

1 HB658
2 137986-5
3 By Representatives Hammon, Davis, Carns, Collins, Henry, Mask,
4 Williams (P), Faust, Brown, Baker, Lee, Clouse, Williams (J),
5 Millican, Bridges, Laird, Roberts, Sanderford, Johnson (W),
6 Hill, McCutcheon, Galliher, Weaver, Greer, Treadaway, Farley,
7 Tuggle, Patterson, Williams (D), Nordgren, Baughn, Hurst,
8 Johnson (R), Vance, Beckman, Moore (B), Wallace, Wren,
9 McMillan, Hubbard (M), Johnson (K) and McClendon
10 RFD: Public Safety and Homeland Security
11 First Read: 05-APR-12

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8 SYNOPSIS: This bill would make revisions to the
9 Beason-Hammon Alabama Taxpayer and Citizen
10 Protection Act.

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

24 The purpose or effect of this bill would be
25 to require a new or increased expenditure of local
26 funds within the meaning of the amendment. However,
27 this bill does not require approval of a local

1 governmental entity or enactment by a 2/3 vote to
2 become effective because it comes within one of the
3 specified exceptions contained in the amendment.
4

5 A BILL
6 TO BE ENTITLED
7 AN ACT
8

9 To amend Sections 3, 5, 6, 7, 8, 9, 10, 11, 12, 13,
10 14, 15, 17, 18, 19, 20, 21, 24, 27, 28, 29, and 30 of Act
11 2011-535, 2011 Regular Session, now appearing as Sections
12 31-13-3, 31-13-5, 31-13-6, 31-13-7, 31-13-8, 31-13-9,
13 31-13-10, 31-13-11, 31-13-12, 31-13-13, 31-13-14, 31-13-15,
14 31-13-17, 31-13-18, 31-13-19, 31-13-20, 31-13-23, 31-13-26,
15 31-13-27, 31-13-28, and 31-13-29, Code of Alabama 1975, and
16 Section 32-6-9, Code of Alabama 1975, as amended by Section 17
17 of Act 2011-535, 2011 Regular Session, to make revisions to
18 the Beason-Hammon Alabama Taxpayer and Citizen Protection Act;
19 and in connection therewith would have as its purpose or
20 effect the requirement of a new or increased expenditure of
21 local funds within the meaning of Amendment 621 of the
22 Constitution of Alabama of 1901, now appearing as Section
23 111.05 of the Official Recompilation of the Constitution of
24 Alabama of 1901, as amended.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Sections 3, 5, 6, 7, 8, 9, 10, 11, 12,
27 13, 14, 15, 17, and 18 of Act 2011-535, 2011 Regular Session,

1 now appearing as Sections 31-13-3, 31-13-5, 31-13-6, 31-13-7,
2 31-13-8, 31-13-9, 31-13-10, 31-13-11, 31-13-12, 31-13-13,
3 31-13-14, 31-13-15, and 31-13-17, Code of Alabama 1975, are
4 amended to read as follows:

5 "§31-13-3.

6 "For the purposes of this chapter, the following
7 words shall have the following meanings:

8 "(1) ALIEN. Any person who is not a citizen or
9 national of the United States, as described in 8 U.S.C. §
10 1101, et seq., and any amendments thereto.

11 "(2) BUSINESS ENTITY. Any person or group of persons
12 employing one or more persons within the State of Alabama and
13 performing or engaging in any activity, enterprise,
14 profession, or occupation for gain, benefit, advantage, or
15 livelihood, whether for profit or not for profit. Business
16 entity shall include, but not be limited to, the following:

17 "a. Self-employed individuals, business entities
18 filing articles of incorporation, partnerships, limited
19 partnerships, limited liability companies, foreign
20 corporations, foreign limited partnerships, foreign limited
21 liability companies authorized to transact business in this
22 state, business trusts, and any business entity that registers
23 with the Secretary of State.

24 "b. Any business entity that possesses a business
25 license, permit, certificate, approval, registration, charter,
26 or similar form of authorization issued by the state, any
27 business entity that is exempt by law from obtaining such a

1 business license, and any business entity that is operating
2 unlawfully without a business license.

3 "(3) CONTRACTOR. A person, employer, or business
4 entity that enters into an agreement that is required to be
5 competitively bid or that, if entered into by the state or an
6 agency thereof, is or would be required to be submitted to the
7 Joint Legislative Contract Review Oversight Committee and that
8 is to perform any service or work or to provide a certain
9 product in exchange for valuable consideration. This
10 definition shall include, but not be limited to, a general
11 contractor, subcontractor, independent contractor, contract
12 employee, project manager, or a recruiting or staffing entity.
13 For the purposes of this chapter, the term "contractor" shall
14 not include any person, employer, or business entity that does
15 not employ any person within the State of Alabama.

16 "(4) EMPLOYEE. Any person directed, allowed, or
17 permitted to perform labor or service of any kind in the State
18 of Alabama by an employer. The employees of an independent
19 contractor working for a business entity shall not be regarded
20 as the employees of the business entity, for the purposes of
21 this chapter. This term does not include any inmate in the
22 legal custody of the state, a county, or a municipality.

23 "(5) EMPLOYER. Any person, firm, corporation,
24 partnership, joint stock association, agent, manager,
25 representative, foreman, or other person having control or
26 custody of any employment, place of employment, or of any
27 employee within the State of Alabama, including any person or

1 entity employing any person for hire within the State of
2 Alabama, including a public employer. This term shall not
3 include the occupant of a household contracting with another
4 person to perform casual domestic labor within the household.

5 "(6) EMPLOYMENT. The act of employing or state of
6 being employed, engaged, or hired to perform work or service
7 of any kind or character within the State of Alabama,
8 including any job, task, work, labor, personal services, or
9 any other activity for which compensation is provided,
10 expected, or due, including, but not limited to, all
11 activities conducted by a business entity or employer. This
12 term shall not include casual domestic labor performed in a
13 household on behalf of the occupant of the household or the
14 relationship between a contractor and the employees of a
15 subcontractor performing work for the contractor.

16 "(7) E-VERIFY. The electronic verification of
17 federal employment authorization program of the Illegal
18 Immigration Reform and Immigrant Responsibility Act of 1996,
19 P.L. 104-208, Division C, Section 403(a); 8 U.S.C. §1324(a),
20 and operated by the United States Department of Homeland
21 Security, or its successor program.

22 "(8) FEDERAL WORK AUTHORIZATION PROGRAM. Any of the
23 electronic verification of work authorization programs
24 operated by the United States Department of Homeland Security
25 or an equivalent federal work authorization program operated
26 by the United States Department of Homeland Security to verify
27 information of newly hired employees, under the Immigration

1 Reform and Control Act of 1986 (IRCA), P.L. 99-603 or the
2 Illegal Immigration Reform and Immigrant Responsibility Act of
3 1996, P.L. 104-208, Division C, Section 403(a); 8 U.S.C.
4 §1324(a).

5 "(9) KNOWS or KNOWINGLY. A person acts knowingly or
6 with knowledge with respect to either of the following:

7 "a. The person's conduct or to attendant
8 circumstances when the person is aware of the nature of the
9 person's conduct or that those circumstances exist.

10 "b. A result of the person's conduct when the person
11 is reasonably aware that the person's conduct is likely to
12 cause that result.

13 "(10) LAWFUL PRESENCE or LAWFULLY PRESENT. A person
14 shall be regarded as an alien unlawfully present in the United
15 States only if the person's unlawful immigration status has
16 been verified by the federal government pursuant to 8 U.S.C. §
17 1373(c). No officer of this state or any political subdivision
18 of this state shall attempt to independently make a final
19 determination of an alien's immigration status. An alien
20 possessing self-identification in any of the following forms
21 is entitled to the presumption that he or she is an alien
22 lawfully present in the United States:

23 "a. A valid, unexpired Alabama driver's license or
24 an Alabama driver's license that expired within the then
25 preceding six months.

26 "b. A valid, unexpired Alabama nondriver
27 identification card.

1 "c. A valid tribal enrollment card or other form of
2 tribal identification bearing a photograph or other biometric
3 identifier.

4 "d. Any valid United States federal or state
5 government issued identification document bearing a photograph
6 or other biometric identifier, if issued by an entity that
7 requires proof of lawful presence in the United States before
8 issuance.

9 "e. A foreign passport with an unexpired United
10 States Visa and a corresponding stamp or notation by the
11 United States Department of Homeland Security indicating the
12 bearer's admission to the United States.

13 "f. A foreign passport issued by a visa waiver
14 country with the corresponding entry stamp and unexpired
15 duration of stay annotation or an I-94W form by the United
16 States Department of Homeland Security indicating the bearer's
17 admission to the United States.

18 g. A valid Uniformed Services Privileges and
19 Identification Card.

20 "(11) POLICY OR PRACTICE. A guiding principle or
21 rule that may be written or adopted through repeated actions
22 or customs, which must be sanctioned by an agency or the head
23 of an agency.

24 "(12) PROJECT. An undertaking to provide, deliver,
25 implement, modify, or create any tangible thing or any service
26 within this state. The term does not include a transaction in
27 goods, as defined in Section 7-2-105.

1 "~~(12)~~(13) PROTECTIVE SERVICES PROVIDER. A child
2 protective services worker; adult protective services worker;
3 protective services provider; or provider of services to
4 victims of domestic violence, stalking, sexual assault, or
5 human trafficking that receives federal grants under the
6 Victim of Crimes Act, the Violence Against Women Act, or the
7 Family Violence Prevention and Services Act.

8 "~~(13)~~(14) PUBLIC EMPLOYER. Every department, agency,
9 or instrumentality of the state or a political subdivision of
10 the state including counties and municipalities.

11 "~~(14)~~(15) STATE-FUNDED ENTITY. Any governmental
12 entity of the state, a county, or a municipality; or a
13 political subdivision thereof of the state, a county, or a
14 municipality; or any other entity that receives any state
15 monies or has received more than 50 percent of its total
16 revenue in one of the preceding three fiscal years from the
17 state, a county, a municipality, or a political subdivision
18 thereof, combined.

19 "~~(15)~~(16) SUBCONTRACTOR. A subcontractor, contract
20 employee, staffing agency, or any contractor, regardless of
21 its tier. The term "subcontractor" shall not include any
22 person, employer, or business entity that does not employ any
23 person within the State of Alabama.

24 "~~(16)~~(17) UNAUTHORIZED ALIEN. An alien who is not
25 authorized to work in the United States as defined in 8 U.S.C.
26 § 1324a(h) (3).

27 "§31-13-5.

1 "(a) No official or agency of this state or any
2 political subdivision thereof, including, but not limited to,
3 an officer of a court of this state, may adopt a policy or
4 practice that limits or restricts the enforcement of federal
5 immigration laws by limiting communication between its
6 officers and federal immigration officials in violation of 8
7 U.S.C. § 1373 or 8 U.S.C. § 1644, or that restricts its
8 officers in the enforcement of this chapter. If, in the
9 judgment of the Attorney General of Alabama, an official or
10 agency of this state or any political subdivision thereof,
11 including, but not limited to, an officer of a court in this
12 state, is in violation of this subsection, the Attorney
13 General shall report any violation of this subsection to the
14 Governor and the state Comptroller and that agency or
15 political subdivision shall not be eligible to receive any
16 funds, grants, or appropriations from the State of Alabama
17 until such violation has ceased and the Attorney General has
18 so certified. Any appeal of the determination of the Attorney
19 General as considered in this section shall be first appealed
20 to the circuit court of the respective jurisdiction in which
21 the alleged offending agency resides.

22 "(b) All state officials, agencies, and personnel,
23 including, but not limited to, an officer of a court of this
24 state, shall fully comply with and, to the full extent
25 permitted by law, support the enforcement of federal law
26 prohibiting the entry into, presence, or residence in the

1 United States of aliens in violation of federal immigration
2 law.

3 "(c) Except as provided by federal law, officials or
4 agencies of this state or any political subdivision thereof,
5 including, but not limited to, an officer of a court of this
6 state, may not be prohibited or in any way be restricted from
7 sending, receiving, or maintaining information relating to the
8 immigration status, lawful or unlawful, of any individual or
9 exchanging that information with any other federal, state, or
10 local governmental entity for any of the following official
11 purposes:

12 "(1) Determining the eligibility for any public
13 benefit, service, or license provided by any state, local, or
14 other political subdivision of this state.

15 "(2) Verifying any claim of residence or domicile if
16 determination of residence or domicile is required under the
17 laws of this state or a judicial order issued pursuant to a
18 civil or criminal proceeding of this state.

19 "(3) Pursuant to 8 U.S.C. § 1373 and 8 U.S.C. §
20 1644.

