HB56
126156-1

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RFD: Public Safety and Homeland Security
First Read: 01-MAR-11
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SYNOPSIS: Under existing law, the determination of who is an alien lawfully present in the United States and the enforcement of immigration laws are generally functions administered by the federal government.

This bill would preclude any state or local government or official from refusing to enforce federal immigration laws. The bill would create specific crimes relating to the entry, presence, and involvement in economic activity of unauthorized aliens in this state and provide penalties therefor. The bill would require the verification of the legal status of persons by law enforcement officers under certain circumstances. The bill would prohibit the knowing or intentional hiring of unauthorized aliens and provide for penalties. The bill would require participation in the federal e-verify program for businesses receiving specified economic incentives as a condition for continued receipt of the incentives.
This bill would provide procedures for the immobilization or impoundment of a vehicle under certain conditions.

This bill would provide that an unauthorized alien who willfully affirms to false voter registration information or an individual who assists an unauthorized alien in willfully procuring false voter registration commits a Class C felony. This bill would also provide that an unauthorized alien who willfully votes commits a Class C felony.

This bill would require proof of citizenship or legal residency in order to access government benefits.

Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.
The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in the amendment.

A BILL
TO BE ENTITLED
AN ACT

Relating to immigration laws; to provide for the enforcement of immigration laws on the state and local level; to make the entry, presence, and involvement in economic activity of unauthorized aliens illegal in the state and to provide penalties; to require the verification of the legal status of persons; to prohibit the knowing or intentional hiring of unauthorized aliens and to provide penalties; to require participation in the federal e-verify program; to provide procedures for the immobilization or impoundment of a vehicle under certain conditions; to prohibit certain practices related to voting and registration for voting and to provide criminal penalties; to require proof of citizenship or legal residency in order to access government benefits; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds.
within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature declares that the intent of this act is to make the attrition of unauthorized aliens through enforcement the public policy of all state and local government agencies in Alabama. The provisions of this act are intended to work together to discourage and deter the entry, presence, and involvement in economic activity of unauthorized aliens in Alabama.

Section 2. (a) No official or agency of this state or a county, city, town, or other political subdivision of this state may adopt a policy that limits or restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law.

(b) When there is any lawful stop, detention, or arrest made by a law enforcement officer or agency of this state or a county, city, town, or other political subdivision of this state in the enforcement of any other law or ordinance of a county, city, town, or other political subdivision of this state where reasonable suspicion exists that a person is an unauthorized alien, a reasonable attempt shall be made to determine the immigration status of the person, except if the determination may hinder or obstruct an investigation. The immigration status of the person shall be verified with the
federal government pursuant to 8 U.S.C. § 1373(c). Any person who is arrested shall have his or her immigration status determined before the person is released. A law enforcement official or agency of this state or a county, city, town, or other political subdivision of this state may not consider race, color, or national origin in implementing the requirements of this subsection except to the extent permitted by the United States Constitution or the Constitution of Alabama of 1901. A person is presumed not to be an unauthorized alien in the United States if the person provides to the law enforcement officer or agency any of the following:

(1) A valid Alabama driver's license.
(2) A valid Alabama nondriver identification card.
(3) A valid tribal enrollment card or other form of tribal identification.

(4) If the entity requires proof of legal presence in the United States before issuance, any valid United States federal, state, or local government issued identification.

(c) If an alien who is present in Alabama unlawfully is convicted of a violation of state or local law, on discharge from imprisonment or assessment of any fine that is imposed, the alien shall be transferred immediately to the custody of the United States Immigration and Customs Enforcement Agency or the United States Customs and Border Protection Agency.

(d) Notwithstanding any other law, a law enforcement agency may transport an alien who is verified as present in
the United States unlawfully and who is in the custody of the agency to a federal facility in this state or to any other point of transfer into federal custody that is outside of the jurisdiction of the law enforcement agency. A law enforcement agency shall obtain judicial authorization before transporting an alien who is present in the United States unlawfully to a point of transfer that is outside of this state.

(e) In the implementation of this section, the immigration status of an alien may be determined by either of the following:

(1) A law enforcement officer who is authorized by the federal government to verify or ascertain the immigration status of an alien.

(2) The United States Immigration and Customs Enforcement Agency or the United States Customs and Border Protection Agency pursuant to 8 U.S.C. § 1373(c).

(f) Except as provided by federal law, officials or agencies of this state and counties, cities, towns, and other political subdivisions of this state may not be prohibited or in any way be restricted from sending, receiving, or maintaining information relating to the immigration status, lawful or unlawful, of any individual or exchanging that information with any other federal, state, or local governmental entity for the following official purposes:

(1) Determining eligibility for any public benefit, service, or license provided by the federal government, the
state, or a county, city, town, or other political subdivision
of this state.

(2) Verifying any claim of residence or domicile if
determination of residence or domicile is required under the
laws of this state or a judicial order issued pursuant to a
civil or criminal proceeding in this state.

(3) Confirming the identity of any person who is
detained.

(4) If the person is an alien, determining whether
the person is in compliance with the federal registration laws
prescribed by Title II, Chapter 7 of the Federal Immigration
1644.

(g) A person may bring an action in circuit court to
challenge any official or agency of this state that adopts or
implements a policy that limits or restricts the enforcement
of federal immigration laws to less than the full extent
permitted by federal law. If there is a judicial finding that
an entity has violated this section, the court shall order any
of the following:

(1) That the person who brought the action recover
court costs and attorney fees.

(2) That the entity pay a civil penalty of not less
than five hundred dollars ($500) and not more than five
thousand dollars ($5,000) for each day that the policy has
remained in effect after the filing of an action pursuant to
this subsection.
(h) A court shall collect the civil penalty prescribed in subsection (g) and remit the civil penalty to the Department of Public Safety which shall establish a special account for the monies for the purpose of enforcement of this act.

