

1 SB74
2 134960-1
3 By Senator Sanford
4 RFD: Veterans and Military Affairs
5 First Read: 07-FEB-12
6 PFD: 12/01/2011

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8 SYNOPSIS: Under existing law, a person may not engage
9 in a business transaction, as defined, with the
10 state or a political subdivision of the state
11 unless he or she presents certain documentation of
12 United States citizenship or, if not a citizen,
13 lawful presence in the United States.

14 This bill would add an unexpired United
15 States military identification card to the list of
16 acceptable documentation to establish eligibility
17 to enter into a business transaction with the state
18 or a political subdivision.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT

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24 To amend Section 30 of Act 2011-535, 2011 Regular
25 Session, now appearing as Section 31-13-29, Code of Alabama
26 1975, to add an unexpired United States military
27 identification card to the list of acceptable documentation in

1 order to be eligible to enter into a business transaction with
2 the state or a political subdivision.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 30 of Act 2011-535, 2011 Regular
5 Session, now appearing as Section 31-13-29, Code of Alabama
6 1975, is amended to read as follows:

7 "§31-13-29.

8 "(a) For the purposes of this section, business
9 transaction includes any transaction between a person and the
10 state or a political subdivision of the state, including, but
11 not limited to, applying for or renewing a motor vehicle
12 license plate, applying for or renewing a driver's license or
13 nondriver identification card, or applying for or renewing a
14 business license. Business transaction does not include
15 applying for a marriage license.

16 "(b) An alien not lawfully present in the United
17 States shall not enter into or attempt to enter into a
18 business transaction with the state or a political subdivision
19 of the state and no person shall enter into a business
20 transaction or attempt to enter into a business transaction on
21 behalf of an alien not lawfully present in the United States.

22 "(c) Any person entering into a business transaction
23 or attempting to enter into a business transaction with this
24 state or a political subdivision of this state shall be
25 required to demonstrate his or her United States citizenship,
26 or if he or she is an alien, his or her lawful presence in the
27 United States to the person conducting the business

1 transaction on behalf of this state or a political subdivision
2 of this state. United States citizenship shall be demonstrated
3 by presentation of one of the documents listed in subsection
4 (k) of Section 31-13-28. An alien's lawful presence in the
5 United States shall be demonstrated by this state's or a
6 political subdivision of this state's verification of the
7 alien's lawful presence through the Systematic Alien
8 Verification for Entitlements program operated by the
9 Department of Homeland Security, or by other verification with
10 the Department of Homeland Security pursuant to 8 U.S.C. §
11 1373(c). In lieu of providing a document listed in subdivision
12 (k) of Section 31-13-28, verification through the Systematic
13 Alien Verification for Entitlements program, or other
14 verification by the Department of Homeland Security pursuant
15 to 8 U.S.C. § 1373(c), a person may demonstrate eligibility to
16 enter into a business transaction with this state or a
17 political subdivision of this state by presenting an unexpired
18 United States military ID card for active duty, reserve, or
19 retired personnel with identifiable photo to the person
20 conducting the business transaction on behalf of this state or
21 a political subdivision of this state.

22 "(d) A violation of this section is a Class C
23 felony.

24 "(e) An agency of this state or a county, city,
25 town, or other political subdivision of this state may not
26 consider race, color, or national origin in the enforcement of

1 this section except to the extent permitted by the United
2 States Constitution or the Constitution of Alabama of 1901.

3 "(f) ~~In~~ Except as provided in this section, in the
4 enforcement of this section, an alien's immigration status
5 shall be determined by verification of the alien's immigration
6 status with the federal government pursuant to 8 U.S.C. §
7 1373(c). An official of this state or political subdivision of
8 this state shall not attempt to independently make a final
9 determination of whether an alien is lawfully present in the
10 United States."

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