

## HB7 INTRODUCED



1 HB7  
2 5KT933M-1  
3 By Representatives Yarbrough, Stringer, Treadaway, Pettus,  
4 Whorton, Butler, Harrison, Kiel, Mooney  
5 RFD: Judiciary  
6 First Read: 04-Feb-25  
7 PFD: 08-Jul-24



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SYNOPSIS:

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

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

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

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

This bill would allow state and local law



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29 enforcement officers to arrest an illegal alien based  
30 on his or her status as an illegal alien or for a  
31 violation of any federal immigration law.

32 This bill would provide for standard procedures  
33 for intake and booking of illegal aliens and foreign  
34 nationals in county and municipal jails.

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

39 This bill would also require quarterly reports  
40 by county and municipal jails regarding foreign  
41 nationals.

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A BILL

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TO BE ENTITLED

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AN ACT

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48 Relating to illegal immigration; to designate Sections  
49 31-13-1 through 31-13-35 as Article 1 of Chapter 13 of Title  
50 31, Code of Alabama 1975; to add Article 2, commencing with  
51 Section 31-13-50, to Chapter 13 of Title 31, Code of Alabama  
52 1975; to create the Laken Riley Act; to allow state and local  
53 law enforcement agencies to enter into memorandums of  
54 understanding and agreements with federal agencies to enforce  
55 federal immigration laws; to provide for procedures involving  
56 the arrest, detention, and transportation of illegal aliens;



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57 to provide for standard procedures for intake and booking of  
58 illegal aliens and foreign nationals in county and municipal  
59 jails; to require county and municipal jails to honor  
60 immigration detainer requests in certain circumstances; and to  
61 require county and municipal jails to prepare and report  
62 information regarding foreign nationals.

63 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

64 Section 1. Sections 31-13-1 through 31-13-35 of Chapter  
65 13 of Title 31, Code of Alabama 1975, are designated as  
66 Article 1.

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

70 Article 2.

71 §31-13-50

72 This act shall be known and may be cited as the Laken  
73 Riley Act.

74 §31-13-51

75 As used in this article, the following words have the  
76 following meanings:

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

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

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

84 (4) IMMIGRATION DETAINER REQUEST. A federal government



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85 request to a local entity to maintain temporary custody of an  
86 alien, including a United States Department of Homeland  
87 Security Form I-247 document or a similar successor form.

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

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

94 §31-13-52

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

107 (b) To the extent authorized by federal law, state and  
108 local government employees, including law enforcement officers  
109 and prosecuting attorneys, shall send, receive, and maintain  
110 information relating to the immigration status of any  
111 individual as reasonably needed for public safety purposes.

112 (c) Except as provided by federal law, no state or



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113 local agency or department shall be prohibited from utilizing  
114 available federal resources, including databases, equipment,  
115 grant funds, training, or participation in incentive programs,  
116 for any public safety purpose relating to the enforcement of  
117 state and federal immigration laws.

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

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

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

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

137 (h) If, in the judgment of the Attorney General, an  
138 official, agency of this state, or any political subdivision  
139 thereof is in violation of this section, the Attorney General  
140 shall report the violation to the Governor and shall issue a



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141 press release containing the details of the violation.

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

149 §31-13-53

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

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

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

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

167 (5) A jail staff member shall request that the LESC  
168 automatically notify ICE of any inmate who is determined to be



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169 an illegal alien.

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

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

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

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

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

195 (b) (1) When a suspected foreign national is confined,  
196 for any period, in a county or municipal jail, a reasonable





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197 effort shall be made to verify that the foreign national has  
198 been admitted to the United States and, if lawfully admitted,  
199 that the lawful status has not expired.

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

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

206 b. A valid, unexpired passport indicating that a visa  
207 was issued.

208 c. A permanent resident alien card Form 551.

209 d. A valid Nexus card.

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

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

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

221 (c) If a newly admitted inmate claims to be a consular  
222 officer or to have diplomatic status and the inmate is unable  
223 to produce the proper credentials or verification of  
224 diplomatic status as required, a jail staff member shall



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

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

239 §31-13-54

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

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

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

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

252 (1) A driver license or nondriver identification card



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253 issued by the Alabama State Law Enforcement Agency; or

254 (2) A government issued identification issued by the  
255 federal government or another state.

256 §31-13-55

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

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

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

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

267 (4) The total number of responses from any inquiry  
268 under subdivision (3);

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

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

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

280 (8) A statement by the sheriff, chief of police, or his



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281 or her designee verifying that all requirements of Section  
282 31-13-52 have been complied with and that the jail is in  
283 compliance with all applicable laws.

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

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

291 Section 4. This act shall become effective on June 1,  
292 2025.