



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, [REDACTED] 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.”

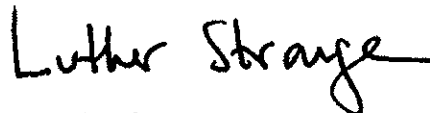
Alabama Code § 13A-11-75(a)(1)a.—in pertinent part—provides, “The sheriff of a county, upon application of any person residing in that county...shall issue or renew a permit for such person to carry a pistol in a vehicle or concealed on or about his or her person within this state...unless the sheriff 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

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Enclosure