

1 HB132
2 115314-1
3 By Representatives Hammon, Sanderford, Clouse, Bridges,
4 Galliher and Gaston
5 RFD: Judiciary
6 First Read: 12-JAN-10
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8 SYNOPSIS: This bill would prohibit the state or any
9 political subdivision of the state from issuing or
10 renewing the professional or commercial license of
11 any person who is not lawfully and physically
12 present in the United States.

13 This bill would also provide for the
14 confidentiality of secure and verifiable documents
15 used to verify legal presence.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT

20
21 Relating to professional and commercial licenses; to
22 prohibit the state or any political subdivision of the state
23 from issuing or renewing the license of any person not
24 lawfully and physically present in the United States; and to
25 require confidentiality of verification documents.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. (a) For purposes of this act, a secure
2 and verifiable document is a document issued by a state or
3 federal jurisdiction or recognized by the United States
4 government and verifiable by federal or state law enforcement,
5 intelligence, or a homeland security agency.

6 (b) For purposes of this act, an individual is
7 unlawfully present in the United States if the individual is
8 an alien who is not any of the following:

9 (1) A qualified alien as defined in 8 U.S.C. § 1641.

10 (2) A nonimmigrant under the federal Immigration and
11 Nationality Act, Public Law 82-414, as amended.

12 (3) An alien who is paroled into the United States
13 under 8 U.S.C. § 1182(d) (5) for less than one year.

14 Section 2. Subject to the exemptions found in 8
15 U.S.C. § 1621(c) (2), to the extent that any license, permit,
16 certificate, or other authorization to conduct business issued
17 to a person by the state or an agency or political subdivision
18 of the state constitutes a professional license or commercial
19 license regulated by 8 U.S.C. § 1621, the license, permit,
20 certificate, or other authorization may be authorized, issued,
21 or renewed only if the person is lawfully and physically
22 present in the United States. Such authorization, issuance, or
23 renewal shall be immediately denied if the person is
24 determined to be unlawfully present in the United States. A
25 person shall prove his or her identity with a secure and
26 verifiable document. The state, agency, or political
27 subdivision may not sell or utilize information contained in

1 the secure and verifiable document for any purpose other than
2 those specified in law and shall keep such information
3 confidential unless disclosure is otherwise required by law.

4 Section 3. Nothing in this act shall be construed
5 to limit public access to records that are available for
6 public inspection pursuant to Chapter 13 of Title 41, Code of
7 Alabama 1975.

8 Section 4. This act shall be enforced without regard
9 to race, religion, gender, ethnicity, or national origin.

10 Section 5. This act shall apply to issuances,
11 denials, renewals, and revocations of governmental
12 authorizations made on or after the effective date of this
13 act.

14 Section 6. This act shall become effective on the
15 first day of the third month following its passage and
16 approval by the governor, or its otherwise becoming law.