



SYNOPSIS:

This bill would direct the Alabama State Law Enforcement Agency to establish, develop, manage, and maintain the Alabama Criminal Enterprise Database.

This bill would also provide for submission to and use of the database.

A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to amend Section 13A-6-260, Code of Alabama 1975, to further provide for definitions; and to add Section 13A-6-264 to the Code of Alabama 1975, to provide for the establishment, development, management, and maintenance of the Alabama Criminal Enterprise Database.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-6-260, Code of Alabama 1975, is amended to read as follows:

"§13A-6-260

For the purposes of this article, the following terms have the following meanings:

(1) ALEA. The Alabama State Law Enforcement Agency.



~~(1)~~ (2) CRIMINAL ENTERPRISE. Any combination, confederation, alliance, network, conspiracy, understanding, or other similar arrangement in law or in fact, including a streetgang as defined in Section 13A-6-26, of three or more persons, through its membership or through the agency of any member, that engages in a course or pattern of criminal activity.

~~(2)~~ (3) CRIMINAL ENTERPRISE MEMBER. a. An individual who meets three or more of the following at the time of the planning or commission of the underlying offense:

~~a.~~ 1. Admits to criminal enterprise membership.

~~b.~~ 2. Is voluntarily identified as a criminal enterprise member by a parent or guardian.

~~c.~~ 3. Is identified as a criminal enterprise member by a reliable informant.

~~d.~~ 4. Adopts the style of dress of a criminal enterprise.

~~e.~~ 5. Adopts the use of a hand sign identified as used by a criminal enterprise.

~~f.~~ 6. Has a tattoo identified as used by a criminal enterprise.

~~g.~~ 7. Associates with one or more known criminal enterprise members.

~~h.~~ 8. Is identified as a criminal enterprise member by physical evidence.

~~i.~~ 9. Has been observed in the company of one or more known criminal enterprise members four or more times. Observation in a custodial setting requires a willful



association. This paragraph may be used to identify criminal enterprise members who recruit and organize in jails, prisons, ~~and or~~ other detention settings.

~~§.10.~~ Has authored any communication indicating responsibility for the commission of any crime by a criminal enterprise.

b. Where a single act or factual transaction satisfied the requirements of more than one of the criteria in ~~this subdivision~~paragraph a., each of those criteria has been satisfied for the purposes of this ~~subdivision~~definition.

(4) CRIMINAL JUSTICE AGENCY. Any federal law enforcement agency, prosecuting agency, or corrections agency, or any state, county, or municipal law enforcement agency, prosecuting agency, or corrections agency in this state.

(5) DATABASE. The Alabama Criminal Enterprise Database.

(6) DATABASE INFORMATION. Either of the following:

a. Any contents of the database.

b. Any records, including electronically stored information, that are generated or transmitted to ALEA's possession, custody, or control due to a criminal justice agency's submission of information for inclusion in the database.

~~(3)~~ (7) DESTRUCTIVE DEVICE. The same meaning as in Section 13A-10-190.

~~(4)~~ (8) FIREARM. Any of the following:

a. Any weapon which will, is designed to, or may be readily ~~be~~ converted to expel a projectile by the action of an explosive or the frame or receiver of any such weapon.



b. A firearm silencer.

c. A destructive device.

~~(5)~~ (9) FIREARMS SILENCER. Any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer, and any part intended only for use in such assembly or fabrication.

~~(6)~~ (10) MACHINE GUN. Any weapon that shoots, is designed to shoot, or can be readily restored to shoot automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.

(11) SECRETARY. The Secretary of ALEA.

~~(7)~~ (12) SHORT-BARRELED RIFLE. The same meaning as in Section 13A-11-62.

~~(8)~~ (13) SHORT-BARRELED SHOTGUN. The same meaning as in Section 13A-11-62."

Section 2. Section 13A-6-264 is added to the Code of Alabama 1975, to read as follows:

§13A-6-264

(a) Subject to the availability of funding, ALEA shall establish a statewide inter-jurisdictional criminal



113 intelligence system known as the Alabama Criminal Enterprise
114 Database.

115 (b) ALEA shall establish, develop, manage, and maintain
116 the database in accordance with the Criminal Intelligence
117 Systems Operating Policies adopted by the United States
118 Department of Justice and codified in 28 C.F.R. Part 23.

119 (c) Any criminal justice agency may submit information
120 for inclusion in the database.

121 (d) To the extent permitted under subsection (b), the
122 database may contain any information about a person reasonably
123 suspected of criminal conduct or activity that meets both of
124 the following criteria:

125 (1) The information is relevant to the person's
126 suspected criminal conduct or activity.

127 (2) The information is relevant to identifying an
128 individual as a criminal enterprise member or identifying a
129 criminal enterprise.

130 (e) Subject to rules established by the secretary, any
131 criminal justice agency may access the database for legitimate
132 law enforcement or criminal justice purposes.

133 (f) ALEA may not permit any person or entity to access
134 database information in its possession, custody, or control
135 unless one of the following conditions applies:

136 (1) The access is made by personnel of a criminal
137 justice agency pursuant to subsection (e).

138 (2) The access is necessary for ALEA to establish,
139 develop, manage, or maintain the database.

140 (3) The access is necessary for ALEA to comply with a



141 court order, discovery request, or subpoena for the production
142 of database information as authorized in subsection (h).

143 (4) The access is permitted under subsection (b).

144 (g) Database information shall be deemed confidential
145 and shall not be subject to public disclosure under Article 3
146 of Chapter 12 of Title 36, Code of Alabama 1975.

147 (h) In any criminal, civil, or administrative
148 proceeding, database information shall not be used as evidence
149 or be subject to discovery by subpoena or otherwise, except as
150 required by subsection (b), the Constitution of Alabama of
151 2022, the Constitution of the United States, or as necessary
152 for a criminal justice agency to pursue a legitimate law
153 enforcement or criminal justice purpose.

154 (i) Nothing in this section shall affect the
155 disclosure, discovery, or admissibility of information that a
156 criminal justice agency has in its possession, custody, or
157 control by any means other than the agency's access to the
158 database or submission of information to the database.

159 (j)(1) The secretary shall adopt rules establishing a
160 uniform digital process for criminal justice agencies to
161 submit information for inclusion in the database.

162 (2) The secretary shall adopt rules regarding the use
163 of database information and may establish and impose civil
164 penalties and other sanctions for the violation of such rules.

165 (3) The secretary may adopt rules that otherwise
166 promote the effective establishment, development, management,
167 maintenance, or use of the database in compliance with federal
168 standards.



169 Section 3. This act shall become effective on June 1,
170 2025.