

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, Whorton,
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



SYNOPSIS:

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

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

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

A BILL

TO BE ENTITLED

AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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



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31-13-3, Code of Alabama 1975.

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

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

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

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

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

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

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

(5) The history and characteristics of the defendant, including the defendant's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past 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.