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SYNOPSIS:

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

This bill would provide that state and local law enforcement agencies may enter into memorandums of understanding and agreements with the United States Department of Justice, the Department of Homeland Security, and any other federal agency for the purpose of enforcing federal immigration and customs laws and the detention, removal, and investigation of illegal aliens and the immigration status of any person in this state.

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

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

This bill would allow state and local law



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 for penalties for
33 noncompliance.

34 This bill would provide for standard procedures
35 for intake and booking of illegal aliens and foreign
36 nationals in county and municipal jails and would
37 provide for penalties for violations.

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

42 This bill would also require quarterly reports
43 by county and municipal jails regarding foreign
44 nationals.

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46

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A BILL

48

TO BE ENTITLED

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AN ACT

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51 Relating to illegal immigration; to designate Sections
52 31-13-1 through 31-13-35 as Article 1 of Chapter 13 of Title
53 31, Code of Alabama 1975; to add Article 2, commencing with
54 Section 31-13-50, to Chapter 13 of Title 31, Code of Alabama
55 1975; to create the Laken Riley Act; to allow state and local
56 law enforcement agencies to enter into memorandums of



57 understanding and agreements with federal agencies to enforce
58 federal immigration laws; to provide for procedures involving
59 the arrest, detention, and transportation of illegal aliens;
60 to provide for standard procedures for intake and booking of
61 illegal aliens and foreign nationals in county and municipal
62 jails; to require county and municipal jails to honor
63 immigration detainer requests in certain circumstances; and to
64 require county and municipal jails to prepare and report
65 information regarding foreign nationals.

66 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

67 Section 1. This act shall be known and may be cited as
68 the Laken Riley Act.

69 Section 2. Sections 31-13-1 through 31-13-35 of Chapter
70 13 of Title 31, Code of Alabama 1975, are designated as
71 Article 1.

72 Section 3. Article 2, commencing with Section 31-13-50,
73 is added to Chapter 13, Code of Alabama 1975, to read as
74 follows:

75 Article 2.

76 §31-13-50

77 As used in this article, the following words have the
78 following meanings:

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

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

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



85 Nationality Act.

86 (4) IMMIGRATION DETAINER REQUEST. A federal government
87 request to a local entity to maintain temporary custody of an
88 alien, including a United States Department of Homeland
89 Security Form I-247 document or a similar successor form.

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

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

96 §31-13-51

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

109 (b) To the extent authorized by federal law, state and
110 local government employees, including law enforcement officers
111 and prosecuting attorneys, shall send, receive, and maintain
112 information relating to the immigration status of any



113 individual as reasonably needed for public safety purposes.

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

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

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

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

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

139 (h) If, in the judgment of the Attorney General, an
140 official, agency of this state, or any political subdivision



141 thereof is in violation of this section, the Attorney General
142 shall report the violation to the Governor and shall issue a
143 press release containing the details of the violation.

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

151 §31-13-52

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

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

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

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



169 (5) A jail staff member shall request that the LESC
170 automatically notify ICE of any inmate who is determined to be
171 an illegal alien.

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

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

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

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

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



197 (b) (1) When a suspected foreign national is confined,
198 for any period, in a county or municipal jail, a reasonable
199 effort shall be made to verify that the foreign national has
200 been admitted to the United States and, if lawfully admitted,
201 that the lawful status has not expired.

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

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

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

210 c. A permanent resident alien card Form 551.

211 d. A valid Nexus card.

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

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

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

223 (c) If a newly admitted inmate claims to be a consular
224 officer or to have diplomatic status and the inmate is unable



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

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

241 §31-13-53

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

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

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

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



253 to:

254 (1) A driver license or nondriver identification card
255 issued by the Alabama State Law Enforcement Agency; or

256 (2) A government issued identification issued by the
257 federal government or another state.

258 §31-13-54

259 (a) A state, county, and local jail, at least
260 quarterly, shall prepare a report to be posted on the jail's
261 website or any other form of public electronic communication
262 used by the jail and shall include:

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

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

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

269 (4) The total number of responses from any inquiry
270 under subdivision (3);

271 (5) The total number of responses as provided for in
272 subdivision (4) that indicate a foreign national inmate to be
273 unlawfully within the United States;

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

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



281 and

282 (8) A statement by the sheriff, chief of police, or his
283 or her designee verifying that all requirements of Section
284 31-13-52 have been complied with and that the jail is in
285 compliance with all applicable laws.

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

290 Section 4. Nothing in this act shall limit or abridge
291 any right created or recognized by the Constitution of Alabama
292 of 2022, or the Constitution of the United States.

293 Section 5. This act shall become effective on June 1,
294 2024.