21 "(d) A person who is a United States citizen or an
22 alien who is lawfully present in the United States and is a
23 resident of this state may file a petition with the
24 appropriate local district attorney or the Attorney General
25 requesting that he or she bring an action in circuit court to
26 challenge any official or head of an agency of this state or
27 political subdivision thereof, including, but not limited to,

1 an officer of a court in this state, that adopts or implements
2 a policy or practice that is in violation of 8 U.S.C. § 1373
3 or 8 U.S.C. § 1644. If the district attorney or the Attorney
4 General elects to not bring an action, he or she shall
5 publicly state in writing the justification for such a
6 decision. A district attorney or the Attorney General must
7 either bring an action or publicly state why no action was
8 brought within 90 days of receiving a petition. The petition
9 must be signed under oath and under penalty of perjury, and
10 must allege with specificity any alleged violations. The
11 district attorney or the Attorney General shall give the
12 official or head of an agency, including, but not limited to,
13 an officer of a court of this state, 30 days' notice of his or
14 her intent to file such an action. If there is a judicial
15 finding that an official or head of an agency, including, but
16 not limited to, an officer of a court in this state, has
17 violated this section, the court shall order that the officer,
18 official, or head of an agency pay a civil penalty of not less
19 than one thousand dollars (\$1,000) and not more than five
20 thousand dollars (\$5,000) for each day that the policy or
21 practice has remained in effect after the filing of an action
22 pursuant to this section.

23 "(e) A court shall collect the civil penalty
24 prescribed in subsection (d) and remit one half of the civil
25 penalty to the Alabama Department of Homeland Security and the
26 second half shall be remitted to the Department of Public
27 Safety.

1 "(f) Every person working for the State of Alabama
2 or a political subdivision thereof, including, but not limited
3 to, a law enforcement agency in the State of Alabama or a
4 political subdivision thereof, shall have a duty to report
5 violations of this section of which the person has knowledge.
6 Any person who willfully fails to report any violation of this
7 section when the person ~~knows~~ has knowledge that this section
8 is being violated shall be guilty of obstructing governmental
9 operations as defined in Section 13A-10-2.

10 "(g) For the purposes of this section, the term
11 official or head of an agency of this state shall not include
12 a law enforcement officer or ~~other~~ personnel employed in a
13 jail who is acting within the line and scope of his or her
14 duty, except for a sheriff or a chief of police.

15 "(h) For the purposes of this section, any
16 proceedings against an official shall be only in his or her
17 official capacity. ~~Each side on any litigation considered~~
18 ~~within this section shall bear his or her own costs and fees~~
19 ~~associated with the litigation unless otherwise ordered by the~~
20 ~~court~~. For the purposes of this section, the relevant statute
21 of repose for assessing penalties shall be no more than 30
22 days prior to the initial allegation of the violations of this
23 section.

24 "§31-13-6.

25 "(a) No official or agency of this state or any
26 political subdivision thereof, including, but not limited to,
27 an officer of a court of this state, may adopt a policy or

1 practice that limits or restricts the enforcement of this
2 chapter to less than the full extent permitted by this chapter
3 or that in any way limits communication between its officers
4 or officials in furtherance of the enforcement of this
5 chapter. If, in the judgment of the Attorney General of
6 Alabama, an official or agency of this state or any political
7 subdivision thereof, including, but not limited to, an officer
8 of a court of this state, is in violation of this subsection,
9 the Attorney General shall report any violation of this
10 subsection to the Governor and the state Comptroller and that
11 agency or political subdivision shall not be eligible to
12 receive any funds, grants, or appropriations from the State of
13 Alabama until such violation has ceased and the Attorney
14 General has so certified.

15 "(b) All state officials, agencies, and personnel,
16 including, but not limited to, an officer of a court of this
17 state, shall fully comply with and, to the full extent
18 permitted by law, support the enforcement of this chapter.

19 "(c) Except as provided by this chapter, officials
20 or agencies of this state or any political subdivision
21 thereof, including, but not limited to, an officer of a court
22 of this state, may not be prohibited or in any way be
23 restricted from sending, receiving, or maintaining information
24 relating to the immigration status, lawful or unlawful, of any
25 individual or exchanging that information with any other
26 federal, state, or local governmental entity for any of the
27 following official purposes:

1 "(1) Determining the eligibility for any public
2 benefit, service, or license provided by any state, local, or
3 other political subdivision of this state.

4 "(2) Verifying any claim of residence or domicile if
5 determination of residence or domicile is required under the
6 laws of this state or a judicial order issued pursuant to a
7 civil or criminal proceeding of this state.

8 "(3) Pursuant to 8 U.S.C. § 1373 and 8 U.S.C. §
9 1644.

10 "(d) A person who is a United States citizen or an
11 alien who is lawfully present in the United States and is a
12 resident of this state may file a petition with the
13 appropriate local district attorney or the Attorney General
14 requesting that he or she bring an action in circuit court to
15 challenge any official or head of an agency of this state or
16 political subdivision thereof, including, but not limited to,
17 an officer of a court in this state, that adopts or implements
18 a policy or practice that limits or restricts the enforcement
19 of this chapter to less than the full extent permitted by this
20 chapter. If the district attorney or the Attorney General
21 elects to not bring an action, he or she shall publicly state
22 in writing the justification for such a decision. A district
23 attorney or the Attorney General must either bring an action
24 or publicly state why no action was brought within 90 days of
25 receiving a petition. The petition must be signed under oath
26 and under penalty of perjury and must allege with specificity
27 any alleged violations. Such person shall have actual

1 knowledge that any official or head of an agency of this state
2 or political subdivision thereof, including, but not limited
3 to, an officer of a court in this state, has adopted or
4 implemented a policy or practice that limits or restricts the
5 enforcement of this chapter to less than the full extent
6 permitted by this chapter. The district attorney or the
7 Attorney General shall give the official or head of an agency,
8 including, but not limited to, an officer of a court in this
9 state, 30 days' notice of his or her intent to file such an
10 action. If there is a judicial finding that an official or
11 head of an agency, including, but not limited to, an officer
12 of a court in this state, has violated this section, the court
13 shall order that the officer, official, or head of an agency
14 pay a civil penalty of not less than one thousand dollars
15 (\$1,000) and not more than five thousand dollars (\$5,000) for
16 each day that the policy or practice has remained in effect
17 after the filing of an action pursuant to this section.

18 "(e) A court shall collect the civil penalty
19 prescribed in subsection (d) and remit one half of the civil
20 penalty to the Alabama Department of Homeland Security and the
21 second half shall be remitted to the Department of Public
22 Safety.

23 "(f) Every person working for the State of Alabama
24 or a political subdivision thereof, including, but not limited
25 to, a law enforcement agency in the State of Alabama or a
26 political subdivision thereof, shall have a duty to report
27 violations of this section of which the person has knowledge.

1 ~~Failure to report any violation of this section when there is~~
2 ~~reasonable cause to believe that this section is being~~
3 ~~violated is~~ Any person who willfully fails to report any
4 violation of this section when the person has knowledge that
5 this section is being violated shall be guilty of obstructing
6 governmental operations as defined in Section 13A-10-2, ~~and~~
7 ~~shall be punishable pursuant to state law.~~

8 "(g) For the purposes of this section, the term
9 official or head of an agency of this state shall not include
10 a law enforcement officer or ~~other~~ personnel employed in a
11 jail who is acting within the line and scope of his or her
12 duty, except for a sheriff or a chief of police.

13 "§31-13-7.

14 "(a) As used in this section, the following terms
15 have the following meanings:

16 "(1) EMERGENCY MEDICAL CONDITION. The same meaning
17 as provided in 42 U.S.C. § 1396b(v) (3).

18 "(2) FEDERAL PUBLIC BENEFITS. The same meaning as
19 provided in 8 U.S.C. § 1611.

20 "(3) STATE OR LOCAL PUBLIC BENEFITS. The same
21 meaning as provided in 8 U.S.C. § 1621.

22 "(b) An alien who is not lawfully present in the
23 United States and who is not defined as an alien eligible for
24 public benefits under 8 U.S.C. § 1621(a) or 8 U.S.C. § 1641
25 shall not receive any state or local public benefits.

26 "(c) Except as otherwise provided in subsection (e)
27 or where exempted by federal law, commencing on September 1,

1 2011, each agency or political subdivision of the state that
2 both funds and administers a state or local public benefit
3 program shall verify with the federal government the lawful
4 presence in the United States of each alien who applies for
5 state or local public benefits, pursuant to 8 U.S.C. §§
6 1373(c), 1621, and 1625.

7 "(d) An agency of this state or a county, city,
8 town, or other political subdivision of this state may not
9 consider race, color, or national origin in the enforcement of
10 this section.

11 "(e) Verification of lawful presence in the United
12 States shall not be required for any of the following:

13 "(1) For primary or secondary school education, and
14 state or local public benefits that are listed in 8 U.S.C. §
15 1621(b).

16 "(2) For obtaining health care items and services
17 that are necessary for the treatment of an emergency medical
18 condition of the person involved and are not related to an
19 organ transplant procedure.

20 "(3) For short term, noncash, in kind emergency
21 disaster relief.

22 "(4) For public health assistance for immunizations
23 with respect to immunizable diseases, for the Special
24 Supplemental Nutrition Program for Women, Infants, and
25 Children, and for testing and treatment of symptoms of
26 communicable diseases, whether or not such symptoms are caused
27 by a communicable disease.

1 "(5) For programs, services, or assistance, such as
2 soup kitchens, crisis counseling and intervention, and
3 short-term shelter specified by federal law or regulation that
4 satisfy all of the following:

5 "a. Deliver in-kind services at the community level,
6 including services through public or private nonprofit
7 agencies.

8 "b. Do not condition the provision of assistance,
9 the amount of assistance provided, or the cost of assistance
10 provided on the income or resources of the individual
11 recipient.

12 "c. Are necessary for the protection of life or
13 safety.

14 "(6) For prenatal care.

15 "(7) For child protective services and adult
16 protective services and domestic violence services workers.

17 "(8) For the subsequent issuance or renewal of any
18 commercial or professional license the issuance of which is
19 considered a state or local public benefit, although, for the
20 first such license issued after the effective date of the act
21 adding this subdivision, the verification of lawful presence
22 in the United States shall be required as a condition of
23 issuance.

24 "(f) No official of this state or political
25 subdivision of this state shall attempt to independently make
26 a final determination of whether an alien is lawfully present
27 in the United States. An alien's lawful presence in the United

1 States shall be verified by the federal government pursuant to
2 8 U.S.C. § 1373(c).

3 "(g) Any United States citizen applying for state or
4 local public benefits, except those benefits described in
5 subsection (e), shall sign a declaration that he or she is a
6 United States citizen.

7 "(h) Any person who knowingly makes a false,
8 fictitious, or fraudulent statement or representation in a
9 declaration executed pursuant to subsection (g) shall be
10 guilty of perjury in the second degree pursuant to Section
11 13A-10-102. Each time that a person receives a public benefit
12 based upon such a statement or representation shall constitute
13 a separate violation of Section 13A-10-102.

14 "(i) The verification that an alien seeking state or
15 local public benefits is an alien lawfully present in the
16 United States shall be made through the Systematic Alien
17 Verification for Entitlements (SAVE) program, operated by the
18 United States Department of Homeland Security. If for any
19 reason the verification of an alien's lawful presence through
20 the SAVE program is delayed or inconclusive, the alien shall
21 be eligible for state or local public benefits in the interim
22 period if the alien signs a declaration that he or she is an
23 alien lawfully present in the United States. The penalties
24 under subsection (h) shall apply to any false, fictitious, or
25 fraudulent statement or representation made in a declaration.

26 "(j) Each state agency or department that
27 administers a program that provides state or local public

1 benefits shall provide an annual report with respect to its
2 compliance with this section to the Government Affairs
3 Committee of the Senate and the Government Operations
4 Committee of the House of Representatives, or any successor
5 committees.

6 "(k) Errors and significant delays resulting from
7 use of the SAVE program shall be reported to the United States
8 Department of Homeland Security and to the Alabama Department
9 of Homeland Security to assist the federal government in
10 ensuring that the application of the SAVE program is not
11 wrongfully denying benefits to aliens lawfully present in the
12 United States.

13 "(l) For the purposes of administering the Alabama
14 Child Health Insurance Program, verification and documentation
15 of lawful presence through any alternative means expressly
16 authorized by federal law shall satisfy the requirements of
17 this section.

18 "§31-13-8.

19 "An alien who is not lawfully present in the United
20 States shall not be permitted to enroll in or attend any
21 public postsecondary education institution in this state. ~~An~~
22 ~~alien attending any public postsecondary institution in this~~
23 ~~state must either possess lawful permanent residence or an~~
24 ~~appropriate nonimmigrant visa under 8 U.S.C. § 1101, et seq.~~
25 For the purposes of this section, a public postsecondary
26 education institution officer may seek federal verification of
27 an alien's immigration status with the federal government

1 pursuant to 8 U.S.C. § 1373(c). A public postsecondary
2 education institution officer or official shall not attempt to
3 independently make a final determination of whether an alien
4 is lawfully present in the United States. Except as otherwise
5 provided by law, an alien who is not lawfully present in the
6 United States shall not be eligible for any postsecondary
7 education benefit, including, but not limited to,
8 scholarships, grants, or financial aid.

