

HB13 INTRODUCED



1 HB13

2 TB7KM15-1

3 By Representatives Yarbrough, Mooney, Butler, Whorton, Pettus,
4 Underwood, Colvin, Carns, Treadaway, Kiel, Stringer, Gidley,
5 Fidler, DuBose, Bolton

6 RFD: Judiciary

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4 SYNOPSIS:

5 Under existing law, the Attorney General may
6 enter into a memorandum of agreement with the United
7 States Department of Homeland Security concerning the
8 enforcement of federal immigration laws, detentions and
9 removals, and related investigations in this state by
10 certain state law enforcement officers as designated by
11 the Attorney General.

12 This bill would provide that state and local law
13 enforcement agencies may enter into memoranda of
14 understanding and agreements with the United States
15 Department of Justice, the Department of Homeland
16 Security, and any other federal agency for the purpose
17 of enforcing federal immigration and customs laws and
18 the detention, removal, and investigation of illegal
19 aliens and the immigration status of any individual in
20 this state.

21 This bill would require state and local
22 government employees to send, receive, and maintain
23 information relating to the immigration status of any
24 individual as required for public safety purposes.

25 This bill would allow state and local law
26 enforcement officers to transport an illegal alien to
27 the custody of the federal government.

28 This bill would allow state and local law

HB13 INTRODUCED



29 enforcement officers to arrest an illegal alien based
30 on his or her status as an illegal alien or for a
31 violation of any federal immigration law.

32 This bill would provide standard procedures for
33 intake and booking of illegal aliens and foreign
34 nationals in county and municipal jails.

35 This bill would require county and municipal
36 jails to honor immigration detainer requests issued by
37 the Department of Homeland Security in certain
38 circumstances.

39 This bill would also require quarterly reports
40 by county and municipal jails regarding foreign
41 nationals.

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44 A BILL
45 TO BE ENTITLED
46 AN ACT
47

48 Relating to illegal immigration; to designate Sections
49 31-13-1 through 31-13-35 as Article 1 of Chapter 13 of Title
50 31, Code of Alabama 1975; to add Article 2, commencing with
51 Section 31-13-50, to Chapter 13 of Title 31, Code of Alabama
52 1975; to create the Laken Riley Act; to allow state and local
53 law enforcement agencies to enter into memoranda of
54 understanding and agreements with federal agencies to enforce
55 federal immigration laws; to provide procedures involving the
56 arrest, detention, and transportation of illegal aliens; to

HB13 INTRODUCED



57 provide standard procedures for intake and booking of illegal
58 aliens and foreign nationals in county and municipal jails; to
59 require county and municipal jails to honor immigration
60 detainer requests in certain circumstances; and to require
61 county and municipal jails to prepare and report certain
62 information regarding foreign nationals.

63 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

64 Section 1. Sections 31-13-1 through 31-13-35 of Chapter
65 13 of Title 31, Code of Alabama 1975, are designated as
66 Article 1.

67 Section 2. Article 2, commencing with Section 31-13-50,
68 is added to Chapter 13 of Title 31, Code of Alabama 1975, to
69 read as follows:

70 Article 2.

71 §31-13-50

72 This article shall be known and may be cited as the
73 Laken Riley Act.

74 §31-13-51

75 As used in this article, the following words have the
76 following meanings:

77 (1) FOREIGN NATIONAL. An individual who is not a
78 citizen of the United States.

79 (2) ICE. United States Immigration and Customs
80 Enforcement Division of the Department of Homeland Security.

81 (3) ILLEGAL ALIEN. An individual who is present in the
82 United States in violation of the federal Immigration and
83 Nationality Act.

84 (4) IMMIGRATION DETAINER REQUEST. A federal government

HB13 INTRODUCED



85 request to a local entity to maintain temporary custody of an
86 alien. The term includes a United States Department of
87 Homeland Security Form I-247 document or a similar successor
88 form.

89 (5) JAIL STAFF or JAIL STAFF MEMBER. Any employee of a
90 county or municipal jail, including, but not limited to, a
91 corrections officer, deputy assigned to a jail, a jailer, and
92 administrative support staff.

93 (6) LESC. The Law Enforcement Support Center of the
94 United States Department of Homeland Security.

