



2017-002

STATE OF ALABAMA  
OFFICE OF THE ATTORNEY GENERAL

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January 27, 2017

**VIA CERTIFIED MAIL**

Re: Pistol permit issued by the Lee County Sheriff's Office

Dear [REDACTED]

On December 28, 2016, I received your petition under ALA. CODE § 13A-11-61.3 regarding a possible violation of Alabama law by the Lee County Sheriff. Specifically, you allege that the pistol permit issued to you states that the permit may be suspended or revoked if you are arrested for a criminal law violation.

I have evaluated your complaint, and I have determined not to file suit for the following reason.

A sheriff may revoke a pistol permit for any reason that could lead to the denial of a permit. ALA. CODE § 13A-11-75(a)(2)(a). Wide discretion is afforded to a sheriff in determining who is and who is not suitable for a pistol permit. Opinion to Honorable David T. Marshall, Montgomery County Sheriff, dated August 27, 2003, A.G. No. 2003-230. The legislature included various factors that a sheriff may consider when deciding whether or not to issue a pistol permit. Two such considerations are whether the prospective permittee "is or was the subject of a prosecution. . . ." or "[c]aused justifiable concern for public safety." ALA. CODE § 13A-11-75(a)(9), (11). Either of the two factors quoted could be included within the scope of the language "arrested for a criminal law violation." Thus, the Sheriff of Lee County is not promulgating or enforcing any orders, ordinances, or rules in violation of ALA. CODE § 13A-11-61.3.

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,

A handwritten signature in black ink that reads "Luther Strange". The signature is written in a cursive style with a long, sweeping underline.

Luther Strange  
Attorney General

LS/RWS/as  
2273314/182001