9 "§31-13-9.

10 "(a) As a condition for the award of any contract,
11 grant, or incentive by the state, any political subdivision
12 thereof, or any state-funded entity to a business entity or
13 employer that employs one or more employees, the business
14 entity or employer shall not knowingly employ, hire for
15 employment, or continue to employ an unauthorized alien within
16 the State of Alabama ~~and shall attest to such, by sworn~~
17 ~~affidavit signed before a notary.~~

18 "(b) As a condition for the award of any contract,
19 grant, or incentive by the state, any political subdivision
20 thereof, or any state-funded entity to a business entity or
21 employer that employs one or more employees, the business
22 entity or employer shall provide documentation establishing
23 that the business entity or employer is enrolled in the
24 E-Verify program. During the performance of the contract, the
25 business entity or employer shall participate in the E-Verify
26 program and shall verify every employee that is required to be

1 verified according to the applicable federal rules and
2 regulations.

3 "(c) ~~No~~ Any subcontractor on a project paid for by
4 contract, grant, or incentive by the state, any political
5 subdivision thereof, or any state-funded entity shall not
6 knowingly employ, hire for employment, or continue to employ
7 an unauthorized alien within the State of Alabama and ~~shall~~
8 ~~attest to such by sworn affidavit signed before a notary. The~~
9 ~~subcontractor~~ shall also enroll in the E-Verify program prior
10 to performing any work on the project. ~~and shall attach to the~~
11 ~~sworn affidavit documentation establishing that the~~
12 ~~subcontractor is enrolled in the E-Verify program~~ Furthermore,
13 during the performance of the contract, the subcontractor
14 shall participate in the E-Verify program and shall verify
15 every employee that is required to be verified according to
16 the applicable federal rules and regulations.

17 "(d) A contractor of any tier shall not be liable
18 under this section when such contractor contracts with its
19 direct subcontractor who violates subsection (c), ~~if the~~
20 ~~contractor receives a sworn affidavit from the subcontractor~~
21 ~~signed before a notary attesting to the fact that the direct~~
22 ~~subcontractor, in good faith, has complied with subsection (c)~~
23 ~~with respect to verifying each of its employee's eligibility~~
24 ~~for employment, unless the contractor knows the direct~~
25 ~~subcontractor is violating subsection (c).~~ unless it is shown
26 by clear and convincing evidence that the contractor had

1 actual knowledge that the direct subcontractor was in
2 violation of subsection (c).

3 "(e) (1) Upon a finding by a court of competent
4 jurisdiction of a ~~the~~ first violation of subsection (a) by any
5 business entity or employer, including a subcontractor:
6 ~~awarded a contract by the state, any political subdivision~~
7 ~~thereof, or any state-funded entity the business entity or~~
8 ~~employer shall be deemed in breach of contract and the state,~~
9 ~~political subdivision thereof, or state-funded entity may~~
10 ~~terminate the contract after providing notice and an~~
11 ~~opportunity to be heard. Upon application by the state entity,~~
12 ~~political subdivision thereof, or state-funded entity, the~~
13 ~~Attorney General may bring an action to suspend the business~~
14 ~~licenses and permits of the business entity or employer for a~~
15 ~~period not to exceed 60 days, according to the procedures~~
16 ~~described in Section 31-13-15. The court shall order the~~
17 ~~business entity or employer to file a signed, sworn affidavit~~
18 ~~with the local district attorney within three days after the~~
19 ~~order is issued by the court stating that the business entity~~
20 ~~or employer has terminated the employment of every~~
21 ~~unauthorized alien and the business entity or employer will~~
22 ~~not knowingly or intentionally employ an unauthorized alien in~~
23 ~~this state. Before a business license or permit that has been~~
24 ~~suspended under this subsection is reinstated, a legal~~
25 ~~representative of the business entity or employer shall submit~~
26 ~~to the court a signed, sworn affidavit stating that the~~
27 ~~business entity or employer is in compliance with the~~

1 ~~provisions of this chapter and a copy of the memorandum of~~
2 ~~understanding issued to the business entity or employer at the~~
3 ~~time of enrollment in E-Verify.~~

4 "a. The business entity or employer shall be deemed
5 in breach of contract and the state, political subdivision
6 thereof, or state-funded entity may terminate the contract
7 after providing notice and an opportunity to be heard.

8 "b. The court shall do all of the following:

9 "1. Order the business entity or employer to
10 terminate the employment of every unauthorized alien.

11 "2. Subject the business entity or employer to a
12 three-year probationary period throughout the state. During
13 the probationary period, the business entity or employer shall
14 file quarterly reports with the appropriate local district
15 attorney of each new employee who is hired by the business
16 entity or employer in the state.

17 "3. Order the business entity or employer to file a
18 signed, sworn affidavit with the appropriate local district
19 attorney within three days after the order is issued by the
20 court stating that the business entity or employer has
21 terminated the employment of every unauthorized alien and the
22 business entity or employer will not knowingly or
23 intentionally employ an unauthorized alien in this state.

24 "c.1. The court shall also direct the applicable
25 state, county, or municipal governing bodies to suspend the
26 business licenses, permits, articles of incorporation,
27 articles of organization, or any other authorizing document,

1 if such exist, of the business entity or employer for a period
2 not to exceed 60 days unless the court determines that a
3 suspension of such licenses, permits, or authorizing document
4 is not in the best interest of the public.

5 "2. In making such a determination, the court shall
6 consider the following factors:

7 "(i) The number of unauthorized aliens employed by
8 the business entity or employer.

9 "(ii) Any prior misconduct by the business entity or
10 employer.

11 "(iii) Whether the business entity or employer made
12 good faith efforts to comply with any applicable requirements.

13 "(iv) The duration of the violation.

14 "(v) The role of the directors, officers, or
15 principals of the business entity or employer in the
16 violation.

17 "(vi) The impact a suspension of business licenses,
18 permits, or other authorizing document would have on the
19 health or safety of the public.

20 "3. Should the court determine that a suspension of
21 a business license, permit, or other authorizing document is
22 not in the best interest of the public, the court shall enter
23 a written opinion setting forth the grounds for its decision.

24 "4. Before a business license, permit, or other
25 authorizing document that has been suspended under this
26 paragraph is reinstated, a legal representative of the
27 business entity or employer shall submit to the court a

1 signed, sworn affidavit stating that the business entity or
2 employer is in compliance with the provisions of this
3 subdivision and a copy of the Memorandum of Understanding
4 issued to the business entity or employer at the time of
5 enrollment in E-Verify.

6 "5. The suspension of a business license, permit, or
7 other authorizing document under this paragraph shall
8 terminate one business day after a legal representative of the
9 business entity or employer submits to the court a signed,
10 sworn affidavit stating that the business entity or employer
11 is in compliance with the provisions of this subdivision.

12 "(2) Upon a finding by a court of competent
13 jurisdiction of a second or subsequent violation of subsection
14 (a) by any a business entity or employer, including a
15 subcontractor, awarded a contract by the state, any political
16 subdivision thereof, or any state-funded entity that occurs
17 within five years of a finding by a court of competent
18 jurisdiction of a first violation by the business entity or
19 employer: the business entity or employer shall be deemed in
20 breach of contract and the state, any political subdivision
21 thereof, or any state-funded entity shall terminate the
22 contract after providing notice and an opportunity to be
23 heard. Upon application by the state entity, political
24 subdivision thereof, or state-funded entity, the Attorney
25 General may bring an action to permanently revoke the business
26 licenses and permits of the business entity or employer
27 according to the procedures described in Section 31-13-15.

1 "a. The business entity or employer shall be deemed
2 in breach of contract and the state, political subdivision
3 thereof, or state-funded entity shall terminate the contract
4 after providing notice and an opportunity to be heard.

5 "b. The court shall do all of the following:

6 "1. Order the business entity or employer to
7 terminate the employment of every unauthorized alien.

8 "2. Subject the business entity or employer to a
9 five-year probationary period throughout the state. During the
10 probationary period, the business entity or employer shall
11 file quarterly reports with the appropriate local district
12 attorney of each new employee who is hired by the business
13 entity or employer in the state.

14 "3. Order the business entity or employer to file a
15 signed, sworn affidavit with the appropriate local district
16 attorney within three days after the order is issued by the
17 court stating that the business entity or employer has
18 terminated the employment of every unauthorized alien and the
19 business entity or employer will not knowingly or
20 intentionally employ an unauthorized alien in this state.

21 "c.1. The court shall also direct the applicable
22 state, county, or municipal governing bodies to suspend the
23 business licenses, permits, articles of incorporation,
24 articles of organization, or any other authorizing document,
25 if such exist, of the business entity or employer for a period
26 not to exceed 120 days unless the court determines that a

1 suspension of such licenses, permits, or authorizing document
2 is not in the best interest of the public.

3 "2. In making such a determination, the court shall
4 consider the following factors:

5 "(i) The number of unauthorized aliens employed by
6 the business entity or employer.

7 "(ii) Any prior misconduct by the business entity or
8 employer.

9 "(iii) Whether the business entity or employer made
10 good faith efforts to comply with any applicable requirements.

11 "(iv) The duration of the violation.

12 "(v) The role of the directors, officers, or
13 principals of the business entity or employer in the
14 violation.

15 "(vi) The impact a suspension of business licenses,
16 permits, or other authorizing document would have on the
17 health or safety of the public.

18 "3. Should the court determine that a suspension of
19 a business license, permit, or other authorizing document is
20 not in the best interest of the public, the court shall enter
21 a written opinion setting forth the grounds for its decision.

22 "4. Before a business license, permit, or other
23 authorizing document that has been suspended under this
24 paragraph is reinstated, a legal representative of the
25 business entity or employer shall submit to the court a
26 signed, sworn affidavit stating that the business entity or
27 employer is in compliance with the provisions of this

1 subdivision and a copy of the Memorandum of Understanding
2 issued to the business entity or employer at the time of
3 enrollment in E-Verify.

4 "(3) Upon a finding by a court of competent
5 jurisdiction of a third or subsequent violation of subsection
6 (a) by a business entity or employer, including a
7 subcontractor, awarded a contract by the state, any political
8 subdivision thereof, or any state-funded entity that occurs
9 within five years of a finding by a court of competent
10 jurisdiction of a second or subsequent violation by the
11 business entity or employer:

12 "a. The business entity or employer shall be deemed
13 in breach of contract and the state, political subdivision
14 thereof, or state-funded entity shall terminate the contract
15 after providing notice and an opportunity to be heard.

16 "b. The court shall do all of the following:

17 "1. Order the business entity or employer to
18 terminate the employment of every unauthorized alien.

19 "2. Subject the business entity or employer to a
20 seven-year probationary period throughout the state. During
21 the probationary period, the business entity or employer shall
22 file quarterly reports with the appropriate local district
23 attorney of each new employee who is hired by the business
24 entity or employer in the state.

25 "3. Order the business entity or employer to file a
26 signed, sworn affidavit with the appropriate local district
27 attorney within three days after the order is issued by the

1 court stating that the business entity or employer has
2 terminated the employment of every unauthorized alien and the
3 business entity or employer will not knowingly or
4 intentionally employ an unauthorized alien in this state.

5 "c.1. The court shall also direct the applicable
6 state, county, or municipal governing bodies to permanently
7 suspend the business licenses, permits, articles of
8 incorporation, articles of organization, or any other
9 authorizing document, if such exist, unless the court
10 determines that a suspension of such licenses, permits, or
11 authorizing document is not in the best interest of the
12 public.

13 "2. In making such a determination, the court shall
14 consider the following factors:

15 "(i) The number of unauthorized aliens employed by
16 the business entity or employer.

17 "(ii) Any prior misconduct by the business entity or
18 employer.

19 "(iii) Whether the business entity or employer made
20 good faith efforts to comply with any applicable requirements.

21 "(iv) The duration of the violation.

22 "(v) The role of the directors, officers, or
23 principals of the business entity or employer in the
24 violation.

25 "(vi) The impact a suspension of business licenses,
26 permits, or other authorizing document would have on the
27 health or safety of the public.

1 "3. Should the court determine that a suspension of
2 a business license, permit, or other authorizing document is
3 not in the best interest of the public, the court shall enter
4 a written opinion setting forth the grounds for its decision
5 and shall, at a minimum, suspend the business licenses,
6 permits, or other authorizing document for a period of not
7 less than one year.

8 "4. Before a business license, permit, or other
9 authorizing document that has been suspended under this
10 paragraph is reinstated, a legal representative of the
11 business entity or employer shall submit to the court a
12 signed, sworn affidavit stating that the business entity or
13 employer is in compliance with the provisions of this
14 subdivision and a copy of the Memorandum of Understanding
15 issued to the business entity or employer at the time of
16 enrollment in E-Verify.