95 §31-13-52

96 (a) State and local law enforcement agencies may enter
97 into memoranda of understanding and agreements with the United
98 States Department of Justice, Department of Homeland Security,
99 and any other federal agency for the purpose of enforcing
100 federal immigration and customs laws and the detention,
101 removal, and investigation of illegal aliens and investigation
102 of the immigration status of any individual in this state. A
103 law enforcement officer acting within the scope of his or her
104 authority under any memorandum of understanding, agreement, or
105 other authorization from the federal government may arrest,
106 with probable cause, any individual suspected of being an
107 illegal alien.

108 (b) To the extent authorized by federal law, employees
109 of any state or local law enforcement agency, including law
110 enforcement officers, shall send, receive, and maintain
111 information relating to the immigration status of any
112 individual as reasonably needed for public safety purposes.



113 (c) Except as provided by federal law, no state or
114 local agency or department shall be prohibited from utilizing
115 available federal resources, including databases, equipment,
116 grant funds, training, or participation in incentive programs,
117 for any public safety purpose relating to the enforcement of
118 state and federal immigration laws.

119 (d) When reasonably possible, applicable state agencies
120 shall consider incentive programs and grant funding for the
121 purpose of assisting and encouraging state and local agencies
122 and departments to enter into agreements with federal entities
123 and to use federal resources consistent with this section.

124 (e) If a state or local law enforcement officer has
125 verification that an individual is an illegal alien, the
126 officer may securely transport the illegal alien to a federal
127 facility in the state or any other temporary point of
128 detention and may reasonably detain the illegal alien when
129 authorized by federal law.

130 (f) Nothing in this section shall be construed to
131 hinder or prevent a law enforcement officer or law enforcement
132 agency from arresting or detaining any criminal suspect on
133 other criminal charges.

134 (g) When authorized by federal law, a state or local
135 law enforcement officer may arrest any individual based on the
136 individual's status as an illegal alien or for a violation of
137 any federal immigration law.

138 (h) If, in the judgment of the Attorney General, a
139 state or local public official, agency of this state, or any
140 political subdivision thereof is in violation of this section,

HB13 INTRODUCED



141 the Attorney General may report the violation to the Governor.

142 (i) A law enforcement officer or public official or
143 employee shall have immunity from any damages or liability,
144 subject to Section 36-1-12, when he or she acts in good faith
145 to enforce immigration laws pursuant to an agreement with
146 federal authorities to collect or share immigration status
147 information, or in the performance of any provision of this
148 section.

149 §31-13-53

150 (a) (1) When any individual is confined, for any period,
151 in a county or municipal jail, a reasonable effort shall be
152 made to determine the lawful status of the individual so
153 confined.

154 (2) In the event of a failure of communication between
155 jail staff and an inmate as a result of language barriers, an
156 interpreter may be brought in to assist with the booking and
157 identification process.

158 (3) If the inmate is unable to provide documentation
159 indicating his or her lawful status, a jail staff member shall
160 contact the LESC to determine the inmate's lawful status in
161 the United States.

162 (4) If the LESC requests a jail staff member to procure
163 an immigration detainer for the inmate and the inmate is still
164 in custody, the inmate shall not be released until after the
165 contact is made. If the inmate has already been released prior
166 to the notification from the LESC, the LESC shall be advised
167 of this fact.

168 (5) A jail staff member shall request that the LESC



169 automatically notify ICE of any inmate who is determined to be
170 an illegal alien.

171 (6) An inmate who is suspected to be an illegal alien
172 shall not be detained solely because of the unavailability of
173 after-hours contact information to determine whether he or she
174 is an illegal alien.

175 (7) An inmate identified as an illegal alien shall not
176 be detained on the basis of being an illegal alien unless the
177 LESC or ICE specifically provides written instructions for
178 detaining the inmate as an illegal alien. The existence of an
179 arrest warrant shall be verified with ICE within 24 hours of
180 the placement of the immigration detainer.

181 (8) a. Inmates shall be held no longer than 48 hours
182 pursuant to an immigration detainer or an immigration warrant
183 unless the warrant is signed by a federal judge or federal
184 magistrate. An immigration warrant signed by any immigration
185 official other than a federal judge or federal magistrate
186 shall be treated as an immigration detainer. If an immigration
187 warrant signed by a federal judge or federal magistrate is not
188 received by the jail staff within 48 hours, or if ICE does not
189 take custody of the inmate within 48 hours, the inmate shall
190 be eligible for release from the custody.

191 b. This subdivision does not relieve the jail staff of
192 the requirement to notify the appropriate consulate of foreign
193 nationals.

194 (9) The jail staff shall maintain in each inmate's file
195 a record of all communications with ICE.

