



MPGXWW-1 : 5/22/2023 : CNB  
AMENDMENT TO SB143  
1ST BARFOOT AMENDMENT TO SB143  
OFFERED BY SENATOR BARFOOT

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On page 1, lines 5, 8, 13, and 18 delete "gang" and in each instance insert in lieu thereof the following:  
criminal enterprise

On page 2, lines 45, 47, and 51 delete "gang" and in each instance insert in lieu thereof the following:  
criminal enterprise

Replace line 63 on page 3 with the following:  
(3) DESTRUCTIVE DEVICE. The same meaning as in Section

Replace line 65 on page 3 with the following:  
(4) FIREARM. Any of the following:

Replace line 71 on page 3 with the following:  
(5) FIREARMS SILENCER. Any device for silencing,

Replace lines 77 through 79 on page 3 with the following:



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24 (1) CRIMINAL ENTERPRISE. Any combination,  
25 confederation, alliance, network, conspiracy,  
26 understanding, or other similar arrangement in law or  
27 in fact, including a streetgang as defined in Section  
28 13A-6-26, of three or more persons, through its  
29 membership or through the agency of any member, that  
30 engages in a course or pattern of criminal activity.

31 (2) CRIMINAL ENTERPRISE MEMBER. An individual who  
32 meets three or more of the

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34 Replace lines 82 through 104 on pages 3 and 4 with the  
35 following:

36 a. Admits to criminal enterprise membership.

37 b. Is voluntarily identified as a criminal enterprise  
38 member by a parent or guardian.

39 c. Is identified as a criminal enterprise member by a  
40 reliable informant.

41 d. Adopts the style of dress of a criminal enterprise.

42 e. Adopts the use of a hand sign identified as used by  
43 a criminal enterprise.

44 f. Has a tattoo identified as used by a criminal  
45 enterprise.

46 g. Associates with one or more known criminal



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47 enterprise members.

48 h. Is identified as a criminal enterprise member by  
49 physical evidence.

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

56 j. Has authored any communication indicating  
57 responsibility for the commission of any crime by a  
58 criminal enterprise.

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60 On page 5, lines 124, 126, and 139 delete "gang" and  
61 in each instance insert in lieu thereof the following:  
62 criminal enterprise

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64 Delete lines 134 through 135 on page 5

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66 Replace line 138 on page 5 with the following:  
67 carries a firearm during the commission of any  
68 criminal act intended to

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70           Replace lines 153 through 157 on page 6 with the  
71           following:

72                       (b) The term of imprisonment imposed under  
73           subsection (a) shall be served day for day and shall  
74           not be reduced or suspended by any provision of law.

75                       (c) No term of imprisonment imposed on a person  
76           pursuant to this section shall run concurrently with  
77           any term of imprisonment, including any term of  
78           imprisonment imposed pursuant to Section 13A-6-261.

79                       (d) An offender sentenced pursuant to Section  
80           13A-6-261, who is also convicted of a violation under  
81           this section, shall serve the term of imprisonment  
82           imposed pursuant to this section before serving the  
83           term of imprisonment imposed pursuant to Section  
84           13A-6-261.

85                       §13A-6-263

86                       The Attorney General, in coordination with the  
87           district attorneys, shall annually report to the  
88           Legislature the number of convictions secured under  
89           this article.