17 ~~"(f) (1) Upon the first violation of subsection (c)~~
18 ~~by a subcontractor, the state or political subdivision thereof~~
19 ~~may bar the subcontractor from doing business with the state,~~
20 ~~any political subdivision thereof, any state-funded entity, or~~
21 ~~with any contractor who contracts with the state, any~~
22 ~~political subdivision thereof, or any state-funded entity~~
23 ~~after providing notice and an opportunity to be heard. Upon~~
24 ~~application by the state entity or political subdivision~~
25 ~~thereof, or state-funded entity, the Attorney General may~~
26 ~~bring an action to suspend the business licenses and permits~~
27 ~~of the subcontractor for a period not to exceed 60 days,~~

1 according to the procedures described in Section 31-13-15. The
2 court shall order the subcontractor to file a signed, sworn
3 affidavit with the local district attorney within three days
4 after the order is issued by the court stating that the
5 subcontractor has terminated the employment of every
6 unauthorized alien and the subcontractor will not knowingly or
7 intentionally employ an unauthorized alien in this state.
8 Before a business license or permit that has been suspended
9 under this subsection is reinstated, a legal representative of
10 the subcontractor shall submit to the court a signed, sworn
11 affidavit stating that the subcontractor is in compliance with
12 the provisions of this chapter and a copy of the memorandum of
13 understanding issued to the subcontractor at the time of
14 enrollment in E-Verify.

15 "~~(2)~~ Upon a second or subsequent violation of
16 subsection (c) by a subcontractor and upon application by the
17 state entity or political subdivision thereof, or state-funded
18 entity, the Attorney General may bring an action to
19 permanently suspend the business licenses of the business
20 entity or employer according to the procedures described in
21 Section 31-13-15. The determination of a violation shall be
22 according to the procedures described in Section 31-13-15.

23 "~~(g)~~ (f) A business entity or employer that complies
24 with subsection (b) shall not be found to be in violation of
25 subsection (a). A subcontractor that is enrolled in the
26 E-Verify program during the full period of performance of the

1 subcontract shall not be found to be in violation of
2 subsection (c).

3 ~~"(h)(g)~~ The Secretary of State shall adopt rules to
4 administer this section and shall report any rules adopted to
5 the Legislature.

6 ~~"(i)(h)~~ Compliance with this section may be verified
7 by the ~~state authorities or law enforcement~~ contracting
8 authority or the Attorney General at any time to ensure a
9 contractual agreement as provided for in this section is being
10 met.

11 ~~"(j) The suspension of a business license or permit~~
12 ~~under subsection (e)(1) and (f)(1) shall terminate one~~
13 ~~business day after a legal representative of the business~~
14 ~~entity, employer, or subcontractor submits a signed, sworn~~
15 ~~affidavit stating that the business entity, employer, or~~
16 ~~subcontractor is in compliance with this chapter to the court.~~

17 (i) Anything to the contrary notwithstanding, this
18 section shall not apply to agreements by the state, any
19 political subdivision thereof, or any state-funded entity
20 relating to debt obligations by such entities.

21 "§31-13-10.

22 "(a) In addition to any violation of federal law, a
23 person is guilty of willful failure to complete or carry an
24 alien registration document if the person is in violation of 8
25 U.S.C. § 1304(e) or 8 U.S.C. § 1306(a), and the person is an
26 alien unlawfully present in the United States.

1 "(b) In the enforcement of this section, an alien's
2 immigration status shall be determined by verification of the
3 alien's immigration status with the federal government
4 pursuant to 8 U.S.C. § 1373(c). A law enforcement officer
5 shall not attempt to independently make a final determination
6 of whether an alien is lawfully present in the United States.

7 "(c) A law enforcement official or agency of this
8 state or a county, city, or other political subdivision of
9 this state may not consider race, color, or national origin in
10 the enforcement of this section except to the extent permitted
11 by the United States Constitution and the Constitution of
12 Alabama of 1901.

13 "(d) This section does not apply to a person who
14 maintains authorization from the federal government to be
15 present in the United States.

16 "(e) Any official record that relates to the
17 immigration status of a person is admissible in any court of
18 this state without further foundation or testimony from a
19 custodian of records ~~if the record is certified as authentic~~
20 ~~by the federal government agency that is responsible for~~
21 ~~maintaining the record.~~ A verification of an alien's
22 immigration status received from the federal government
23 pursuant to 8 U.S.C. § 1373(c) shall constitute proof of that
24 alien's status. A court of this state shall consider only the
25 federal government's verification in determining whether an
26 alien is lawfully present in the United States.

1 "(f) An alien unlawfully present in the United
2 States who is in violation of this section shall be guilty of
3 a Class C misdemeanor ~~and subject to a fine of not more than~~
4 ~~one hundred dollars (\$100) and not more than 30 days in jail.~~

5 "(g) A court shall collect the assessments
6 prescribed in subsection (f) and remit 50 percent of the
7 assessments to the general fund of the local government where
8 the person was apprehended to be earmarked for law enforcement
9 purposes, 25 percent of the assessments to the Alabama
10 Department of Homeland Security, and 25 percent of the
11 assessments to the Department of Public Safety.

12 "§31-13-11.

13 "(a) It is unlawful for a person who is an
14 unauthorized alien to knowingly apply for work, solicit work
15 in a public or private place, or perform work as an employee
16 or independent contractor in this state.

17 "(b) In the enforcement of this section, an alien's
18 immigration status shall be determined by verification of the
19 alien's immigration status with the federal government
20 pursuant to 8 U.S.C. § 1373(c). A law enforcement officer
21 shall not attempt to independently make a final determination
22 on whether an alien is authorized to work in the United
23 States.

24 "(c) A law enforcement official or agency of this
25 state or a county, city, or other political subdivision of
26 this state may not consider race, color, or national origin in
27 the enforcement of this section except to the extent permitted

1 by the United States Constitution and the Constitution of
2 Alabama of 1901.

3 "(d) This section does not apply to a person who
4 maintains authorization from the federal government to be
5 employed in the United States.

6 "(e) Any official record that relates to the
7 employment authorization of a person is admissible in any
8 court of this state without further foundation or testimony
9 from a custodian of records ~~if the record is certified as~~
10 ~~authentic by the federal government agency that is responsible~~
11 ~~for maintaining the record.~~ A verification of an alien's
12 immigration status received from the federal government
13 pursuant to 8 U.S.C. § 1373(c) shall constitute proof of that
14 alien's status. A court of this state shall consider only the
15 federal government's verification in determining whether a
16 person is an unauthorized alien.

17 "(f) It is unlawful for an occupant of a motor
18 vehicle that is stopped on a street, roadway, or highway to
19 attempt to hire or hire and pick up passengers for work at a
20 different location if the motor vehicle blocks or impedes the
21 normal movement of traffic.

22 "(g) It is unlawful for a person to enter a motor
23 vehicle that is stopped on a street, roadway or highway in
24 order to be hired by an occupant of the motor vehicle and to
25 be transported to work at a different location if the motor
26 vehicle blocks or impedes the normal movement of traffic.

1 "(h) A person who is in violation of this section
2 shall be guilty of a Class C misdemeanor ~~and subject to a fine~~
3 ~~of not more than five hundred dollars (\$500).~~

4 "(i) A court shall collect the assessments
5 prescribed in subsection (h) and remit 50 percent of the
6 assessments to the general fund of the local government where
7 the person was apprehended to be earmarked for law enforcement
8 purposes, 25 percent of the assessments to the Alabama
9 Department of Homeland Security, and 25 percent of the
10 assessments to the Department of Public Safety.

11 "(j) The terms of this section shall be interpreted
12 consistently with 8 U.S.C. § 1324a and any applicable federal
13 rules and regulations.

14 "§31-13-12.

15 "(a) Upon the issuance of any traffic citation or
16 upon any lawful stop, detention, or arrest made by a state,
17 county, or municipal law enforcement officer of this state in
18 the enforcement of any state law or ordinance of any political
19 subdivision thereof, where reasonable suspicion exists that
20 the person that is lawfully arrested or is issued a traffic
21 citation is an alien who is unlawfully present in the United
22 States, or where reasonable suspicion exists that a person in
23 the same automobile as the person who was lawfully arrested or
24 issued a traffic citation is an alien who is unlawfully
25 present in the United States, a reasonable attempt shall be
26 made, when practicable, to determine the citizenship and
27 immigration status of the person, except if the determination

1 may hinder or obstruct an investigation. Such determination
2 shall be made by contacting the federal government pursuant to
3 8 U.S.C. § 1373(c) and relying upon any verification provided
4 by the federal government.

5 "(b) Any alien who is arrested and booked into
6 custody shall have his or her immigration status determined
7 pursuant to 8 U.S.C. § 1373(c). The alien's immigration status
8 shall be verified by contacting the federal government
9 pursuant to 8 U.S.C. § 1373(c) ~~within 24~~ as soon as reasonably
10 possible, but not later than 48 hours ~~of~~ after the time of the
11 alien's arrest. If for any reason federal verification
12 pursuant to 8 U.S.C. § 1373(c) is delayed beyond the time that
13 the alien would otherwise be released from custody, the alien
14 shall be released from custody.

15 "(c) A law enforcement officer shall not attempt to
16 independently make a final determination of whether an alien
17 is lawfully present in the United States. A law enforcement
18 officer may not consider race, color, or national origin in
19 implementing the requirements of this section except to the
20 extent permitted by the United States Constitution or the
21 Constitution of Alabama of 1901.

22 "(d) A person is presumed to not be an alien who is
23 unlawfully present in the United States if the person provides
24 to the law enforcement officer any of the following:

25 "(1) A valid, unexpired Alabama driver's license or
26 an Alabama driver's license that expired within the then
27 preceding six months.

1 "(2) A valid, unexpired Alabama nondriver
2 identification card.

3 "(3) A valid tribal enrollment card or other form of
4 tribal identification bearing a photograph or other biometric
5 identifier.

6 "(4) Any valid United States federal or state
7 government issued identification document bearing a photograph
8 or other biometric identifier, if issued by an entity that
9 requires proof of lawful presence in the United States before
10 issuance.

11 "(5) A foreign passport with an unexpired United
12 States Visa and a corresponding stamp or notation by the
13 United States Department of Homeland Security indicating the
14 bearer's admission to the United States.

15 "(6) A foreign passport issued by a visa waiver
16 country with the corresponding entry stamp and unexpired
17 duration of stay annotation or an I-94W form by the United
18 States Department of Homeland Security indicating the bearer's
19 admission to the United States.

20 "(7) A valid Uniformed Services Privileges and
21 Identification Card.

22 "(e) If an alien is determined by the federal
23 government to be an alien who is unlawfully present in the
24 United States pursuant to 8 U.S.C. § 1373(c), the law
25 enforcement agency shall cooperate in the transfer of the
26 alien to the custody of the federal government, if the federal
27 government so requests.

1 "§31-13-13.

2 "(a) It shall be unlawful for a person to do any of
3 the following:

4 "(1) Conceal, harbor, or shield from detection or
5 attempt to conceal, harbor, or shield from detection or
6 conspire to conceal, harbor, or shield from detection an alien
7 ~~from detection~~ in any place in this state, including any
8 building or any means of transportation, if the person knows
9 or recklessly disregards the fact that the alien has come to,
10 has entered, or remains in the United States in violation of
11 federal law. This subdivision should be interpreted consistent
12 with 8 U.S.C. § 1324(a)(1)(A).

13 "~~(2) Encourage or induce an alien to come to or~~
14 ~~reside in this state if the person knows or recklessly~~
15 ~~disregards the fact that such coming to, entering, or residing~~
16 ~~in the United States is or will be in violation of federal~~
17 ~~law.~~

18 "~~(3)~~(2) Transport, or attempt to transport, or
19 conspire to transport in this state an alien in furtherance of
20 the unlawful presence of the alien in the United States,
21 knowingly, or in reckless disregard of the fact, that the
22 alien has come to, entered, or remained in the United States
23 in violation of federal law. Conspiracy to be so transported
24 shall be a violation of this subdivision.

25 "(3) It shall not be a violation of this section for
26 a religious denomination having a bona fide nonprofit
27 religious organization in the United States, or the agents or

1 officers of the denomination or organization, to encourage,
2 invite, call, allow, or enable an alien who is present in the
3 United States to perform the vocation of a minister or
4 missionary for the denomination or organization in the United
5 States as a volunteer who is not compensated as an employee,
6 notwithstanding the provision of room, board, travel, medical
7 assistance, and other basic living expenses, provided the
8 minister or missionary has been a member of the denomination
9 for at least one year.

10 ~~"(4) Harbor an alien unlawfully present in the~~
11 ~~United States by entering into a rental agreement, as defined~~
12 ~~by Section 35-9A-141, with an alien to provide accommodations,~~
13 ~~if the person knows or recklessly disregards the fact that the~~
14 ~~alien is unlawfully present in the United States.~~

15 "(b) Any person violating this section is guilty of
16 a Class A misdemeanor for each unlawfully present alien, the
17 illegal presence of which in the United States and the State
18 of Alabama, he or she is facilitating or is attempting to
19 facilitate.

