

1 HB120  
2 126480-1  
3 By Representatives Rich, Collins, Roberts, Shiver, Lee, Greer  
4 and Williams (D)  
5 RFD: Public Safety and Homeland Security  
6 First Read: 01-MAR-11

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: This bill would require a law officer to  
9 transport a person to the nearest magistrate if the  
10 law officer arrests the person for driving without  
11 a license and the law officer cannot verify the  
12 person has a valid driver's license.

13 This bill would require the citizenship  
14 status of any person held to be verified through  
15 the United States Department of Homeland Security,  
16 and if the person is an illegal alien, would  
17 require the person to post a bond, or if the person  
18 cannot post a bond, the person shall be considered  
19 a flight risk and shall be detained until  
20 prosecution or until handed over to federal  
21 authorities for deportation.

22 Amendment 621 of the Constitution of Alabama  
23 of 1901, now appearing as Section 111.05 of the  
24 Official Recompilation of the Constitution of  
25 Alabama of 1901, as amended, prohibits a general  
26 law whose purpose or effect would be to require a  
27 new or increased expenditure of local funds from

1 becoming effective with regard to a local  
2 governmental entity without enactment by a 2/3 vote  
3 unless: it comes within one of a number of  
4 specified exceptions; it is approved by the  
5 affected entity; or the Legislature appropriates  
6 funds, or provides a local source of revenue, to  
7 the entity for the purpose.

8 The purpose or effect of this bill would be  
9 to require a new or increased expenditure of local  
10 funds within the meaning of the amendment. If this  
11 bill is not enacted by a 2/3 vote, it will not  
12 become effective with regard to a local entity  
13 unless approved by the local entity or until, and  
14 only as long as, the Legislature appropriates funds  
15 or provides for a local source of revenue.

16  
17 A BILL  
18 TO BE ENTITLED  
19 AN ACT  
20

21 To amend Section 32-6-9 of the Code of Alabama 1975,  
22 relating to driving without a license; to require a law  
23 officer to transport a person to the nearest magistrate if the  
24 officer cannot verify the person has a valid driver's license;  
25 and to require the citizenship status of the person to be  
26 verified and certain actions taken if the person is found to  
27 be an illegal alien; and in connection therewith would have as

1 its purpose or effect the requirement of a new or increased  
2 expenditure of local funds within the meaning of Amendment 621  
3 of the Constitution of Alabama of 1901, now appearing as  
4 Section 111.05 of the Official ReCompilation of the  
5 Constitution of Alabama of 1901, as amended.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Section 32-6-9 of the Code of Alabama  
8 1975, is amended to read as follows:

9 "§32-6-9.

10 "(a) Every licensee shall have his or her license in  
11 his or her immediate possession at all times when driving a  
12 motor vehicle and shall display the same, upon demand of a  
13 judge of any court, a peace officer or a state trooper.  
14 However, no person charged with violating this section shall  
15 be convicted if he or she produces in court or the office of  
16 the arresting officer a driver's license theretofore issued to  
17 him or her and valid at the time of his or her arrest.

18 "(b) Notwithstanding the provisions of Section  
19 32-1-4, if a law officer arrests a person for a violation of  
20 this section and the officer is unable to determine by any  
21 other means that the person has a valid driver's license, the  
22 officer shall transport the person to the nearest or most  
23 accessible magistrate.

24 "(c) If the person is a foreign national, the jailor  
25 or other officer having custody of the person shall make a  
26 reasonable effort to verify that the person has been lawfully  
27 admitted to the United States and, if lawfully admitted, that

1 the lawful status has not expired. If verification of lawful  
2 status cannot be made from documents in the possession of the  
3 person, verification shall be made within 14 days through a  
4 query to the Law Enforcement Support Center of the United  
5 States Department of Homeland Security or other office or  
6 agency designated for that purpose by the United States  
7 Department of Homeland Security. If the lawful immigration  
8 status of the person cannot be verified, the jailor or other  
9 officer having custody of the person shall notify the United  
10 States Department of Homeland Security. The person shall post  
11 a bond in the amount of five hundred dollars (\$500) to be  
12 released from custody, or if the person cannot post a bond,  
13 the person shall be considered a flight risk and shall be  
14 detained until prosecution or until handed over to federal  
15 authorities for deportation."

16           Section 2. This act shall become effective on the  
17 first day of the third month following its passage and  
18 approval by the Governor, or its otherwise becoming law.