

HB403 INTRODUCED



1 HB403
2 84491HH-1
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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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.



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29 ~~(1)~~ (2) CRIMINAL ENTERPRISE. Any combination,
30 confederation, alliance, network, conspiracy, understanding,
31 or other similar arrangement in law or in fact, including a
32 streetgang as defined in Section 13A-6-26, of three or more
33 persons, through its membership or through the agency of any
34 member, that engages in a course or pattern of criminal
35 activity.

36 ~~(2)~~ (3) CRIMINAL ENTERPRISE MEMBER. a. An individual who
37 meets three or more of the following at the time of the
38 planning or commission of the underlying offense:

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

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

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

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

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

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

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

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

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



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

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

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

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

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

72 (6) DATABASE INFORMATION. Any contents of the database
73 or any records that are generated by a criminal justice
74 agency's submission of information for inclusion in the
75 database.

76 ~~(3)~~ (7) DESTRUCTIVE DEVICE. The same meaning as in
77 Section 13A-10-190.

78 ~~(4)~~ (8) FIREARM. Any of the following:

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

82 b. A firearm silencer.

83 c. A destructive device.

84 ~~(5)~~ (9) FIREARMS SILENCER. Any device for silencing,



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85 muffling, or diminishing the report of a portable firearm,
86 including any combination of parts, designed or redesigned,
87 and intended for use in assembling or fabricating a firearm
88 silencer, and any part intended only for use in such assembly
89 or fabrication.

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

100 (11) SECRETARY. The Secretary of ALEA.

101 ~~(7)~~ (12) SHORT-BARRELED RIFLE. The same meaning as in
102 Section 13A-11-62.

103 ~~(8)~~ (13) SHORT-BARRELED SHOTGUN. The same meaning as in
104 Section 13A-11-62."

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

107 §13A-6-264

108 (a) Subject to the availability of funding, ALEA shall
109 establish a statewide inter-jurisdictional criminal
110 intelligence system known as the Alabama Criminal Enterprise
111 Database.

112 (b) ALEA shall establish, develop, manage, and maintain



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113 the database in accordance with the Criminal Intelligence
114 Systems Operating Policies adopted by the United States
115 Department of Justice and codified in 28 C.F.R. Part 23.

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

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

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

124 (2) The information is relevant to identifying an
125 individual as a criminal enterprise member or identifying a
126 criminal enterprise.

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

130 (f) ALEA shall permit an individual or a criminal
131 justice agency to access the database for any of the following
132 reasons:

133 (1) As authorized pursuant to subsection (e).

134 (2) As necessary to establish, develop, manage, or
135 maintain the database.

136 (3) As necessary to comply with a person's rights under
137 the Constitution of the United States or the Constitution of
138 Alabama of 2022.

139 (4) As otherwise permitted under subsection (b).

140 (g) Database information shall be deemed confidential



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141 and shall not be subject to public disclosure under Article 3
142 of Chapter 12 of Title 36.

143 (h) In any criminal, civil, or administrative
144 proceeding, database information shall not be used as evidence
145 and shall not be subject to discovery by subpoena or
146 otherwise, unless the party using or seeking the information
147 is permitted to access the information pursuant to
148 subdivisions (f)(1), (f)(3), or (f)(4).

149 (i)(1) The secretary shall adopt rules establishing a
150 uniform digital process for criminal justice agencies to
151 submit information for inclusion in the database.

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

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

159 Section 3. This act shall become effective on June 1,
160 2025.