20 "(c) A person violating this section is guilty of a
21 Class C felony when the violation involves ~~10~~ five or more
22 aliens, the illegal presence of which in the United States and
23 the State of Alabama, he or she is facilitating or is
24 attempting to facilitate.

25 "(d) Notwithstanding any other law, a law
26 enforcement agency may securely transport an alien whom the
27 agency has received verification from the federal government

1 pursuant to 8 U.S.C. § 1373(c) is unlawfully present in the
2 United States and who is in the agency's custody to a state
3 approved facility, to a federal facility in this state, or to
4 any other point of transfer into federal custody that is
5 outside the jurisdiction of the law enforcement agency. A law
6 enforcement agency shall obtain judicial or executive
7 authorization from the Governor before securely transporting
8 an alien who is unlawfully present in the United States to a
9 point of transfer that is outside this state.

10 "(e) Notwithstanding any other law, any person
11 acting in his or her official capacity as a first responder or
12 protective services provider may harbor, shelter, move, or
13 transport an alien unlawfully present in the United States
14 pursuant to state law.

15 "(f) Any conveyance, including any vessel, vehicle,
16 or aircraft, that has been or is being used in the commission
17 of a violation of this section, and the gross proceeds of such
18 a violation, shall be subject to civil forfeiture under the
19 procedures of Section 20-2-93.

20 "(g) In the enforcement of this section, an alien's
21 immigration status shall be determined by verification of the
22 alien's immigration status with the federal government
23 pursuant to 8 U.S.C. § 1373(c). A law enforcement officer
24 shall not attempt to independently make a final determination
25 of whether an alien is lawfully present in the United States.

26 "(h) Any record that relates to the immigration
27 status of a person is admissible in any court of this state

1 without further foundation or testimony from a custodian of
2 records if the record is certified as authentic by the federal
3 government agency that is responsible for maintaining the
4 record. A verification of an alien's immigration status
5 received from the federal government pursuant to 8 U.S.C. §
6 1373(c) shall constitute proof of that alien's status. A court
7 of this state shall consider only the federal government's
8 verification in determining whether an alien is lawfully
9 present in the United States.

10 "§31-13-14.

11 "(a) A person commits the crime of dealing in false
12 identification documents if he or she knowingly ~~reproduces,~~
13 manufactures, sells, or offers for sale any identification
14 document which does both of the following:

15 "(1) Simulates, purports to be, or is designed so as
16 to cause others reasonably to believe it to be an
17 identification document.

18 "(2) Bears a fictitious name or other false
19 information.

20 "(b) A person commits the crime of vital records
21 identity fraud related to birth, death, marriage, and divorce
22 certificates if he or she does any of the following:

23 "(1) Supplies false information intending that the
24 information be used to obtain a certified copy of a vital
25 record.

1 "(2) Makes, counterfeits, alters, amends, or
2 mutilates any certified copy of a vital record without lawful
3 authority and with the intent to deceive.

4 "(3) Obtains, possesses, uses, sells, or furnishes,
5 or attempts to obtain, possess, or furnish to another a
6 certified copy of a vital record, with the intent to deceive.

7 "(c) (1) Dealing in false identification documents is
8 a Class C felony.

9 "(2) Vital records identity fraud is a Class C
10 felony.

11 "(d) This section shall not apply to any of the
12 following:

13 "(1) A person less than 21 years of age who uses the
14 identification document of another person to acquire an
15 alcoholic beverage.

16 "(2) A person less than 19 years of age who uses the
17 identification documents of another person to acquire any of
18 the following:

19 "a. Cigarettes or tobacco products.

20 "b. A periodical, videotape, or other communication
21 medium that contains or depicts nudity.

22 "c. Admittance to a performance, live or film, that
23 prohibits the attendance of the person based on age.

24 "d. An item that is prohibited by law for use or
25 consumption by such person.

26 "(e) As used in this section, identification
27 document means any card, certificate, or document or banking

1 instrument, including, but not limited to, a credit or debit
2 card, which identifies or purports to identify the bearer of
3 such document, whether or not intended for use as
4 identification, and includes, but is not limited to, documents
5 purporting to be drivers' licenses, nondriver identification
6 cards, certified copies of birth, death, marriage, and divorce
7 certificates, Social Security cards, and employee
8 identification cards.

9 "(f) For a violation of this section to occur, the
10 prohibited actions must be taken to intentionally further a
11 scheme to facilitate an unauthorized alien's employment or
12 presence in the United States.

13 ~~"(f)~~ (g) Any person convicted of dealing in false
14 identification documents as defined in this section shall be
15 fined up to one thousand dollars (\$1,000) for every card or
16 document he or she creates or possesses and be subject to any
17 and all other state laws that may apply. A court shall collect
18 the fines prescribed by this subsection and shall remit 50
19 percent of the fines to the general fund of the local
20 government that apprehended the person to be earmarked for law
21 enforcement purposes, 25 percent of the fines to the Alabama
22 Department of Homeland Security, and 25 percent of the fines
23 to the Department of Public Safety.

24 "§31-13-15.

25 "(a) No business entity, employer, or public
26 employer shall knowingly employ, hire for employment, or
27 continue to employ an unauthorized alien to perform work

1 within the State of Alabama. Knowingly employ, hire for
2 employment, or continue to employ an unauthorized alien means
3 the actions described in 8 U.S.C. § 1324a.

4 "~~(b) Effective April 1, 2012, every~~ Every business
5 entity or employer in this state shall enroll in E-Verify and
6 thereafter, according to the federal statutes and regulations
7 governing E-Verify, shall verify the employment eligibility of
8 the employee through E-Verify. A business entity or employer
9 that uses E-Verify to verify the work authorization of an
10 employee shall not be deemed to have violated this section
11 with respect to the employment of that employee.

12 "(c) (1) Upon a finding by a court of competent
13 jurisdiction of a first violation of subsection (a) by any
14 business entity or employer:

15 "a. The court shall do all of the following:

16 "1. Order the business entity or employer to
17 terminate the employment of every unauthorized alien.

18 "2. Subject the business entity or employer to a
19 three-year probationary period throughout the state. During
20 the probationary period, the business entity or employer shall
21 file quarterly reports with the appropriate local district
22 attorney of each new employee who is hired by the business
23 entity or employer in the state.

24 "3. Order the business entity or employer to file a
25 signed, sworn affidavit with the appropriate local district
26 attorney within three days after the order is issued by the
27 court stating that the business entity or employer has

1 terminated the employment of every unauthorized alien and the
2 business entity or employer will not knowingly or
3 intentionally employ an unauthorized alien in this state.

4 "b.1. The court shall also direct the applicable
5 state, county, or municipal governing bodies to suspend the
6 business licenses, permits, articles of incorporation,
7 articles of organization, or any other authorizing document,
8 if such exist, of the business entity or employer for a period
9 not to exceed 60 days unless the court determines that a
10 suspension of such licenses, permits, or authorizing document
11 is not in the best interest of the public.

12 "2. In making such a determination, the court shall
13 consider the following factors:

14 "(i) The number of unauthorized aliens employed by
15 the business entity or employer.

16 "(ii) Any prior misconduct by the business entity or
17 employer.

18 "(iii) Whether the business entity or employer made
19 good faith efforts to comply with any applicable requirements.

20 "(iv) The duration of the violation.

21 "(v) The role of the directors, officers, or
22 principals of the business entity or employer in the
23 violation.

24 "(vi) The impact a suspension of business licenses,
25 permits, or other authorizing document would have on the
26 health or safety of the public.

1 "3. Should the court determine that a suspension of
2 a business license, permit, or other authorizing document is
3 not in the best interest of the public, the court shall enter
4 a written opinion setting forth the grounds for its decision.

5 "4. Before a business license, permit, or other
6 authorizing document that has been suspended under this
7 paragraph is reinstated, a legal representative of the
8 business entity or employer shall submit to the court a
9 signed, sworn affidavit stating that the business entity or
10 employer is in compliance with this section and a copy of the
11 Memorandum of Understanding issued to the business entity or
12 employer at the time of enrollment in E-Verify.

13 "5. The suspension of a business license, permit, or
14 other authorizing document under this paragraph shall
15 terminate one business day after a legal representative of the
16 business entity or employer submits to the court a signed,
17 sworn affidavit stating that the business entity or employer
18 is in compliance with this section.

19 ~~"(c) On a finding of a first violation by a court of~~
20 ~~competent jurisdiction that a business entity or employer~~
21 ~~knowingly violated subsection (a), the court shall do all of~~
22 ~~the following:~~

23 ~~"(1) Order the business entity or employer to~~
24 ~~terminate the employment of every unauthorized alien.~~

25 ~~"(2) Subject the business entity or employer to a~~
26 ~~three-year probationary period throughout the state. During~~
27 ~~the probationary period, the business entity or employer shall~~

1 file quarterly reports with the local district attorney of
2 each new employee who is hired by the business entity or
3 employer in the state.

4 "(3) Order the business entity or employer to file a
5 signed, sworn affidavit with the local district attorney
6 within three days after the order is issued by the court
7 stating that the business entity or employer has terminated
8 the employment of every unauthorized alien and the business
9 entity or employer will not knowingly or intentionally employ
10 an unauthorized alien in this state.

11 "(4) Direct the applicable state, county, or
12 municipal governing bodies to suspend the business licenses
13 and permits, if such exist, of the business entity or employer
14 for a period not to exceed 10 business days specific to the
15 business location where the unauthorized alien performed work.

16 "(d) (1) Before a business license or permit that has
17 been suspended under subsection (c) is reinstated, a legal
18 representative of the business entity or employer shall submit
19 to the court a signed, sworn affidavit stating that the
20 business entity or employer is in compliance with the
21 provisions of this chapter and a copy of the memorandum of
22 understanding issued to the business entity or employer at the
23 time of enrollment in E-Verify.

24 "(2) The suspension of a business license or permit
25 under subsection (c) shall terminate one business day after a
26 legal representative of the business entity or employer
27 submits a signed, sworn affidavit stating that the business

1 ~~entity or employer is in compliance with the provisions of~~
2 ~~this chapter to the court.~~

3 "(d) Upon a finding by a court of competent
4 jurisdiction of a second violation of subsection (a) by a
5 business entity or employer that occurs within five years of a
6 finding by a court of competent jurisdiction of a first
7 violation by the business entity or employer:

8 "a. The court shall do all of the following:

9 "1. Order the business entity or employer to
10 terminate the employment of every unauthorized alien.

11 "2. Subject the business entity or employer to a
12 five-year probationary period throughout the state. During the
13 probationary period, the business entity or employer shall
14 file quarterly reports with the appropriate local district
15 attorney of each new employee who is hired by the business
16 entity or employer in the state.

17 "3. Order the business entity or employer to file a
18 signed, sworn affidavit with the appropriate local district
19 attorney within three days after the order is issued by the
20 court stating that the business entity or employer has
21 terminated the employment of every unauthorized alien and the
22 business entity or employer will not knowingly or
23 intentionally employ an unauthorized alien in this state.

24 "b.1. The court shall also direct the applicable
25 state, county, or municipal governing bodies to suspend the
26 business licenses, permits, articles of incorporation,
27 articles of organization, or any other authorizing document,

1 if such exist, of the business entity or employer for a period
2 not to exceed 120 days unless the court determines that a
3 suspension of such licenses, permits, or authorizing document
4 is not in the best interest of the public.

5 "2. In making such a determination, the court shall
6 consider the following factors:

7 "(i) The number of unauthorized aliens employed by
8 the business entity or employer.

9 "(ii) Any prior misconduct by the business entity or
10 employer.

11 "(iii) Whether the business entity or employer made
12 good faith efforts to comply with any applicable requirements.

13 "(iv) The duration of the violation.

14 "(v) The role of the directors, officers, or
15 principals of the business entity or employer in the
16 violation.

17 "(vi) The impact a suspension of business licenses,
18 permits, or other authorizing document would have on the
19 health or safety of the public.

20 "3. Should the court determine that a suspension of
21 a business license, permit, or other authorizing document is
22 not in the best interest of the public, the court shall enter
23 a written opinion setting forth the grounds for its decision.

24 "4. Before a business license, permit, or other
25 authorizing document that has been suspended under this
26 paragraph is reinstated, a legal representative of the
27 business entity or employer shall submit to the court a

1 signed, sworn affidavit stating that the business entity or
2 employer is in compliance with this section and a copy of the
3 Memorandum of Understanding issued to the business entity or
4 employer at the time of enrollment in E-Verify.

5 ~~"(e) For a second violation of subsection (a) by a~~
6 ~~business entity or employer, the court shall direct the~~
7 ~~applicable state, county, or municipal governing body to~~
8 ~~permanently revoke all business licenses and permits, if such~~
9 ~~exist, held by the business entity or employer specific to the~~
10 ~~business location where the unauthorized alien performed work.~~
11 ~~On receipt of the order, and notwithstanding any other law,~~
12 ~~the appropriate agencies shall immediately revoke the licenses~~
13 ~~and permits held by the business entity or employer.~~

14 "(e) Upon a finding by a court of competent
15 jurisdiction of a third or subsequent violation of subsection
16 (a) by a business entity or employer that occurs within five
17 years of a finding by a court of competent jurisdiction of a
18 second or subsequent violation by the business entity or
19 employer:

20 "a. The court shall do all of the following:

21 "1. Order the business entity or employer to
22 terminate the employment of every unauthorized alien.

