

SB241 ENGROSSED



1 SB241
2 84TS9FH-2
3 By Senator Bell
4 RFD: Veterans, Military Affairs and Public Safety
5 First Read: 18-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, reporting on, 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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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



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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 intelligence system known as the Alabama Criminal Enterprise Database.

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

(c) Any criminal justice agency may submit information



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for inclusion in the database.

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

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

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

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

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

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

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

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

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

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

(h) In any criminal, civil, or administrative



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

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

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

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

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

(k)(1) Each year, the secretary shall prepare a report detailing the submissions to and access of the database; the number of prosecutions aided by access to the database under Section 13A-6-263; and the demographics of all individuals in the database in accordance with 28 C.F.R. 23.

(2) By March 1, annually, the secretary shall submit the report covering the previous calendar year to all of the



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169 following:

- 170 a. The Speaker of the House of Representatives.
- 171 b. The President Pro Tempore of the Senate.
- 172 c. The Majority Leader of the House of Representatives.
- 173 d. The Majority Leader of the Senate.
- 174 e. The Minority Leader of the House of Representatives.
- 175 f. The Minority Leader of the Senate.

176 Section 3. This act shall become effective on June 1,
177 2025.



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178
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180 Senate

181 Read for the first time and referred18-Mar-25
182 to the Senate committee on Veterans,
183 Military Affairs and Public Safety

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185 Read for the second time and placed03-Apr-25
186 on the calendar:
187 0 amendments

188
189 Read for the third time and passed24-Apr-25
190 as amended
191 Yeas 30
192 Nays 0
193 Abstains 0

194
195
196 Patrick Harris,
197 Secretary.
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