

1 HB413
2 137412-1
3 By Representative Scott
4 RFD: Public Safety and Homeland Security
5 First Read: 23-FEB-12

8 SYNOPSIS: Under existing law, when a person is charged
9 for a crime for which bail is required or if the
10 person is confined for any period in state, county,
11 or municipal jail, efforts must be made to verify
12 the person's immigration status. If the person is
13 determined to be unlawfully present, he or she is
14 considered a flight risk and is detained until
15 prosecution or until transferred to federal
16 immigration authorities.

17 This bill would require the state to
18 expeditiously proceed with the criminal prosecution
19 of a person not lawfully present in this state
20 prior to the transfer of custody of the person to
21 federal immigration authorities for deportation
22 purposes.
23

24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 To amend Section 19 of Act 2011-535, 2011 Regular
2 Session, now appearing as Section 31-13-18, Code of Alabama
3 1975, to require the state to expeditiously proceed with the
4 criminal prosecution of a person not lawfully present in this
5 state prior to the transfer of custody of the person to
6 federal immigration authorities for deportation purposes.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 19 of Act 2011-535, 2011 Regular
9 Session, now appearing as Section 31-13-18, Code of Alabama
10 1975, is amended to read as follows:

11 "§31-13-18.

12 "(a) When a person is charged with a crime ~~for which~~
13 ~~bail is required, or is confined for any period in a state,~~
14 ~~county, or municipal jail,~~ a reasonable effort shall be made
15 to determine if the person is an alien unlawfully present in
16 the United States by verification with the federal government
17 pursuant to 8 U.S.C. § 1373(c).

18 "(b) A verification inquiry, pursuant to 8 U.S.C. §
19 1373(c), shall be made within 48 hours to the Law Enforcement
20 Support Center of the United States Department of Homeland
21 Security or other office or agency designated for that purpose
22 by the federal government. If the person is determined to be
23 an alien unlawfully present in the United States, ~~the:~~

24 "(1) The person shall be considered a flight risk
25 and shall be detained until prosecution or until handed over
26 to federal immigration authorities.

1 "(2) The court shall expedite the criminal
2 proceeding against the unlawfully present person, and a final
3 adjudication of the case shall be rendered prior to the
4 transfer of the person to federal immigration authorities for
5 deportation purposes."

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