23 "2. Subject the business entity or employer to a
24 seven-year probationary period throughout the state. During
25 the probationary period, the business entity or employer shall
26 file quarterly reports with the appropriate local district

1 attorney of each new employee who is hired by the business
2 entity or employer in the state.

3 "3. Order the business entity or employer to file a
4 signed, sworn affidavit with the appropriate local district
5 attorney within three days after the order is issued by the
6 court stating that the business entity or employer has
7 terminated the employment of every unauthorized alien and the
8 business entity or employer will not knowingly or
9 intentionally employ an unauthorized alien in this state.

10 "b. The court shall also direct the applicable
11 state, county, or municipal governing bodies to permanently
12 suspend the business licenses, permits, articles of
13 incorporation, articles of organization, or any other
14 authorizing document, if such exist, unless the court
15 determines that a suspension of such licenses, permits, or
16 authorizing document is not in the best interest of the
17 public.

18 1. In making such a determination, the court shall
19 consider the following factors:

20 "(i) The number of unauthorized aliens employed by
21 the business entity or employer.

22 "(ii) Any prior misconduct by the business entity or
23 employer.

24 "(iii) Whether the business entity or employer made
25 good faith efforts to comply with any applicable requirements.

26 "(iv) The duration of the violation.

1 "(v) The role of the directors, officers, or
2 principals of the business entity or employer in the
3 violation.

4 "(vi) The impact a suspension of business licenses,
5 permits, or other authorizing document would have on the
6 health or safety of the public.

7 2. Should the court determine that a suspension of a
8 business license, permit, or other authorizing document is not
9 in the best interest of the public, the court shall enter a
10 written opinion setting forth the grounds for its decision and
11 shall, at a minimum, suspend the business licenses, permits,
12 or other authorizing document for a period of not less than
13 one year.

14 3. Before a business license, permit, or other
15 authorizing document that has been suspended under this
16 paragraph is reinstated, a legal representative of the
17 business entity or employer shall submit to the court a
18 signed, sworn affidavit stating that the business entity or
19 employer is in compliance with this section and a copy of the
20 Memorandum of Understanding issued to the business entity or
21 employer at the time of enrollment in E-Verify.

22 ~~"(f) For a subsequent violation of subsection (a),~~
23 ~~the court shall direct the applicable governing bodies to~~
24 ~~forever suspend the business licenses and permits, if such~~
25 ~~exist, of the business entity or employer throughout the~~
26 ~~state.~~

1 "~~(g)~~ (f) This section shall not be construed to deny
2 any procedural mechanisms or legal defenses included in the
3 E-Verify program or any other federal work authorization
4 program. A person or entity that establishes that it has
5 complied in good faith with the requirements of 8 U.S.C. §
6 1324a(b) establishes an affirmative defense that the business
7 entity or employer did not knowingly hire or employ an
8 unauthorized alien.

9 "~~(h)~~ (g) In proceedings of the court, the
10 determination of whether an employee is an unauthorized alien
11 shall be made by the federal government, pursuant to 8 U.S.C.
12 § 1373(c). The court shall consider only the federal
13 government's determination when deciding whether an employee
14 is an unauthorized alien. The court may take judicial notice
15 of any verification of an individual's immigration status
16 previously provided by the federal government and may request
17 the federal government to provide further automated or
18 testimonial verification.

19 "~~(i)~~ (h) Any business entity or employer that
20 terminates an employee to comply with this section shall not
21 be liable for any claims made against the business entity or
22 employer by the terminated employee, provided that such
23 termination is made without regard to the race, ethnicity, or
24 national origin of the employee and that such termination is
25 consistent with the anti-discrimination laws of this state and
26 of the United States.

1 "~~(j)~~(i) If any agency of the state or any political
2 subdivision thereof fails to suspend the business licenses or
3 permits, if such exist, as a result of a violation of this
4 section, the agency shall be deemed to have violated
5 subsection (a) of Section 31-13-5 and shall be subject to the
6 penalties thereunder.

7 "~~(k)~~(j) In addition to the district attorneys of
8 this state, the Attorney General shall also have authority to
9 bring a civil complaint in any court of competent jurisdiction
10 to enforce the requirements of this section.

11 "(1) Any resident of this state may petition the
12 Attorney General to bring an enforcement action against a
13 specific business entity or employer by means of a written,
14 signed petition. A valid petition shall include an allegation
15 that describes the alleged violator or violators, as well as
16 the action constituting the violation, and the date and
17 location where the action occurred. The petition must be
18 signed under oath and under penalty of perjury and must allege
19 with specificity any alleged violations.

20 "(2) A petition that alleges a violation on the
21 basis of national origin, ethnicity, or race shall be deemed
22 invalid and shall not be acted upon.

23 "(3) The Attorney General shall respond to any
24 petition under this subsection within 60 days of receiving the
25 petition, either by filing a civil complaint in a court of
26 competent jurisdiction or by informing the petitioner in

1 writing that the Attorney General has determined that filing a
2 civil complaint is not warranted.

3 "~~(i)~~(k) This section does not apply to the
4 relationship between a party and the employees of an
5 independent contractor performing work for the party and does
6 not apply to casual domestic labor performed within a
7 household.

8 "~~(m)~~(l) It is an affirmative defense to a violation
9 of subsection (a) of this section that a business entity or
10 employer was entrapped.

11 "(1) To claim entrapment, the business entity or
12 employer must admit by testimony or other evidence the
13 substantial elements of the violation.

14 "(2) A business entity or employer who asserts an
15 entrapment defense has the burden of proving by clear and
16 convincing evidence the following:

17 "a. The idea of committing the violation started
18 with law enforcement officers or their agents rather than with
19 the business entity or employer.

20 "b. The law enforcement officers or their agents
21 urged and induced the business entity or employer to commit
22 the violation.

23 "c. The business entity or employer was not already
24 predisposed to commit the violation before the law enforcement
25 officers or their agents urged and induced the employer to
26 commit the violation.

1 "~~(n)~~(m) In addition to actions taken by the state or
2 political subdivisions thereof, the Attorney General or the
3 district attorney of the relevant county may bring an action
4 to enforce the requirements of this section in any ~~county~~
5 ~~district~~ circuit court of this state wherein the business
6 entity or employer does business.

7 "~~(o)~~(n) The terms of this section shall be
8 interpreted consistently with 8 U.S.C. § 1324a and any
9 applicable federal rules and regulations.

10 "(o) Compliance with this section may be verified by
11 the Attorney General at any time to ensure a contractual
12 agreement as provided for in this section is being met.

13 "§31-13-17.

14 "(a) (1) It shall be ~~a discriminatory~~ an unlawful
15 employment practice for a business entity or employer to fail
16 to hire a job applicant who is a United States citizen or an
17 alien who is authorized to work in the United States as
18 defined in 8 U.S.C. § 1324a(h) (3) or discharge an employee
19 working in Alabama who is a United States citizen or an alien
20 who is authorized to work in the United States as defined in 8
21 U.S.C. § 1324a(h) (3) while retaining or hiring an employee who
22 the business entity or employer knows, or reasonably should
23 have known, is an unauthorized alien.

24 "(2) To prevail under this section, the person
25 seeking to bring an action under this section must demonstrate
26 that he or she was discharged from employment, or that he or
27 she applied for employment and was rejected, and that the

1 discharge or rejection was caused by the hiring or retention
2 of an unauthorized alien. In addition to proving that the
3 decision to hire or retain the unauthorized alien was the
4 proximate cause of the decision to discharge or not to hire,
5 the person must prove that the employer intended to
6 discriminate against the person seeking to bring an action
7 under this section because of the unauthorized alien's status,
8 and that the unauthorized alien was employed in the same job
9 or job category that requires equal skill, effort, and
10 responsibility and which is performed under similar working
11 conditions as the job or job category held or applied for by
12 the person seeking to bring an action under this section.

13 "(3) It shall not be an unlawful practice for a
14 business entity or employer to fail to hire a job applicant
15 who is a United States citizen or an alien who is authorized
16 to work in the United States as defined in 8 U.S.C. §
17 1324a(h) (3) or discharge an employee working in this state who
18 is a United States citizen or an alien who is authorized to
19 work in the United States as defined in 8 U.S.C. § 1324a(h) (3)
20 if the business entity or employer had a legitimate business
21 reason. The plaintiff may not establish, and a court or jury
22 may not find, that the proffered business reason is
23 illegitimate where the business reason is one that might
24 motivate a reasonable employer.

25 "(b) A violation of subsection (a) may be the basis
26 of a civil action in the state courts of this state. Any
27 recovery under this subsection shall be limited to

1 compensatory relief and shall not include any civil or
2 criminal sanctions against the employer.

3 ~~"(c) The losing party in any civil action shall pay~~
4 ~~the court costs and reasonable attorneys fees for the~~
5 ~~prevailing party; however, the losing party shall only pay the~~
6 ~~attorneys fees of the prevailing party up to the amount paid~~
7 ~~by the losing party for his or her own attorneys fees.~~

8 ~~"(d) The amount of the attorneys fees spent by each~~
9 ~~party shall be reported to the court before the verdict is~~
10 ~~rendered.~~

11 ~~"(e)(c)~~ In proceedings of the court, the
12 determination of whether an employee is an unauthorized alien
13 shall be made by the federal government, pursuant to 8 U.S.C.
14 § 1373(c). The court shall consider only the federal
15 government's determination when deciding whether an employee
16 is an unauthorized alien. The court may take judicial notice
17 of any verification of an individual's immigration status
18 previously provided by the federal government and may request
19 the federal government to provide further automated or
20 testimonial verification.

21 "(d) A person who knowingly files a false or
22 frivolous complaint under this section shall be guilty of a
23 Class C misdemeanor."

24 Section 2. Section 32-6-9, Code of Alabama 1975, is
25 amended to read as follows:

26 "§32-6-9.

1 "(a) Every licensee shall have his or her license in
2 his or her immediate possession at all times when driving a
3 motor vehicle and shall display the same, upon demand of a
4 judge of any court, a peace officer or a state trooper.
5 However, no person charged with violating this section shall
6 be convicted if he or she produces in court or the office of
7 the arresting officer a driver's license theretofore issued to
8 him or her and valid at the time of his or her arrest.

9 "~~(b) Notwithstanding Section 32-1-4, if a law~~
10 ~~officer arrests a person for a violation of this section and~~
11 ~~the officer is unable to determine by any other means that the~~
12 ~~person has a valid driver's license, the officer shall~~
13 ~~transport the person to the nearest or most accessible~~
14 ~~magistrate.~~

15 "~~(c)~~(b) A For every person found in violation of
16 this section or Section 32-6-1, a reasonable effort shall be
17 made as soon as possible, but not later than within 48 hours,
18 to determine the citizenship of the person and if an alien,
19 whether the alien is lawfully present in the United States by
20 verification with the federal government pursuant to 8 U.S.C.
21 § 1373(c). An officer shall not attempt to independently make
22 a final determination of whether an alien is lawfully present
23 in the United States.

24 "~~(d) A verification inquiry, pursuant to 8 U.S.C. §~~
25 ~~1373(c), shall be made within 48 hours to the Law Enforcement~~
26 ~~Support Center of the United States Department of Homeland~~
27 ~~Security or other office or agency designated for that purpose~~

1 ~~by the federal government. If the person is determined to be~~
2 ~~an alien unlawfully present in the United States, the person~~
3 ~~shall be considered a flight risk and shall be detained until~~
4 ~~prosecution or until handed over to federal immigration~~
5 ~~authorities."~~

6 Section 3. Sections 19, 20, 21, 24, 27, 28, 29, and
7 30 of Act 2011-535, 2011 Regular Session, now appearing as
8 Sections 31-13-18, 31-13-19, 31-13-20, 31-13-23, 31-13-26,
9 31-13-27, 31-13-28, and 31-13-29, Code of Alabama 1975, are
10 amended to read as follows:

11 "§31-13-18.

12 "(a) When a person is charged with a crime for which
13 bail is required, or is confined for any period in a state,
14 county, or municipal jail, a reasonable effort shall be made
15 to determine if the person is an alien unlawfully present in
16 the United States by verification with the federal government
17 pursuant to 8 U.S.C. § 1373(c).

18 "(b) A verification inquiry, pursuant to 8 U.S.C. §
19 1373(c), shall be made as soon as reasonably possible, but not
20 later than within 48 hours to the Law Enforcement Support
21 Center of the United States Department of Homeland Security or
22 other office or agency designated for that purpose by the
23 federal government. If the person is determined to be an alien
24 unlawfully present in the United States, the person shall be
25 considered a flight risk and shall be detained until
26 prosecution or until handed over to federal immigration
27 authorities.

