SB241 ENROLLED



- 1 SB241
- 2 84TS9FH-3
- 3 By Senator Bell
- 4 RFD: Veterans, Military Affairs and Public Safety
- 5 First Read: 18-Mar-25



1 Enrolled, An Act, 2 3 4 Relating to crimes and offenses; to amend Section 5 13A-6-260, Code of Alabama 1975, to further provide for definitions; and to add Section 13A-6-264 to the Code of 6 7 Alabama 1975, to provide for the establishment, development, management, reporting on, and maintenance of the Alabama 8 9 Criminal Enterprise Database. BE IT ENACTED BY THE LEGISLATURE OF ALABAMA: 10 11 Section 1. Section 13A-6-260, Code of Alabama 1975, is amended to read as follows: 12 13 "\$13A-6-260 14 For the purposes of this article, the following terms 15 have the following meanings: (1) ALEA. The Alabama State Law Enforcement Agency. 16 17 (1) (2) CRIMINAL ENTERPRISE. Any combination, 18 confederation, alliance, network, conspiracy, understanding, 19 or other similar arrangement in law or in fact, including a 20 streetgang as defined in Section 13A-6-26, of three or more 21 persons, through its membership or through the agency of any 22 member, that engages in a course or pattern of criminal 23 activity. 24 $\frac{(2)}{(3)}$ (3) CRIMINAL ENTERPRISE MEMBER. a. An individual who 25 meets three or more of the following at the time of the planning or commission of the underlying offense: 26

27 $\frac{a.1.}{a}$ Admits to criminal enterprise membership.

28 $\frac{b-2}{a}$ Is voluntarily identified as a criminal enterprise



- 29 member by a parent or quardian.
- 30 $\frac{1}{6.3}$ Is identified as a criminal enterprise member by a
- 31 reliable informant.
- 32 d.4. Adopts the style of dress of a criminal
- 33 enterprise.
- 34 e.5. Adopts the use of a hand sign identified as used
- 35 by a criminal enterprise.
- 36 f.6. Has a tattoo identified as used by a criminal
- 37 enterprise.
- 38 g.7. Associates with one or more known criminal
- 39 enterprise members.
- 40 $\frac{h.8}{}$ Is identified as a criminal enterprise member by
- 41 physical evidence.
- 42 $\pm .9$. Has been observed in the company of one or more
- 43 known criminal enterprise members four or more times.
- 44 Observation in a custodial setting requires a willful
- 45 association. This paragraph may be used to identify criminal
- 46 enterprise members who recruit and organize in jails, prisons,
- 47 and or other detention settings.
- 48 \pm 10. Has authored any communication indicating
- 49 responsibility for the commission of any crime by a criminal
- 50 enterprise.
- b. Where a single act or factual transaction satisfied
- 52 the requirements of more than one of the criteria in this
- 53 subdivisionparagraph a., each of those criteria has been
- 54 satisfied for the purposes of this subdivision definition.
- 55 (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.

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- 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.
- $\frac{(3)}{(7)}$ DESTRUCTIVE DEVICE. The same meaning as in Section 13A-10-190.
- 69 $\frac{(4)}{(8)}$ FIREARM. Any of the following:
- a. Any weapon which will, is designed to, or may <u>be</u>
 readily be converted to expel a projectile by the action of an
 explosive or the frame or receiver of any such weapon.
- 73 b. A firearm silencer.
- 74 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



- 85 the frame receiver of any such weapon, any part designed and
- intended solely and exclusively, or combination of parts
- 87 designed and intended, for use in converting a weapon into a
- 88 machine gun, and any combination of parts from which a machine
- gun can be assembled if such parts are in the possession or
- 90 under the control of a person.
- 91 (11) SECRETARY. The Secretary of ALEA.
- 92 $\frac{(7)}{(12)}$ SHORT-BARRELED RIFLE. The same meaning as in
- 93 Section 13A-11-62.
- 94 (8) (13) SHORT-BARRELED SHOTGUN. The same meaning as in
- 95 Section 13A-11-62."
- 96 Section 2. Section 13A-6-264 is added to the Code of
- 97 Alabama 1975, to read as follows:
- 98 \$13A-6-264
- 99 (a) Subject to the availability of funding, ALEA shall
- 100 establish a statewide inter-jurisdictional criminal
- 101 intelligence system known as the Alabama Criminal Enterprise
- 102 Database.
- 103 (b) ALEA shall establish, develop, manage, and maintain
- 104 the database in accordance with the Criminal Intelligence
- 105 Systems Operating Policies adopted by the United States
- 106 Department of Justice and codified in 28 C.F.R. Part 23.
- 107 (c) Any criminal justice agency may submit information
- 108 for inclusion in the database.
- 109 (d) To the extent permitted under subsection (b), the
- 110 database may contain any information about a person reasonably
- 111 suspected of criminal conduct or activity that meets both of
- 112 the following criteria:



- 113 (1) The information is relevant to the person's
 114 suspected criminal conduct or activity.
- 115 (2) The information is relevant to identifying an
 116 individual as a criminal enterprise member or identifying a
 117 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:
- 124 (1) The access is made by personnel of a criminal 125 justice agency pursuant to subsection (e).
- 126 (2) The access is necessary for ALEA to establish, 127 develop, manage, or maintain the database.
- 128 (3) The access is necessary for ALEA to comply with a

 129 court order, discovery request, or subpoena for the production

 130 of database information as authorized in subsection (h).
- 131 (4) The access is permitted under subsection (b).
- 132 (g) Database information shall be deemed confidential
 133 and shall not be subject to public disclosure under Article 3
 134 of Chapter 12 of Title 36, Code of Alabama 1975.
- (h) In any criminal, civil, or administrative

 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



141 enforcement or criminal justice purpose.

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- (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.
- 147 (j) (1) The secretary shall adopt rules establishing a

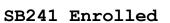
 148 uniform digital process for criminal justice agencies to

 149 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.
- 153 (3) The secretary may adopt rules that otherwise

 154 promote the effective establishment, development, management,

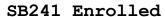
 155 maintenance, or use of the database in compliance with federal

 156 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.
- 162 (2) By March 1, annually, the secretary shall submit
 163 the report covering the previous calendar year to all of the
 164 following:
- a. The Speaker of the House of Representatives.
- b. The President Pro Tempore of the Senate.
- 167 c. The Majority Leader of the House of Representatives.
- d. The Majority Leader of the Senate.





169		e. The Minority Leader of the House of Representatives.
170		f. The Minority Leader of the Senate.
171		Section 3. This act shall become effective on June 1,
172	2025.	





President and Presiding Officer of the Senate Speaker of the House of Representatives SB241 Senate 24-Apr-25 I hereby certify that the within Act originated in and passed the Senate, as amended. Patrick Harris, Secretary. House of Representatives Passed: 06-May-25 By: Senator Bell