



House Judiciary 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 may report the violation to the Governor.

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

110 §31-13-53

111 (a) (1) When any individual is confined, for any period,
112 in a county or municipal jail, a reasonable effort shall be



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113 made to determine the lawful status of the person so confined.

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

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

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

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

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

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



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

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

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

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

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

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

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



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169 c. A permanent resident alien card Form 551.

170 d. A valid Nexus card.

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

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

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

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

192 (d) Nothing in this section shall be construed to deny
193 an inmate bond or from being released from confinement when
194 the inmate is otherwise eligible for release; provided,
195 however, that, upon verification that any inmate confined in a
196 jail is an illegal alien, the inmate may be detained,



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197 arrested, and transported as authorized by state and federal
198 law.

199 §31-13-54

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

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

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

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

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

214 (2) A government issued identification issued by the
215 federal government or another state.

216 §31-13-55

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

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

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

224 (3) The total number of inquiries made to LESC or any



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225 other federal agency inquiring about the immigration status or
226 prior arrests of foreign national inmates;

227 (4) The total number of responses from any inquiry
228 under subdivision (3);

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

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

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

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

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

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

251 Section 4. This act shall become effective on June 1,
252 2025.