



**House Public Safety and Homeland Security Reported
Substitute for HB7**

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A BILL
TO BE ENTITLED
AN ACT

Relating to illegal immigration; to designate Sections 31-13-1 through 31-13-35 as Article 1 of Chapter 13 of Title 31, Code of Alabama 1975; to add Article 2, commencing with Section 31-13-50, to Chapter 13 of Title 31, Code of Alabama 1975; to create the Laken Riley Act; to allow state and local law enforcement agencies to enter into memorandums of understanding and agreements with federal agencies to enforce federal immigration laws; to provide for procedures involving the arrest, detention, and transportation of illegal aliens; to provide for standard procedures for intake and booking of illegal aliens and foreign nationals in county and municipal jails; to require county and municipal jails to honor immigration detainer requests in certain circumstances; and to require county and municipal jails to prepare and report information regarding foreign nationals.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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



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29 Section 2. Article 2, commencing with Section 31-13-50,
30 is added to Chapter 13, Code of Alabama 1975, to read as
31 follows:

32 Article 2.

33 §31-13-50

34 This act shall be known and may be cited as the Laken
35 Riley Act.

36 §31-13-51

37 As used in this article, the following words have the
38 following meanings:

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

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

43 (3) ILLEGAL ALIEN. An individual who is present in the
44 United States in violation of the federal Immigration and
45 Nationality Act.

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

50 (5) JAIL STAFF or JAIL STAFF MEMBER. Any employee of a
51 county or municipal jail, including, but not limited to, a
52 corrections officer, deputy assigned to a jail, a jailer, and
53 administrative support staff.

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

56 §31-13-52



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57 (a) State and local law enforcement agencies may enter
58 into memorandums of understanding and agreements with the
59 United States Department of Justice, Department of Homeland
60 Security, and any other federal agency for the purpose of
61 enforcing federal immigration and customs laws and the
62 detention, removal, and investigation of illegal aliens and
63 the immigration status of any person in this state. A law
64 enforcement officer acting within the scope of his or her
65 authority under any memorandum of understanding, agreement, or
66 other authorization from the federal government may arrest,
67 with probable cause, any individual suspected of being an
68 illegal alien.

69 (b) To the extent authorized by federal law, employees
70 of any state or local law enforcement agency, including law
71 enforcement officers, shall send, receive, and maintain
72 information relating to the immigration status of any
73 individual as reasonably needed for public safety purposes.

74 (c) Except as provided by federal law, no state or
75 local agency or department shall be prohibited from utilizing
76 available federal resources, including databases, equipment,
77 grant funds, training, or participation in incentive programs,
78 for any public safety purpose relating to the enforcement of
79 state and federal immigration laws.

80 (d) When reasonably possible, applicable state agencies
81 shall consider incentive programs and grant funding for the
82 purpose of assisting and encouraging state and local agencies
83 and departments to enter into agreements with federal entities
84 and to utilize federal resources consistent with this section.



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85 (e) If a state or local law enforcement officer has
86 verification that a person is an illegal alien, the officer
87 may securely transport the illegal alien to a federal facility
88 in the state or any other temporary point of detention and may
89 reasonably detain the illegal alien when authorized by federal
90 law.

91 (f) Nothing in this section shall be construed to
92 hinder or prevent a law enforcement officer or law enforcement
93 agency from arresting or detaining any criminal suspect on
94 other criminal charges.

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

99 (h) If, in the judgment of the Attorney General, an
100 official, agency of this state, or any political subdivision
101 thereof is in violation of this section, the Attorney General
102 shall report the violation to the Governor and shall issue a
103 press release containing the details of the violation.

104 (i) A law enforcement officer or government official or
105 employee shall have immunity from any damages or liability,
106 subject to Section 36-1-12, when he or she acts in good faith
107 to enforce immigration laws pursuant to an agreement with
108 federal authorities to collect or share immigration status
109 information, or in the performance of any provision of this
110 section.

