

1 SB68  
2 115543-1  
3 By Senator Orr  
4 RFD: Judiciary  
5 First Read: 12-JAN-10  
6 PFD: 12/21/2009

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law there is no specific  
9 crime which makes it illegal to transport an alien  
10 who has come to, entered, or remained in the United  
11 States in violation of law.

12 This bill would make it illegal for a person  
13 to knowingly, or with reckless disregard of the  
14 facts, transport an illegal alien within this  
15 state.

16 This bill would provide criminal penalties.

17 Amendment 621 of the Constitution of Alabama  
18 of 1901, now appearing as Section 111.05 of the  
19 Official Recompilation of the Constitution of  
20 Alabama of 1901, as amended, prohibits a general  
21 law whose purpose or effect would be to require a  
22 new or increased expenditure of local funds from  
23 becoming effective with regard to a local  
24 governmental entity without enactment by a 2/3 vote  
25 unless: it comes within one of a number of  
26 specified exceptions; it is approved by the  
27 affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to  
2 the entity for the purpose.

3 The purpose or effect of this bill would be  
4 to require a new or increased expenditure of local  
5 funds within the meaning of the amendment. However,  
6 the bill does not require approval of a local  
7 governmental entity or enactment by a 2/3 vote to  
8 become effective because it comes within one of the  
9 specified exceptions contained in the amendment.

10  
11 A BILL  
12 TO BE ENTITLED  
13 AN ACT

14  
15 Relating to illegal aliens; to make it illegal for a  
16 person to knowingly or with reckless disregard of the facts  
17 transport an illegal alien within this state; to provide  
18 criminal penalties; and in connection therewith would have as  
19 its purpose or effect the requirement of a new or increased  
20 expenditure of local funds within the meaning of Amendment 621  
21 of the Constitution of Alabama of 1901, now appearing as  
22 Section 111.05 of the Official Recompilation of the  
23 Constitution of Alabama of 1901, as amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. (a) It shall be unlawful for a person,  
26 for the purpose of commercial advantage or private financial  
27 gain, to transport or cause to be transported into the state

1 an individual who the person knows or should have known has  
2 illegally entered or remained in the United States as  
3 determined by the Bureau of Immigration and Customs  
4 Enforcement of the United States Department of Homeland  
5 Security.

6 (b) This section shall not apply to common carriers  
7 or emergency vehicles.

8 (c) A violation of this section is a Class C felony  
9 punishable by a fine of one thousand dollars (\$1,000) for each  
10 person illegally transported.

11 (d) Any money received from a violation of this  
12 section shall go to the arresting agency or agencies.

13 Section 2. Although this bill would have as its  
14 purpose or effect the requirement of a new or increased  
15 expenditure of local funds, the bill is excluded from further  
16 requirements and application under Amendment 621, now  
17 appearing as Section 111.05 of the Official Recompilation of  
18 the Constitution of Alabama of 1901, as amended, because the  
19 bill defines a new crime or amends the definition of an  
20 existing crime.

21 Section 3. This act shall become effective on the  
22 first day of the third month following its passage and  
23 approval by the Governor, or its otherwise becoming law.