

1 HB744
2 141495-1
3 By Representatives Long, Baughn, Sessions, Collins,
4 Johnson (K), Hammon, McMillan, McClendon, Moore (B), Fincher,
5 Love, Henry, Merrill and Wallace
6 RFD: Military and Veterans Affairs
7 First Read: 24-APR-12

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8 SYNOPSIS: This bill would prevent any agency,
9 political subdivision, employee, or member of the
10 military of Alabama from assisting an agency of the
11 United States Armed Forces in the detention of a
12 citizen in violation of the United States
13 Constitution or the laws of Alabama.

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15 A BILL
16 TO BE ENTITLED
17 AN ACT

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19 To prevent any agency, political subdivision,
20 employee, or member of the military of Alabama from assisting
21 an agency of the United States Armed Forces in the detention
22 of a citizen in violation of the United States Constitution or
23 the laws of Alabama.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. (a) Notwithstanding any contrary
26 provision of law, no agency of the State of Alabama, political
27 subdivision of Alabama, employee of either acting in his or

1 her official capacity, or member of the Alabama National Guard
2 or the Alabama State Defense Force, when such a member is
3 serving in the Alabama National Guard or an official state
4 duty, shall knowingly aid an agency of the United States Armed
5 Forces in the detention of any citizen pursuant to 50 U.S.C. §
6 1541 as provided by the National Defense Authorization Act for
7 fiscal year 2012 (P.L. 112-81, § 1021), if such aid would
8 knowingly place any state agency, political subdivision,
9 employee of such state agency or political subdivision, or
10 aforementioned member of the Alabama National Guard or the
11 Alabama State Defense Force in violation of the United States
12 Constitution, the Constitution of Alabama of 1901, any
13 provision of the Code of Alabama 1975, any act of the
14 Legislature, or any regulation of the Alabama Administrative
15 Code.

16 (b) The provisions of this section shall not apply
17 to participation by state or local law enforcement or the
18 Alabama National Guard or Alabama State Defense Force in joint
19 task forces, partnerships, or other similar cooperative
20 agreements with federal law enforcement as long as they are
21 not for the purpose of participating in such detentions under
22 § 1021 of the National Defense Authorization Act for fiscal
23 year 2012.

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