

1 SB376  
2 191888-1  
3 By Senator Pittman  
4 RFD: Judiciary  
5 First Read: 08-MAR-18

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8 SYNOPSIS: Under existing law, a person who fears that  
9 he or she may become a risk to himself or herself  
10 or others is not allowed to restrict his or her own  
11 legal ability to purchase firearms.

12 This bill would allow an individual to  
13 restrict his or her firearm purchase ability by  
14 voluntarily adding his or her own name to the  
15 Voluntary Alabama Firearms Do Not Sell List,  
16 thereby prohibiting the sale of firearms to that  
17 individual.

18  
19 A BILL  
20 TO BE ENTITLED  
21 AN ACT

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23 Relating to firearms; to create the Voluntary  
24 Alabama Firearms Do Not Sell List to be linked to the state  
25 criminal background check system; to establish a campaign to  
26 educate the public about its purpose; to allow individuals to  
27 voluntarily be added to the Voluntary Alabama Firearms Do Not

1 Sell List when there is a fear that they may become a risk to  
2 themselves or others; to establish an Internet-based platform  
3 to allow for self-registration to the Voluntary Alabama  
4 Firearms Do Not Sell List; and to provide civil penalties for  
5 violations.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. (a) Within one year of the effective date  
8 of this act, the Alabama State Law Enforcement Agency shall  
9 create the Voluntary Alabama Do Not Sell List, to prohibit the  
10 sale of firearms to any resident of this state who voluntarily  
11 registers himself or herself to be placed on the list.

12 (b) The agency shall develop and launch a secure  
13 Internet-based platform to allow any person in the United  
14 States to register and add his or her name to the Voluntary  
15 Alabama Do Not Sell List.

16 (c) The agency shall ensure that this Internet-based  
17 platform does all of the following:

18 (1) Verifies the identity of any individual that  
19 opts to register and have his or her name placed on the  
20 Voluntary Alabama Do Not Sell List.

21 (2) Prevents unauthorized disclosures of personal  
22 information of any registering person.

23 (3) Informs any registering individual of the legal  
24 effects of registration and having his or her name added to  
25 the list.

26 (d) The Internet-based Voluntary Alabama Do Not Sell  
27 List platform shall allow registered individuals, at the time

1 of registration or anytime thereafter, to submit email  
2 addresses of personal contacts the platform shall be  
3 programmed to notify and advise that an individual has added  
4 his or her name to the list thereby restricting his or her  
5 ability to purchase firearms. The platform shall also notify  
6 the same designated personal contacts via email if the  
7 individual subsequently seeks to rescind his or her  
8 registration. Providing the email addresses of personal  
9 contacts for the above stated purpose constitutes an  
10 authorization of use of that information for its stated  
11 purpose.

12 Section 2. (a) Upon the implementation of the  
13 Voluntary Alabama Do Not Sell List Internet-based platform,  
14 any person may voluntarily request via the platform to be  
15 added to the Voluntary Alabama Do Not Sell List.

16 (b) The Alabama State Law Enforcement Agency shall  
17 maintain and update the list and ensure that the registering  
18 individual's information is reflected in the NICS Index Denied  
19 Persons File for Alabama.

20 Section 3. (a) Upon registering with the Voluntary  
21 Alabama Do Not Sell List, receipt of a firearm by that person  
22 shall be unlawful.

23 (b) (1) A person may not sell or transfer a firearm  
24 to any individual that has registered with the Voluntary  
25 Alabama Do Not Sell List.

26 (2) A person who knowingly sells or transfers a  
27 firearm to any individual who has registered with the

1 Voluntary Alabama Do Not Sell List shall be subject to a civil  
2 penalty of up to five thousand dollars (\$5,000).

3 (3) A civil penalty under subdivision (2) shall be  
4 collected by the Alabama State Law Enforcement Agency to be  
5 used by the agency for law enforcement purposes.

6 Section 4. (a) Any individual who registers with and  
7 has his or her name added to the Voluntary Alabama Do Not Sell  
8 List may subsequently request that his or her name be removed  
9 from the list through the Internet-based do not sell platform.

10 (b) The agency shall not remove a name until 21 days  
11 after the receipt of an individual's request to be removed  
12 from the Voluntary Alabama Do Not Sell List and the NICS Index  
13 Denied Persons File for Alabama.

14 (c) Upon removal of an individual's name from the  
15 Voluntary Alabama Do Not Sell List, the agency shall destroy  
16 all records of the registration, associated transactions, and  
17 the request for removal of that individual's name from the  
18 list.

19 Section 5. (a) It shall be unlawful for any person  
20 to inquire as to whether an individual is on the list or has  
21 requested to be added to or removed from the list for the  
22 purposes of employment, education, housing, insurance,  
23 governmental benefits, or contracting, and it shall be  
24 unlawful to take any adverse action associated with those  
25 purposes or health care purposes based on an individual's  
26 registration with the Voluntary Alabama Do Not Sell List.

1                   (b) A violation of subsection (a) gives rise to a  
2 private civil action for appropriate relief, including  
3 reasonable attorney's fees for each violation that occurs.

4                   Section 6. The agency shall develop and implement a  
5 publicity and advertising campaign upon the establishment of  
6 the Voluntary Alabama Do Not Sell List Internet-based platform  
7 that at a minimum provides the public with information about  
8 the list, how an individual may register to be added to the  
9 list, and contacts for additional information regarding the  
10 list.

11                   Section 7. This act shall become effective on the  
12 first day of the third month following its passage and  
13 approval by the Governor, or its otherwise becoming law.