1 "§31-13-19.

2 "If an alien who is unlawfully present in the United
3 States is convicted of a violation of state or local law and
4 is within 30 days of release ~~or has paid any fine as required~~
5 ~~by operation of law~~, the agency responsible for his or her
6 incarceration shall notify the United States Bureau of
7 Immigration and Customs Enforcement and the Alabama Department
8 of Homeland Security, pursuant to 8 U.S.C. § 1373. The Alabama
9 Department of Homeland Security shall assist in the
10 coordination of the transfer of the prisoner to the
11 appropriate federal immigration authorities; however, the
12 ~~Alabama Department of Corrections~~ agency responsible for his
13 or her incarceration shall maintain custody during any
14 transfer of the individual.

15 "§31-13-20.

16 "If a person is an alien who is unlawfully present
17 in the United States and is a victim of a criminal act, is the
18 child of a victim of a criminal act, is a parent or guardian
19 of a victim of a criminal act who is a minor, is a critical
20 witness in any prosecution, is the parent or guardian of a
21 critical witness in any prosecution who is a minor, or is the
22 child of a critical witness in any prosecution of a state or
23 federal crime, all provisions of this chapter shall be stayed
24 until all of the related legal proceedings are concluded.
25 However, the relevant state, county, or local law enforcement
26 agency shall comply with any request by federal immigration
27 officers to take custody of the person.

1 "§31-13-23.

2 "(a) The Alabama Department of Homeland Security
3 shall file ~~a quarterly~~ an annual report to the Legislature on
4 the progress being made regarding the enforcement of this
5 chapter and the status of the progress being made in the
6 effort to reduce the number of illegal aliens in the State of
7 Alabama. The report shall include, but is not limited to, the
8 statistics and results from the enforcement of the sections of
9 this chapter, and suggestions on what can be done including
10 additional legislation to further assist the federal
11 government in its efforts to apprehend illegal aliens in the
12 State of Alabama. ~~At the start of the 2013 fiscal year, the~~
13 ~~report shall be filed twice a year. At the start of the 2015~~
14 ~~fiscal year, the report is required annually.~~ This report
15 shall also be made available to the public and shall be
16 announced through a press release from the Attorney General's
17 office.

18 "(b) Upon receipt of a written complaint alleging a
19 violation of the provisions of this chapter requiring
20 verification and determination of the status of employees, the
21 Alabama Department of Homeland Security shall have the
22 authority to request from the business entity or employer that
23 is the subject of the complaint, proof of enrollment in
24 E-Verify. The department shall further have the authority to
25 inspect all records of the business entity which relate to the
26 requests for verification and determination of status through
27 E-Verify.

1 "(c) The Alabama Department of Homeland Security
2 shall operate or maintain a toll free telephone hotline or
3 website for the purpose of receiving tips from the general
4 public regarding possible violations of this chapter,
5 including the unlawful enforcement of this chapter.

6 "§31-13-26.

7 "(a) No court of this state shall enforce the terms
8 of, or otherwise regard as valid, any contract between a party
9 and an alien unlawfully present in the United States, if the
10 party had direct or constructive knowledge that the alien was
11 unlawfully present in the United States at the time the
12 contract was entered into, and the performance of the contract
13 required the alien to remain unlawfully present in the United
14 States for more than 24 hours after the time the contract was
15 entered into or performance could not reasonably be expected
16 to occur without such remaining.

17 "(b) This section shall not apply to a contract for
18 lodging for one night, a contract for the purchase of food to
19 be consumed by the alien, a contract for medical services, or
20 a contract for transportation of the alien that is intended to
21 facilitate the alien's return to his or her country of origin.

22 "(c) This section shall not apply to a contract
23 authorized by federal law, to a contract entered into prior to
24 the effective date of the act adding this language, or to a
25 contract for the appointment or retention of legal counsel in
26 legal matters.

1 "(d) In proceedings of the court, the determination
2 of whether an alien is unlawfully present in the United States
3 shall be made by the federal government, pursuant to 8 U.S.C.
4 § 1373(c). The court shall consider only the federal
5 government's determination when deciding whether an alien is
6 unlawfully present in the United States. The court may take
7 judicial notice of any verification of an individual's
8 immigration status previously provided by the federal
9 government and may request the federal government to provide
10 further automated or testimonial verification.

11 "§31-13-27.

12 "(a) It is the intent of the Legislature that the
13 State Department of Education attempt to ascertain the total
14 annual fiscal impact to the state of providing a free public
15 education to those Alabama public school students who are the
16 children of, or in the custody and control of, aliens believed
17 to be unlawfully present in the United States. Under no
18 circumstance does the Legislature intend to deny anyone the
19 opportunity to receive a free public education in Alabama's
20 public educational system. Nor does the Legislature intend for
21 the provisions of this section to discourage anyone from
22 accessing a free public education in Alabama's public
23 educational system.

24 "(b) The State Department of Education, by January 1
25 of each year, shall compile a report that calculates the
26 estimated annual fiscal impact of providing free public
27 educational services to those Alabama public school students

1 who are the children of, or in the custody and control of,
2 aliens believed to be unlawfully present in the United States.
3 In compiling this report, the State Department of Education
4 shall make its best efforts to accurately determine the fiscal
5 impact to the state as a whole, as well as on local
6 educational agencies in particular. Additionally, and on
7 behalf of the State Department of Education, the State
8 Superintendent of Education may contract with reputable
9 scholars, economists, or public research institutions if
10 necessary to complete the analysis required by this section.

11 ~~"(a) (1) Every public elementary and secondary school~~
12 ~~in this state, at the time of enrollment in kindergarten or~~
13 ~~any grade in such school, shall determine whether the student~~
14 ~~enrolling in public school was born outside the jurisdiction~~
15 ~~of the United States or is the child of an alien not lawfully~~
16 ~~present in the United States and qualifies for assignment to~~
17 ~~an English as Second Language class or other remedial program.~~

18 ~~"(2) The public school, when making the~~
19 ~~determination required by subdivision (1), shall rely upon~~
20 ~~presentation of the student's original birth certificate, or a~~
21 ~~certified copy thereof.~~

22 ~~"(3) If, upon review of the student's birth~~
23 ~~certificate, it is determined that the student was born~~
24 ~~outside the jurisdiction of the United States or is the child~~
25 ~~of an alien not lawfully present in the United States, or~~
26 ~~where such certificate is not available for any reason, the~~
27 ~~parent, guardian, or legal custodian of the student shall~~

1 ~~notify the school within 30 days of the date of the student's~~
2 ~~enrollment of the actual citizenship or immigration status of~~
3 ~~the student under federal law.~~

4 ~~"(4) Notification shall consist of both of the~~
5 ~~following:~~

6 ~~"a. The presentation for inspection, to a school~~
7 ~~official designated for such purpose by the school district in~~
8 ~~which the child is enrolled, of official documentation~~
9 ~~establishing the citizenship and, in the case of an alien, the~~
10 ~~immigration status of the student, or alternatively by~~
11 ~~submission of a notarized copy of such documentation to such~~
12 ~~official.~~

13 ~~"b. Attestation by the parent, guardian, or legal~~
14 ~~custodian, under penalty of perjury, that the document states~~
15 ~~the true identity of the child. If the student or his or her~~
16 ~~parent, guardian, or legal representative possesses no such~~
17 ~~documentation but nevertheless maintains that the student is~~
18 ~~either a United States citizen or an alien lawfully present in~~
19 ~~the United States, the parent, guardian, or legal~~
20 ~~representative of the student may sign a declaration so~~
21 ~~stating, under penalty of perjury.~~

22 ~~"(5) If no such documentation or declaration is~~
23 ~~presented, the school official shall presume for the purposes~~
24 ~~of reporting under this section that the student is an alien~~
25 ~~unlawfully present in the United States.~~

26 ~~"(b) Each school district in this state shall~~
27 ~~collect and compile data as required by this section.~~

1 ~~"(c) Each school district shall submit to the State~~
2 ~~Board of Education an annual report listing all data obtained~~
3 ~~pursuant to this section.~~

4 ~~"(d) (1) The State Board of Education shall compile~~
5 ~~and submit an annual public report to the Legislature.~~

6 ~~"(2) The report shall provide data, aggregated by~~
7 ~~public school, regarding the numbers of United States~~
8 ~~citizens, of lawfully present aliens by immigration~~
9 ~~classification, and of aliens believed to be unlawfully~~
10 ~~present in the United States enrolled at all primary and~~
11 ~~secondary public schools in this state. The report shall also~~
12 ~~provide the number of students in each category participating~~
13 ~~in English as a Second Language Programs enrolled at such~~
14 ~~schools.~~

15 ~~"(3)(c) The report shall analyze and identify the~~
16 ~~effects upon the standard or quality of education provided to~~
17 ~~students who are citizens of the United States residing in~~
18 ~~Alabama that may have occurred, or are expected to occur in~~
19 ~~the future, as a consequence of the enrollment of students who~~
20 ~~are aliens not lawfully present in the United States.~~

21 ~~"(4)(d) The report shall analyze and itemize the~~
22 ~~fiscal costs to the state and political subdivisions thereof~~
23 ~~of providing educational instruction, computers, textbooks and~~
24 ~~other supplies, free or discounted school meals, and~~
25 ~~extracurricular activities to students who are aliens not~~
26 ~~lawfully present in the United States.~~

1 ~~"(5) The State Board of Education shall prepare and~~
2 ~~issue objective baseline criteria for identifying and~~
3 ~~assessing the other educational impacts on the quality of~~
4 ~~education provided to students who are citizens of the United~~
5 ~~States, due to the enrollment of aliens who are not lawfully~~
6 ~~present in the United States, in addition to the statistical~~
7 ~~data on citizenship and immigration status and English as a~~
8 ~~Second Language enrollment required by this chapter. The State~~
9 ~~Board of Education may contract with reputable scholars and~~
10 ~~research institutions to identify and validate such criteria.~~
11 ~~The State Board of Education shall assess such educational~~
12 ~~impacts and include such assessments in its reports to the~~
13 ~~Legislature.~~

14 "(e) Public disclosure by any person of information
15 obtained pursuant to this section which personally identifies
16 any student shall be unlawful, except for purposes permitted
17 pursuant to 8 U.S.C. §§ 1373 and 1644. Any person intending to
18 make a public disclosure of information that is classified as
19 confidential under this section, on the ground that such
20 disclosure constitutes a use permitted by federal law, shall
21 first apply to the Attorney General and receive a waiver of
22 confidentiality from the requirements of this subsection.

23 "(f) A student whose personal identity has been
24 negligently or intentionally disclosed in violation of this
25 section shall be deemed to have suffered an invasion of the
26 student's right to privacy. The student shall have a civil

1 remedy for such violation against the agency or person that
2 has made the unauthorized disclosure.

3 "(g) The State Board of Education shall construe all
4 provisions of this section in conformity with federal law.

5 "(h) This section shall be enforced without regard
6 to race, religion, gender, ethnicity, or national origin.

7 "§31-13-28.

8 "(a) Applications for voter registration shall
9 contain voter eligibility requirements and such information as
10 is necessary to prevent duplicative voter registrations and
11 enable the ~~relevant election officer~~ county board of
12 registrars to assess the eligibility of the applicant and to
13 administer voter registration, identify the applicant and to
14 determine the qualifications of the applicant as an elector
15 and the facts authorizing such person to be registered.
16 Applications shall contain a statement that the applicant
17 shall be required to provide qualifying identification when
18 voting.

19 "(b) The Secretary of State shall create a process
20 for the county ~~election officer~~ board of registrars to check
21 to indicate whether an applicant has provided with the
22 application the information necessary to assess the
23 eligibility of the applicant, including the applicant's United
24 States citizenship. This section shall be interpreted and
25 applied in accordance with federal law. No eligible applicant
26 whose qualifications have been assessed shall be denied
27 registration.

1 "(c) The county ~~election officer or Secretary of~~
2 ~~State's office~~ board of registrars shall accept any completed
3 application for registration, but an applicant shall not be
4 registered until the applicant has provided satisfactory
5 evidence of United States citizenship. Satisfactory evidence
6 of United States citizenship shall be provided in person at
7 the time of filing the application for registration or by
8 including, with a mailed registration application, a photocopy
9 of one of the documents listed as evidence of United States
10 citizenship in subsection (k). After a person has submitted
11 satisfactory evidence of citizenship, the county ~~election~~
12 ~~officer~~ board of registrars shall indicate this information in
13 the person's permanent voter file.

14 "(d) Any person who is registered in this state on
15 September 1, 2011, is deemed to have provided satisfactory
16 evidence of United States citizenship and shall not be
17 required to submit evidence of citizenship.

18 "(e) For purposes of this section, proof of voter
19 registration from another state is not satisfactory evidence
20 of United States citizenship.

