

**HB320 ENROLLED**



1 PZFSGR-2  
2 By Representatives Bedsole, Reynolds, Chestnut, Wood (R),  
3 Treadaway, Mooney, Daniels, England, Stringer  
4 RFD: Ways and Means General Fund  
5 First Read: 13-Apr-23  
6 2023 Regular Session



## HB320 Enrolled

1 Enrolled, An Act,

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Relating to sheriffs; to amend Act 2022-133, 2022

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Regular Session, now appearing as Section 41-23-9, Code of

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Alabama 1975, to change the name of the Local Government

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Pistol Permit Revenue Loss Fund; to increase the life span of

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the fund; to further provide for expenditures from the fund;

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to further provide for the deposit and allocation of grant

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reimbursement monies; and to make nonsubstantive, technical

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revisions to update existing code language to current style.

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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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Section 1. Act 2022-133, 2022 Regular Session, now

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appearing as Section 41-23-9, Code of Alabama 1975, is amended

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to read as follows:

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"§41-23-9

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(a) There is created in the State Treasury a fund to be

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known as the ~~Local Government Pistol Permit Revenue Loss~~

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~~Fund~~Sheriffs' Advancement in Education, Technology, and

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Training Fund, into which there is automatically appropriated

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~~five million dollars (\$5,000,000) annually or so much as~~

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~~necessary to maintain a balance of two million dollars~~

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~~(\$2,000,000) in the fund, ~~seven million five hundred thousand~~~~

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~~dollars (\$7,500,000) at the beginning of each fiscal year for~~

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the ~~three~~five fiscal years ~~following January 1, 2023~~beginning

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October 1, 2023. The fund shall consist of both of the

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following:

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(1) All appropriations made to the fund.



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29 (2) Any gifts, grants, or donations made to the fund  
30 from any source.

31 (b) The Alabama Department of Economic and Community  
32 Affairs shall use and expend the fund pursuant to subsection  
33 (c). Any necessary expenses of the department in implementing  
34 this section shall also be paid out of the fund.

35 (c) (1) The Alabama Department of Economic and Community  
36 Affairs may make quarterly grants to any county in which the  
37 sheriff has provided the required reports as set out in the  
38 Minimum Accounting Requirements for the Office of Sheriff  
39 established by the Department of Examiners of Public Accounts,  
40 specifically regarding the number of pistol permits purchased  
41 in that county and the revenue received from pistol permit  
42 fees issued pursuant to Section 13A-11-75, for fiscal years  
43 2022 and 2023. Any reports that are required by this act and  
44 delinquent on the effective date of this act shall be accepted  
45 as timely if delivered within 90 days of the effective date of  
46 this act. Any grants awarded to a county pursuant to this  
47 subsection may not exceed the amount of revenue received from  
48 pistol permit fees by that county in fiscal year ~~2022~~2021, as  
49 indicated within the reports to the Department of Examiners of  
50 Public Accounts. Any amounts exceeding these revenues shall be  
51 remitted back to the ~~Local Government Pistol Permit Revenue~~  
52 ~~Less Fund~~ Sheriffs' Advancement in Education, Technology, and  
53 Training Fund at the end of each fiscal year. ~~Grant funds~~  
54 Monies shall be used by a county only for the same purposes  
55 for which pistol permit fees were authorized to be expended  
56 within that county on ~~January 1, 2023~~ December 31, 2022.



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57           (2) The Department of Economic and Community Affairs  
58 shall make grants under this subsection only to an office of  
59 sheriff that, at time of submission of a report to the  
60 Department of Examiners of Public Accounts pursuant to  
61 subdivision (1), has certified in writing that each pistol  
62 permit issued by that office of sheriff in the preceding  
63 quarter was issued only following completion of a background  
64 check through the National Instant Criminal Background Check  
65 System (NICS) and that the office of sheriff, within the  
66 preceding 12 months, has trained each employee, officer, or  
67 agent involved in the issuance of pistol permits on how and  
68 when to perform a NICS background check.

69           (d) No later than January 15, 2023, and thereafter on a  
70 quarterly basis, the Department of Examiners of Public  
71 Accounts shall provide all reports referenced in subsection  
72 (c) to the Department of Economic and Community Affairs.

73           (e) This section shall be repealed January 1, ~~2027~~2029.  
74 At that time, any monies remaining in the fund that are not  
75 committed for the purpose of this section shall be transferred  
76 to the State General Fund.

77           (f) No monies may be withdrawn or expended from the  
78 fund for any purpose unless the monies have been appropriated  
79 by the Legislature. Any monies appropriated shall be budgeted  
80 and allotted pursuant to the Budget Management Act in  
81 accordance with Article 4 of Chapter 4 of Title 41, and only  
82 in the amounts provided by the Legislature in the general  
83 appropriations act or other appropriations act, and only for  
84 the purposes of Act 2022-133.



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85 (g) (1) Each county receiving ~~grant funds monies~~  
86 pursuant to subsection (c) shall establish a separate fund in  
87 the county treasury ~~to account for the grant funds and~~  
88 ~~expenditure of the funds~~ for the deposit of grant reimbursement  
89 monies.

90 (2) All monies received by a county commission pursuant  
91 to this section shall be deposited, within 30 days of receipt,  
92 into the fund and shall be allocated in the same manner that  
93 pistol permit revenues are allocated by law.

94 (3) A county commission shall not retain any portion of  
95 monies received pursuant to this section beyond what is  
96 authorized by law.

97 (4) All monies received pursuant to subsection (c)  
98 shall be expended at the discretion of the sheriff as  
99 authorized by law and pursuant to the limitations of  
100 subsection (c).

101 (5) The county commission shall not be responsible for  
102 the expenditure of any monies received pursuant to this  
103 section."

104 Section 2. This act shall become effective immediately  
105 following its passage and approval by the Governor, or its  
106 otherwise becoming law.



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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 25-Apr-23, as amended.

John Treadwell  
Clerk

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Senate **01-Jun-23**

Passed

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House **01-Jun-23**

Concurred in  
Senate Amendment