

1 SB37
2 115197-1
3 By Senator Mitchem
4 RFD: Fiscal Responsibility and Accountability
5 First Read: 12-JAN-10
6 PFD: 11/24/2009

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8 SYNOPSIS: Existing law does not specifically require
9 verification of the citizenship status of a person
10 charged with and confined for a felony or driving
11 under the influence of alcoholic beverages or other
12 controlled substances.

13 This bill would require the jailor or other
14 officer having custody of a person charged with and
15 confined for a felony or driving under the
16 influence of alcoholic beverages or other
17 controlled substances to determine the citizenship
18 status of the person.

19 This bill would provide time limitation for
20 the verification.

21 This bill would require notification to
22 certain entities.

23 This bill would provide, for the purpose of
24 determining the granting of or issuance of bond, a
25 rebuttable presumption that certain persons are
26 flight risks.
27

1 A BILL
2 TO BE ENTITLED
3 AN ACT
4

5 To require the jailor or other officer having
6 custody of a person charged with and confined for a felony or
7 driving under the influence of alcoholic beverages or other
8 controlled substances to determine the citizenship status of
9 the person; to provide time limitation for the verification;
10 to require notification to certain entities; and to provide,
11 for the purpose of determining the grant of or issuance of
12 bond, that is a rebuttable presumption that certain persons
13 are flight risks.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. (a) When a person charged with a felony
16 or driving under the influence of alcoholic beverages or other
17 controlled substances pursuant to Section 32-5A-191, Code of
18 Alabama 1975, is confined for any period in a county or
19 municipal jail, a reasonable effort shall be made to determine
20 the citizenship status of the person.

21 (b) If the person is a foreign national, the jailor
22 or other officer having custody of the person shall make a
23 reasonable effort to verify that the person has been lawfully
24 admitted to the United States and, if lawfully admitted, that
25 the lawful status has not expired. If verification of lawful
26 status cannot be made from documents in the possession of the
27 person, verification shall be made within 48 hours through a

1 query to the Law Enforcement Support Center of the United
2 States Department of Homeland Security or other office or
3 agency designated for that purpose by the United States
4 Department of Homeland Security. If the lawful immigration
5 status of the person cannot be verified, the jailor or other
6 officer having custody of the person shall notify the United
7 States Department of Homeland Security.

8 (c) For the purpose of determining the grant of or
9 issuance of bond, there shall be a rebuttable presumption that
10 a person is a flight risk if the person's citizenship status
11 has been verified pursuant to subsection (b) and it has been
12 determined that the person is a foreign national who has not
13 been lawfully admitted to the United States.

14 Section 2. This act shall become effective on the
15 first day of the third month following its passage and
16 approval by the Governor, or its otherwise becoming law.