



House Judiciary Reported Substitute for HB348

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A BILL
TO BE ENTITLED
AN ACT

Relating to bail; to require a pretrial hearing for illegal aliens charged with a violent offense; and to authorize a court to deny bail following a hearing and satisfaction of certain factors.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) As used in this section, the following terms have the following meanings:

(1) ILLEGAL ALIEN. The term as defined in Section 31-13-3, Code of Alabama 1975.

(b) If a defendant is an illegal alien and charged with an offense enumerated under Section 15-13-3(b), Code of Alabama 1975, the defendant shall be detained and is not eligible for bail until the court conducts a pretrial detention hearing pursuant to this section.

(c) At a pretrial detention hearing, the court shall deny bail for the defendant if the court determines that based on the following considerations, no amount of bail would reasonably assure the defendant's appearance in court or protect the safety of the community and of any person:

(1) The nature and circumstances of the offense



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29 charged.

30 (2) The nature and seriousness of the danger to any
31 person or the community if the defendant is released.

32 (3) The likelihood the defendant will flee from the
33 jurisdiction to escape prosecution. For purposes of this
34 subdivision, there is a presumption that based on the
35 defendant's status as an illegal alien, the defendant is an
36 inherent flight risk. The court shall give considerable weight
37 to this subdivision.

38 (4) The weight of the evidence against the defendant.

39 (5) The history and characteristics of the defendant,
40 including the defendant's character, physical and mental
41 condition, family ties, employment, financial resources,
42 length of residence in the community, community ties, past
43 conduct, history of drug or alcohol abuse, criminal history,
44 and record concerning appearance at court proceedings.

45 Section 2. This act shall become effective on October
46 1, 2026.