

1 SB37
2 133875-2
3 By Senator Sanford
4 RFD: Governmental Affairs
5 First Read: 07-FEB-12
6 PFD: 09/08/2011

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8 SYNOPSIS: Under existing law, an individual conducting
9 a business transaction with the state must
10 demonstrate his or her United States citizenship or
11 that he or she is lawfully present in the United
12 States. A "business transaction" is defined under
13 existing law to include applying for or renewing a
14 motor vehicle license plate, applying for or
15 renewing a driver's license or nondriver
16 identification card, or applying for or renewing a
17 business license.

18 This bill would substitute "license
19 transaction" for "business transaction" and would
20 specify that a license transaction would not
21 include renewing a motor vehicle license plate, a
22 driver's license or nondriver identification card,
23 or a business or other license.

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25 A BILL
26 TO BE ENTITLED
27 AN ACT

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2 Relating to illegal immigration; to amend Section 30
3 of Act 2011-535, 2011 Regular Session, now appearing as
4 Section 31-13-29, Code of Alabama 1975, to specify that a
5 person renewing a motor vehicle license plate, a driver's
6 license or nondriver identification card, or a business or
7 other license is not required to demonstrate his or her United
8 States citizenship.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 30 of Act 2011-535, 2011 Regular
11 Session, now appearing as Section 31-13-29, Code of Alabama
12 1975, is amended to read as follows:

13 "§31-13-29.

14 "(a) For the purposes of this section, the following
15 words shall have the following meanings:

16 "(1) INDIVIDUAL. A single human being. The term does
17 not include a firm, association of individuals, corporation,
18 partnership, joint venture, sole proprietorship, or any other
19 entity.

20 (2) ~~business transaction~~ LICENSE TRANSACTION.
21 includes any Any transaction between a person an individual
22 and the state or a political subdivision of the state, in
23 which the state or political subdivision issues a license to
24 the individual. including, but not limited to, applying The
25 term includes an initial application submitted on or after the
26 effective date of the act adding this clause for or renewing a
27 motor vehicle license plate, applying an initial application

1 submitted on or after the effective date of the act adding
2 this clause for ~~or renewing~~ a driver's license or nondriver
3 identification card, or ~~applying an initial application~~
4 submitted on or after the effective date of the act adding
5 this clause for ~~or renewing~~ a business or other license.
6 Business License transaction does not include applying for a
7 marriage license or the renewal of a motor vehicle license
8 plate, driver's license or nondriver identification card, or
9 business or other license.

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

17 "(c) Any ~~person~~ individual entering into a business
18 license transaction or attempting to enter into a business
19 license transaction with this state or a political subdivision
20 of this state shall be required to demonstrate his or her
21 United States citizenship, or if he or she is an alien, his or
22 her lawful presence in the United States to the ~~person~~
23 individual conducting the business license transaction on
24 behalf of this state or a political subdivision of this state.
25 United States citizenship shall be demonstrated by
26 presentation of one of the documents listed in subsection (k)
27 of Section 31-13-28. An alien's lawful presence in the United

1 States shall be demonstrated by this state's or a political
2 subdivision of this state's verification of the alien's lawful
3 presence through the Systematic Alien Verification for
4 Entitlements program operated by the Department of Homeland
5 Security, or by other verification with the Department of
6 Homeland Security pursuant to 8 U.S.C. § 1373(c).

7 "(d) A violation of this section is a Class C
8 felony.

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

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

21 Section 2. This act shall become effective
22 immediately following its passage and approval by the
23 Governor, or its otherwise becoming law.