21 "(f) A registered voter who moves from one residence
22 to another within the state or who modifies his or her voter
23 registration records for any other reason shall not be
24 required to submit evidence of United States citizenship.

25 "(g) If evidence of United States citizenship is
26 deemed to be unsatisfactory due to an inconsistency between
27 the document submitted as evidence and the name or sex

1 provided on the application for registration, such applicant
2 may sign an affidavit containing both of the following:

3 "(1) Stating the inconsistency or inconsistencies
4 related to the name or sex, and the reason therefor.

5 "(2) Swearing under oath that, despite the
6 inconsistency, the applicant is the individual reflected in
7 the document provided as evidence of citizenship.

8 "(h) There shall be no inconsistency between the
9 date of birth on the document provided as evidence of
10 citizenship and the date of birth provided on the application
11 for registration. If such an affidavit is submitted by the
12 applicant, the county ~~election officer or Secretary of State~~
13 board of registrars shall assess the eligibility of the
14 applicant without regard to any inconsistency stated in the
15 affidavit.

16 "(i) All documents submitted as evidence of United
17 States citizenship shall be kept confidential by the county
18 ~~election officer or the Secretary of State~~ board of registrars
19 and maintained as provided by record retention laws.

20 "(j) Nothing in this section shall prohibit an
21 applicant from providing, or the ~~Secretary of State or county~~
22 ~~election officer~~ county board of registrars from obtaining,
23 satisfactory evidence of United States citizenship, as
24 described in this section, at a different time or in a
25 different manner than an application for registration is
26 provided, as long as the applicant's eligibility can be
27 adequately assessed by the ~~Secretary of State or county~~

1 ~~election officer~~ county board of registrars as required by
2 this section.

3 "(k) Evidence of United States citizenship shall be
4 demonstrated by one of the following documents, or a legible
5 photocopy of one of the following documents:

6 "(1) The applicant's driver's license or nondriver's
7 identification card issued by the division of motor vehicles
8 or the equivalent governmental agency of another state within
9 the United States if the agency indicates on the applicant's
10 driver's license or nondriver's identification card that the
11 person has provided satisfactory proof of United States
12 citizenship.

13 "(2) The applicant's birth certificate that verifies
14 United States citizenship to the satisfaction of the county
15 ~~election officer or Secretary of State~~ board of registrars.

16 "(3) Pertinent pages of the applicant's United
17 States valid or expired passport identifying the applicant and
18 the applicant's passport number, or presentation to the county
19 ~~election officer~~ board of registrars of the applicant's United
20 States passport.

21 "(4) The applicant's United States naturalization
22 documents or the number of the certificate of naturalization.
23 If only the number of the certificate of naturalization is
24 provided, the applicant shall not be included in the
25 registration rolls until the number of the certificate of
26 naturalization is verified with the United States Bureau of
27 Citizenship and Immigration Services by the county election

1 officer or the Secretary of State, pursuant to 8 U.S.C. §
2 1373(c).

3 "(5) Other documents or methods of proof of United
4 States citizenship issued by the federal government pursuant
5 to the Immigration and Nationality Act of 1952, and amendments
6 thereto.

7 "(6) The applicant's Bureau of Indian Affairs card
8 number, tribal treaty card number, or tribal enrollment
9 number.

10 "(7) The applicant's consular report of birth abroad
11 of a citizen of the United States of America.

12 "(8) The applicant's certificate of citizenship
13 issued by the United States Citizenship and Immigration
14 Services.

15 "(9) The applicant's certification of report of
16 birth issued by the United States Department of State.

17 "(10) The applicant's American Indian card, with KIC
18 classification, issued by the United States Department of
19 Homeland Security.

20 "(11) The applicant's final adoption decree showing
21 the applicant's name and United States birthplace.

22 "(12) The applicant's official United States
23 military record of service showing the applicant's place of
24 birth in the United States.

25 "(13) An extract from a United States hospital
26 record of birth created at the time of the applicant's birth

1 indicating the applicant's place of birth in the United
2 States.

3 ~~"(1) There is hereby established the State Election~~
4 ~~Board, consisting of the Secretary of State, the Attorney~~
5 ~~General, and the Lieutenant Governor. The State Election Board~~
6 ~~shall meet on the call of the Secretary of State. The State~~
7 ~~Election Board shall do both of the following:~~

8 ~~"(1) Assess information provided by any applicant~~
9 ~~for voter registration as evidence of citizenship pursuant to~~
10 ~~subsection (m).~~

11 ~~"(2) Adopt rules to implement subsection (m).~~

12 ~~"(m) (1) If an applicant is a United States citizen~~
13 ~~but does not have any of the documentation listed in this~~
14 ~~section as satisfactory evidence of United States citizenship,~~
15 ~~the applicant may submit any evidence that the applicant~~
16 ~~believes demonstrates the applicant's United States~~
17 ~~citizenship.~~

18 ~~"(2) Any applicant seeking an assessment of evidence~~
19 ~~under this section may directly contact the office of the~~
20 ~~Secretary of State by submitting a voter registration~~
21 ~~application or the national voter registration form and any~~
22 ~~supporting evidence of United States citizenship. Upon receipt~~
23 ~~of this information, the Secretary of State shall notify the~~
24 ~~State Election Board that such application is pending.~~

25 ~~"(3) The State Election Board shall give the~~
26 ~~applicant an opportunity for a hearing, upon the applicant's~~
27 ~~request in writing, and an opportunity to present any~~

1 additional evidence to the State Election Board. Notice of
2 such hearing shall be given to the applicant at least five
3 days prior to the hearing date. An applicant shall have the
4 opportunity to be represented by counsel at such hearing.

5 "(4) The State Election Board shall assess the
6 evidence provided by the applicant to determine whether the
7 applicant has provided satisfactory evidence of United States
8 citizenship. A decision of the State Election Board shall be
9 determined by a majority vote of the board.

10 "(5) If an applicant submits an application and any
11 supporting evidence prior to the close of registration for an
12 election cycle, a determination by the State Election Board
13 shall be issued at least five days before such election date.

14 "(6) If the State Election Board finds that the
15 evidence presented by the applicant constitutes satisfactory
16 evidence of United States citizenship, the applicant shall
17 meet the requirements under this section to provide
18 satisfactory evidence of United States citizenship.

19 "(7) If the State Election Board finds that the
20 evidence presented by an applicant does not constitute
21 satisfactory evidence of United States citizenship, the
22 applicant shall have the right to appeal such determination by
23 the State Election Board by instituting an action under 8
24 U.S.C. § 1503. Any negative assessment of an applicant's
25 eligibility by the State Election Board shall be reversed if
26 the applicant obtains a declaratory judgment pursuant to 8

1 ~~U.S.C. § 1503, demonstrating that the applicant is a national~~
2 ~~of the United States.~~

3 ~~"(n)(1)(1) The Department of Public Health shall not~~
4 ~~charge or accept any fee for a certified copy of a birth~~
5 ~~certificate if the certificate is requested by any person who~~
6 ~~is 17 years of age or older for purposes of meeting the voter~~
7 ~~registration requirements of this chapter. The person~~
8 ~~requesting a certified copy of a birth certificate shall swear~~
9 ~~under oath to both of the following:~~

10 ~~"a. That the person plans to register to vote in~~
11 ~~this state.~~

12 ~~"b. That the person does not possess any of the~~
13 ~~documents that constitute evidence of United States~~
14 ~~citizenship as defined in this chapter.~~

15 ~~"(2) The affidavit shall specifically list the~~
16 ~~documents that constitute evidence of United States~~
17 ~~citizenship as defined in this chapter.~~

18 ~~"(m)(1) The county board of registrars shall assess~~
19 ~~the evidence provided by the applicant to determine whether~~
20 ~~the applicant has provided satisfactory evidence of United~~
21 ~~States citizenship. A decision of the county board of~~
22 ~~registrars shall be determined by a majority of the board.~~

23 ~~"(2) If the county board of registrars denies the~~
24 ~~application because the applicant did not prove United States~~
25 ~~citizenship, the applicant shall have the right of appeal as~~
26 ~~outlined in Section 17-3-55.~~

27 ~~"§31-13-29.~~

1 "(a) For the purposes of this section, business
2 transaction ~~includes any transaction between a person and the~~
3 ~~state or a political subdivision of the state, including, but~~
4 ~~not limited to, means~~ applying for ~~or renewing~~ a motor vehicle
5 license plate, applying for ~~or renewing~~ a driver's license or
6 nondriver identification card, or applying for ~~or renewing~~ a
7 business license. Business transaction does not include
8 applying for a marriage license or any other transaction.

9 "(b) An alien not lawfully present in the United
10 States shall not enter into or attempt to enter into a
11 business transaction with the state or a political subdivision
12 of the state and no person shall enter into a business
13 transaction or attempt to enter into a business transaction on
14 behalf of an alien not lawfully present in the United States.

15 "(c) Any person entering into a business transaction
16 or attempting to enter into a business transaction with this
17 state or a political subdivision of this state shall be
18 required to demonstrate his or her United States citizenship,
19 as provided in subsection (g), or his or her lawful presence
20 in the United States either by presentation of one of the
21 documents listed in subdivision (10) of Section 31-13-3 or by
22 other verification with the Department of Homeland Security
23 pursuant to 8 U.S.C. § 1373(c). ~~or if he or she is an alien,~~
24 ~~his or her lawful presence in the United States to the person~~
25 ~~conducting the business transaction on behalf of this state or~~
26 ~~a political subdivision of this state. United States~~
27 ~~citizenship shall be demonstrated by presentation of one of~~

1 ~~the documents listed in subsection (k) of Section 31-13-28. An~~
2 ~~alien's lawful presence in the United States shall be~~
3 ~~demonstrated by this state's or a political subdivision of~~
4 ~~this state's verification of the alien's lawful presence~~
5 ~~through the Systematic Alien Verification for Entitlements~~
6 ~~program operated by the Department of Homeland Security, or by~~
7 ~~other verification with the Department of Homeland Security~~
8 ~~pursuant to 8 U.S.C. § 1373(c).~~

9 "(d) A violation of this section by a person not
10 lawfully present is a Class C felony.

11 "(e) An agency of this state or a county, city,
12 town, or other political subdivision of this state may not
13 consider race, color, or national origin in the enforcement of
14 this section except to the extent permitted by the United
15 States Constitution or the Constitution of Alabama of 1901.

16 "(f) In the enforcement of this section, an alien's
17 immigration status shall be determined by verification of the
18 alien's immigration status with the federal government
19 pursuant to 8 U.S.C. § 1373(c). An official of this state or
20 political subdivision of this state shall not attempt to
21 independently make a final determination of whether an alien
22 is lawfully present in the United States.

23 "(g) A person's United States citizenship may be
24 demonstrated or confirmed by any one of the following, which
25 shall only be necessary for the initial business transaction
26 issued after the effective date of the act adding this
27 subdivision, but not subsequent renewals thereof:

1 "(1) A driver's license or nondriver's
2 identification card issued by the Alabama Department of Public
3 Safety Division of Motor Vehicles or the equivalent
4 governmental agency of another state within the United States,
5 provided that the governmental agency of another state within
6 the United States requires proof of lawful presence in the
7 United States as a condition of issuance of the driver's
8 license or nondriver's identification card.

9 "(2) A birth certificate.

10 "(3) Pertinent pages of a United States valid or
11 expired passport identifying the person and the person's
12 passport number, or the person's United States passport.

13 "(4) United States naturalization documents or the
14 number of the certificate of naturalization.

15 "(5) Other documents or methods of proof of United
16 States citizenship issued by the federal government pursuant
17 to the Immigration and Nationality Act of 1952, as amended.

18 "(6) Bureau of Indian Affairs card number, tribal
19 treaty card number, or tribal enrollment number.

20 "(7) A consular report of birth abroad of a citizen
21 of the United States of America.

22 "(8) A certificate of citizenship issued by the
23 United States Citizenship and Immigration Services.

24 "(9) A certification of report of birth issued by
25 the United States Department of State.

1 "(10) An American Indian card, with KIC
2 classification, issued by the United States Department of
3 Homeland Security.

4 "(11) Final adoption decree showing the person's
5 name and United States birthplace.

6 "(12) An official United States military record of
7 service showing the applicant's place of birth in the United
8 States.

9 "(13) An extract from a United States hospital
10 record of birth created at the time of the person's birth
11 indicating the place of birth in the United States.

12 "(14) AL-verify.

13 "(15) A valid Uniformed Services Privileges and
14 Identification Card.

15 "(16) Any other form of identification that the
16 Alabama Department of Revenue authorizes, through an
17 administrative rule promulgated pursuant to the Alabama
18 Administrative Procedure Act, to be used to demonstrate or
19 confirm a person's United States citizenship, provided that
20 the identification requires proof of lawful presence in the
21 United States as a condition of issuance."

22 Section 4. The provisions of this act are severable.
23 If any part of this act is declared invalid or
24 unconstitutional, that declaration shall not affect the part
25 which remains.

1 Section 5. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.