

(a) Name search.

(b) Social Security Number search.

(c) Driver License search.

Author: Maury Mitchell
Statutory Authority: Code of Ala. 1975, §41-9-620.
History: **New Rule:** Published January 31, 2022; effective March 17, 2022.

265-X-7-.10 SBI CJIS Appeal Process.

(1) Any Individual who has been denied a permit or an individual whose permit has been revoked or any individual who is listed in the FPPD may appeal the denial, revocation, or database entry to the district court of the county where the individual resides.

(2) Any individual appealing their inclusion in the FPPD shall obtain an official criminal history record from SBI CJIS and it shall be SBI CJIS's responsibility to assist the individual to obtain missing or updated dispositions.

(3) SBI CJIS shall remove an individual from the FPPD when notice is received of any appeal, expungement, pardon, communication, or restoration of civil rights nullifying the original reason for inclusion in the FPPD.

Author: Maury Mitchell

Statutory Authority: Code of Ala. 1975, §41-9-620.

History: New Rule: Published January 31, 2022; effective March 17, 2022.