111 §31-13-53

112 (a) (1) When any individual is confined, for any period,



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113 in a county or municipal jail, a reasonable effort shall be
114 made to determine the nationality of the person so confined.

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

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

123 (4) If the LESC requests a jail staff member procure an
124 immigration detainer for the inmate and the inmate is still in
125 custody, the inmate shall not be released until after the
126 contact is made. If the inmate has already been released prior
127 to the notification from the LESC, the LESC shall be advised
128 of this fact.

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

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

136 (7) An inmate identified as an illegal alien shall not
137 be detained on the basis of being an illegal alien unless the
138 LESC or ICE specifically provides written instructions for
139 detaining the inmate as an illegal alien. The existence of an
140 arrest warrant shall be verified with ICE within 24 hours of



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141 the placement of the immigration detainer.

142 (8)a. Inmates shall be held no longer than 48 hours
143 pursuant to an immigration detainer or an immigration warrant,
144 unless the warrant is signed by a federal judge or federal
145 magistrate. An immigration warrant signed by any immigration
146 official other than a federal judge or federal magistrate
147 shall be treated as an immigration detainer. If an immigration
148 warrant signed by a federal judge or federal magistrate is not
149 received by the jail staff within 48 hours, or if ICE does not
150 take custody of the inmate within 48 hours, the inmate shall
151 be eligible for release from the custody.

152 b. This subdivision does not relieve the jail staff of
153 the requirement to notify the appropriate consulate of foreign
154 nationals.

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

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

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

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

168 b. A valid, unexpired passport indicating that a visa



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169 was issued.

170 c. A permanent resident alien card Form 551.

171 d. A valid Nexus card.

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

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

177 (3) If a suspected foreign national does not produce a
178 copy of one of the documents set forth in subdivision (2), or
179 if verification of any document is required, a jail staff
180 member shall contact the LESC or ICE for a determination of
181 the nationality and immigration status of the suspected
182 foreign national.

183 (c) If a newly admitted inmate claims to be a consular
184 officer or to have diplomatic status and the inmate is unable
185 to produce the proper credentials or verification of
186 diplomatic status as required, a jail staff member shall
187 contact the United States Department of State during its
188 normal working hours or the Command Center of the Office of
189 Security of the United States Department of State outside of
190 working hours to request verification of the inmate's status
191 as a consular officer or of other diplomatic status. Once an
192 inmate's status is verified as a consular officer or diplomat,
193 he or she shall be immediately released.

194 (d) Nothing in this section shall be construed to deny
195 an inmate bond or from being released from confinement when
196 the inmate is otherwise eligible for release; provided,



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197 however, that, upon verification that any inmate confined in a
198 jail is an illegal alien, the inmate may be detained,
199 arrested, and transported as authorized by state and federal
200 law.

201 §31-13-54

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

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

207 (2) Inform the inmate identified in the immigration
208 detainer request that the inmate is being held pursuant to an
209 immigration detainer.

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

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

216 (2) A government issued identification issued by the
217 federal government or another state.

218 §31-13-55

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

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

224 (2) The total number of foreign national inmates



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225 included in the total provided for in subdivision (1);

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

229 (4) The total number of responses from any inquiry
230 under subdivision (3);

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

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

238 (7) The number of immigration detainers issued by the
239 United States Immigration and Customs Enforcement Division of
240 the Department of Homeland Security for inmates in the jail;
241 and

242 (8) A statement by the sheriff, chief of police, or his
243 or her designee verifying that all requirements of Section
244 31-13-52 have been complied with and that the jail is in
245 compliance with all applicable laws.

246 (b) A state, county, or local jail shall annually
247 provide the information reported in subsection (a) to the
248 Alabama State Law Enforcement Agency which shall annually post
249 the information on its website.

250 Section 3. Nothing in this act shall limit or abridge
251 any right created or recognized by the Constitution of Alabama
252 of 2022, or the Constitution of the United States.



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253 Section 4. This act shall become effective on June 1,
254 2025.