

HB403 ENGROSSED



1 HB403

2 4U5G13R-2

3 By Representatives Bedsole, Pettus, Treadaway, Stringer,

4 Woods, Brinyark, Starnes, Bolton, Shaver

5 RFD: Public Safety and Homeland Security

6 First Read: 06-Mar-25



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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.



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29 ~~(2)~~ (3) CRIMINAL ENTERPRISE MEMBER. a. An individual who
30 meets three or more of the following at the time of the
31 planning or commission of the underlying offense:

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

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

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

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

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

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

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

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

47 ~~i.~~ 9. Has been observed in the company of one or more
48 known criminal enterprise members four or more times.
49 Observation in a custodial setting requires a willful
50 association. This paragraph may be used to identify criminal
51 enterprise members who recruit and organize in jails, prisons,
52 ~~and or~~ other detention settings.

53 ~~j.~~ 10. Has authored any communication indicating
54 responsibility for the commission of any crime by a criminal
55 enterprise.

56 b. Where a single act or factual transaction satisfied



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57 the requirements of more than one of the criteria in ~~this~~
58 ~~subdivision~~paragraph a., each of those criteria has been
59 satisfied for the purposes of this ~~subdivision~~definition.

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

64 (5) DATABASE. The Alabama Criminal Enterprise Database.

65 (6) DATABASE INFORMATION. Either of the following:

66 a. Any contents of the database.

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

72 ~~(3)~~ (7) DESTRUCTIVE DEVICE. The same meaning as in
73 Section 13A-10-190.

74 ~~(4)~~ (8) FIREARM. Any of the following:

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

78 b. A firearm silencer.

79 c. A destructive device.

80 ~~(5)~~ (9) FIREARMS SILENCER. Any device for silencing,
81 muffling, or diminishing the report of a portable firearm,
82 including any combination of parts, designed or redesigned,
83 and intended for use in assembling or fabricating a firearm
84 silencer, and any part intended only for use in such assembly



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85 or fabrication.

86 ~~(6)~~ (10) MACHINE GUN. Any weapon that shoots, is
87 designed to shoot, or can be readily restored to shoot
88 automatically more than one shot, without manual reloading, by
89 a single function of the trigger. The term shall also include
90 the frame receiver of any such weapon, any part designed and
91 intended solely and exclusively, or combination of parts
92 designed and intended, for use in converting a weapon into a
93 machine gun, and any combination of parts from which a machine
94 gun can be assembled if such parts are in the possession or
95 under the control of a person.

96 (11) SECRETARY. The Secretary of ALEA.

97 ~~(7)~~ (12) SHORT-BARRELED RIFLE. The same meaning as in
98 Section 13A-11-62.

99 ~~(8)~~ (13) SHORT-BARRELED SHOTGUN. The same meaning as in
100 Section 13A-11-62."

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

103 §13A-6-264

104 (a) Subject to the availability of funding, ALEA shall
105 establish a statewide inter-jurisdictional criminal
106 intelligence system known as the Alabama Criminal Enterprise
107 Database.

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

112 (c) Any criminal justice agency may submit information



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113 for inclusion in the database.

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

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

120 (2) The information is relevant to identifying an
121 individual as a criminal enterprise member or identifying a
122 criminal enterprise.

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

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

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

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

133 (3) The access is necessary for ALEA to comply with a
134 court order, discovery request, or subpoena for the production
135 of database information as authorized in subsection (h).

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

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

140 (h) In any criminal, civil, or administrative



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141 proceeding, database information shall not be used as evidence
142 or be subject to discovery by subpoena or otherwise, except as
143 required by subsection (b), the Constitution of Alabama of
144 2022, the Constitution of the United States, or as necessary
145 for a criminal justice agency to pursue a legitimate law
146 enforcement or criminal justice purpose.

147 (i) Nothing in this section shall affect the
148 disclosure, discovery, or admissibility of information that a
149 criminal justice agency has in its possession, custody, or
150 control by any means other than the agency's access to the
151 database or submission of information to the database.

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

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

158 (3) The secretary may adopt rules that otherwise
159 promote the effective establishment, development, management,
160 maintenance, or use of the database in compliance with federal
161 standards.

162 Section 3. This act shall become effective on June 1,
163 2025.



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House of Representatives

167 Read for the first time and referred06-Mar-25
168 to the House of Representatives
169 committee on Public Safety and
170 Homeland Security
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172 Read for the second time and placed19-Mar-25
173 on the calendar:
174 0 amendments
175
176 Read for the third time and passed08-Apr-25
177 as amended
178 Yeas 77
179 Nays 21
180 Abstains 2

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John Treadwell
Clerk