

**HB348 INTRODUCED**



1      HB348  
2      6YESS13-1  
3      By Representatives Robertson, Marques, Brown, Smith, Sorrells,  
4      Lipscomb, Oliver, Paschal, Hulsey, Butler, Harrison, Fidler,  
5      Rehm, Hammett, Stringer, Lomax, DuBose, Colvin, Whortton,  
6      Bedsole, Pettus, Kirkland, Brinyark, Wilcox, Underwood,  
7      Shaver, Wood (R), Gidley, Starnes, Shaw, Lamb, Bolton,  
8      Paramore  
9      RFD: Judiciary  
10     First Read: 29-Jan-26



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4     SYNOPSIS:

5                 This bill would require an illegal alien who is  
6     charged with a violent offense to be detained pending a  
7     pretrial hearing.

8                 This bill would authorize a court, at the  
9     pretrial detention hearing, to deny the defendant bail  
10    if the court finds that no amount of bail would  
11    reasonably assure the defendant's appearance in court.

12                This bill would also establish a presumption  
13    that based on the defendant's status as an illegal  
14    alien, the defendant is an inherent flight risk.

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17                A BILL  
18                TO BE ENTITLED  
19                AN ACT

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21                Relating to bail; to require a pretrial hearing for  
22    illegal aliens charged with a violent offense; and to  
23    authorize a court to deny bail following a hearing and  
24    satisfaction of certain factors.

25    BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26                Section 1. (a) As used in this section, the following  
27    terms have the following meanings:

28                (1) ILLEGAL ALIEN. The term as defined in Section



29 31-13-3, Code of Alabama 1975.

30 (2) VIOLENT OFFENSE. The term as defined in Section  
31 12-25-32, Code of Alabama 1975.

32 (b) If a defendant is an illegal alien and charged  
33 with a violent offense, the defendant shall be detained and is  
34 not eligible for bail until the court conducts a pretrial  
35 detention hearing pursuant to this section.

36 (c) At a pretrial detention hearing, the court shall  
37 deny bail for the defendant if the court determines that based  
38 on the following considerations, no amount of bail would  
39 reasonably assure the defendant's appearance in court or  
40 protect the safety of the community and of any person:

41 (1) The nature and circumstances of the offense  
42 charged.

43 (2) The nature and seriousness of the danger to any  
44 person or the community if the defendant is released.

45 (3) The likelihood the defendant will flee from the  
46 jurisdiction to escape prosecution. For purposes of this  
47 subdivision, there is a presumption that based on the  
48 defendant's status as an illegal alien, the defendant is an  
49 inherent flight risk. The court shall give considerable weight  
50 to this subdivision.

51 (4) The weight of the evidence against the defendant.

52 (5) The history and characteristics of the defendant,  
53 including the defendant's character, physical and mental  
54 condition, family ties, employment, financial resources,  
55 length of residence in the community, community ties, past  
56 conduct, history of drug or alcohol abuse, criminal history,

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57 and record concerning appearance at court proceedings.

58 Section 2. This act shall become effective on October  
59 1, 2026.