

85-00418

OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL
STATE OF ALABAMA

JUL 1 1985

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Honorable Lucius D. Amerson
Sheriff
Macon County
Tuskegee, Alabama 36083

Sheriffs - Employees, Employers,
Employment - Drugs - Tests

1. Sheriff may require applicants for employment with his office and present employees to submit to drug test.
2. Sheriff may require applicants for pistol permits to submit to drug test.

Dear Sheriff Amerson:

You have requested an opinion from this office which opinion request reads as follows:

- "1. Would it be legal for a Sheriff to require prospective applicants for employment or employees already employed to submit to a drug test as a condition for employment or continued employment.
2. Could a Sheriff require a drug test as a condition for consideration in granting a pistol permit."

In response to your first question, a governmental agency can place reasonable conditions on public employment. Division 241, Amalgamated Transit Union v. Susey, 405 F.Supp. 750 (N.D. Illinois 1975) affirmed 538 F.2d 1264 (Seventh Cir. 1976). In

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view of the public interest involved of preserving the honesty and integrity of law enforcement personnel, of maintaining their reliability and effectiveness and of encouraging community support for law enforcement agencies, it would be the opinion of this office that a requirement that prospective applicants for employment and employees of your office submit to drug tests would be reasonable and would not violate any constitutionally protected rights of such individuals.

In response to your second question, the Code of Alabama 1975, Section 13A-11-75 provides in part as follows:

The sheriff of a county may, upon the application of any person residing in that county, issue a qualified or unlimited license to such person to carry a pistol in a vehicle or concealed on or about his person within this state for not more than one year from date of issue, it appears that the applicant has good reason to fear injury to his person or property or has any other proper reason for carrying a pistol, and that he is a suitable person to be so licensed. . . .

It is the opinion of this office that under the provisions of this section a sheriff may require an individual applying for a permit to carry a pistol to submit to a drug test. The determination of whether a person is taking drugs would be a relevant factor in determining whether such person is a suitable person to be licensed to carry a pistol.

I hope I have satisfactorily answered your inquiry with regard to these matters.

Sincerely,

CHARLES A. GRADDICK
Attorney General
By:



JACK M. CURTIS
Assistant Attorney General

JMC/dn