196 (b) (1) When a suspected foreign national is confined



197 for any period in a county or municipal jail, a reasonable
198 effort shall be made to verify that the individual has been
199 admitted to the United States and, if lawfully admitted, that
200 the lawful status has not expired.

201 (2) When a suspected foreign national is admitted into
202 the jail, a jail staff member shall obtain at least one of the
203 following documents from the individual to determine whether
204 he or she has been lawfully admitted to the United States:

205 a. A Form I-94 Arrival/Departure Record issued by the
206 United States Department of Homeland Security.

207 b. A valid, unexpired passport indicating that a visa
208 was issued.

209 c. A permanent resident alien card Form 551.

210 d. A valid Nexus card.

211 e. A valid global entry identification card issued by
212 the United States Department of Homeland Security.

213 f. A valid passport indicating the bearer is a citizen
214 of a country participating in a visa waiver program
215 administered by the United States Department of State.

216 (3) If a suspected foreign national does not produce a
217 copy of one of the documents set forth in subdivision (2), or
218 if verification of any document is required, a jail staff
219 member shall contact the LESC or ICE for a determination of
220 the immigration status of the suspected foreign national.

221 (c) If a newly admitted inmate claims to be a consular
222 officer or to have diplomatic status and the inmate is unable
223 to produce the proper credentials or verification of
224 diplomatic status as required, a jail staff member shall



225 contact the United States Department of State during its
226 normal working hours or the Command Center of the Office of
227 Security of the United States Department of State outside of
228 working hours to request verification of the inmate's status
229 as a consular officer or of other diplomatic status. Once an
230 inmate's status is verified as a consular officer or diplomat,
231 he or she shall be immediately released.

232 (d) Nothing in this section shall be construed to deny
233 an inmate bond or from being released from confinement when
234 the inmate is otherwise eligible for release; provided,
235 however, that upon verification that any inmate confined in a
236 jail is an illegal alien, the inmate may be detained,
237 arrested, and transported as authorized by state and federal
238 law.

239 §31-13-54

240 (a) A county or municipal jail that has custody of an
241 inmate who is subject to an immigration detainer request
242 issued by ICE shall:

243 (1) Comply with, honor, and fulfill any request made in
244 the immigration detainer request; and

245 (2) Inform the inmate identified in the immigration
246 detainer request that the inmate is being held pursuant to an
247 immigration detainer.

248 (b) Subsection (a) does not apply to an inmate who has
249 provided proof that he or she is a citizen of the United
250 States. Proof of citizenship may include, but is not limited
251 to:

252 (1) A driver license or nondriver identification card

HB13 INTRODUCED



253 issued by the Alabama State Law Enforcement Agency; or
254 (2) A government issued identification issued by the
255 federal government or another state.

256 \$31-13-55

257 (a) A state, county, and local jail, at least
258 quarterly, may prepare a report to be posted on the jail's
259 website or any other form of public communication, such as a
260 bulletin board, used by the jail and shall include:

261 (1) The total number of inmates booked into the jail;

262 (2) The total number of foreign national inmates
263 included in the total provided for in subdivision (1);

264 (3) The total number of inquiries made to the LESC or
265 any other federal agency inquiring about the immigration
266 status or prior arrests of foreign national inmates;

267 (4) The total number of responses from any inquiry
268 under subdivision (3);

269 (5) The total number of responses as provided for in
270 subdivision (4) that indicate a foreign national inmate is
271 present unlawfully within the United States;

272 (6) Any information about the inmate's lawful entry
273 into the United States, including the date of entry and visa
274 type if the length of the inmate's stay in the United States
275 is not authorized by his or her visa;

276 (7) The number of immigration detainers issued by the
277 United States Immigration and Customs Enforcement Division of
278 the Department of Homeland Security for inmates in the jail;
279 and

280 (8) A statement by the sheriff, chief of police, or his

HB13 INTRODUCED



281 or her designee verifying that all requirements of Section
282 31-13-52 have been complied with and that the jail is in
283 compliance with all applicable laws.

284 (b) A state, county, or local jail shall annually
285 provide the information reported in subsection (a) to the
286 Alabama State Law Enforcement Agency which shall annually post
287 the information on its website.

288 Section 3. Nothing in this act shall limit or abridge
289 any right created or recognized by the Constitution of Alabama
290 of 2022, or the Constitution of the United States.

291 Section 4. This act shall become effective on June 1,
292 2026.