(i) A law enforcement officer shall be indemnified by the agency of the law enforcement officer against reasonable costs and expenses, including attorney fees, incurred by the officer in connection with any action, suit, or proceeding brought pursuant to this section to which the officer may be party by reason of the officer being or having been a member of the law enforcement agency, except in relation to matters in which the officer is adjudged to have acted in bad faith.

(j) This section shall be implemented in a manner consistent with federal laws regulating immigration, protecting the civil rights of all persons, and respecting the privileges and immunities of United States citizens.

(k) This section does not implement, authorize, or establish and shall not be construed to implement, authorize, or establish the REAL ID Act of 2005 (P.L. 109-13, division B; 119 Stat. 302), including the use of a radio frequency identification chip.

Section 3. (a) In addition to any violation of federal law, an alien is guilty of trespassing if the alien is both (1) present on any public or private land in this state
and (2) in violation of 8 U.S.C. § 1304(e) or § 1306(a),
relating to the registration of aliens.

(b) The final determination of the immigration
status of an alien shall be determined by either of the
following:

(1) A law enforcement officer who is authorized by
the federal government to verify or ascertain the immigration
status of an alien.

(2) The United States Immigration and Customs
Enforcement Agency or the United States Border Protection
Agency pursuant to 8 U.S.C. § 1373(c).

(c) A person who is sentenced pursuant to this
section is not eligible for suspension or commutation of
sentence or release on any basis until the sentence imposed is
served.

(d) In addition to any other penalty prescribed by
law, the court shall order the person to pay court costs and
an additional assessment in the following amounts:

(1) At least five hundred dollars ($500) for a first
violation.

(2) Twice the amount specified in subdivision (1) if
the person was previously subject to an assessment pursuant to
this subsection.

(e) A court shall collect the assessments prescribed
in subsection (d) and remit the assessments to the Department
of Public Safety which shall establish a special account for
the monies for the purpose of enforcement of this act.
(f) This section does not apply to an alien who maintains authorization from the federal government to remain in the United States.

(g) A violation of this section is a Class A misdemeanor, except that a violation of this section is a Class C felony if the person violates this section while in possession of any of the following:


4. Property that is used as material support or resources, as defined in Section 13A-10-151, Code of Alabama 1975, for the purpose of committing or aiding in the commission of an act of terrorism as prescribed in Sections 13A-10-152 and 13A-10-153, Code of Alabama 1975.

(h) Any record that relates to the immigration status of a person is admissible in any court without further foundation or testimony from a custodian of records if the record is certified as authentic by the government agency that is responsible for maintaining the record.
Section 4. (a) It is unlawful for a person to intentionally engage in the smuggling of human beings for profit or commercial purposes.

(b) A violation of this section is a Class C felony.

(c) Notwithstanding any other law, a law enforcement officer may lawfully stop any person who is operating a motor vehicle if the officer has reasonable suspicion to believe the person is in violation of any traffic law and this section.

(d) For the purposes of this section, "smuggling of human beings" means the transportation, procurement of transportation, or use of real or personal property by a person or an entity that knows or has reason to know that the person or persons transported or to be transported are not United States citizens, permanent resident aliens, or persons otherwise allowed to enter or remain in the United States.

Section 5. (a) It is unlawful for an occupant of a motor vehicle that is stopped on a street, roadway, or highway to attempt to hire or hire and pick up passengers for work at a different location if the motor vehicle blocks or impedes the normal movement of traffic.

(b) It is unlawful for a person to enter a motor vehicle that is stopped on a street, roadway, or highway in order to be hired by an occupant of the motor vehicle and to be transported to work at a different location if the motor vehicle blocks or impedes the normal movement of traffic.

(c) It is unlawful for a person who is an unauthorized alien to knowingly apply for work, solicit work
in a public place, or perform work as an employee or independent contractor in this state.

   (d) A law enforcement official or agency of this state or a county, city, town, or other political subdivision of this state may not consider race, color, or national origin in the enforcement of this section except to the extent permitted by the United States Constitution or the Constitution of Alabama of 1901.

   (e) In the enforcement of this section, the immigration status of an alien may be determined by:

      (1) A law enforcement officer who is authorized by the federal government to verify or ascertain the immigration status of an alien.

      (2) The United States Immigration and Customs Enforcement Agency or the United States Customs and Border Protection Agency pursuant to 8 U.S.C. § 1373(c).

   (f) A violation of this section is a Class A misdemeanor.

   (g) For the purposes of this section, the following terms shall have the following meanings:

      (1) SOLICIT. To exhibit verbal or nonverbal communication by a gesture or a nod that would indicate to a reasonable person that a person is willing to be employed.

      (2) UNAUTHORIZED ALIEN. An alien who does not have the legal right or authorization under federal law to work in the United States as specified in 8 U.S.C. § 1324a(h)(3).
Section 6. (a) It is unlawful for a person to do any of the following:

(1) Transport or move or attempt to transport or move an alien in this state in furtherance of the presence of the unauthorized alien in the United States in a means of transportation if the person knows or recklessly disregards the fact that the alien has come to, has entered, or remains in the United States in violation of law.

(2) Conceal, harbor, or shield or attempt to conceal, harbor, or shield an alien from detection in any place in this state, including any building or any means of transportation, if the person knows or recklessly disregards the fact that the alien has come to, has entered, or remains in the United States in violation of law.

(3) Encourage or induce an alien to come to or reside in this state if the person knows or recklessly disregards the fact that the alien coming to, entering, or residing in this state is or will be in violation of law.

(b) A means of transportation that is used in the commission of a violation of this section is subject to mandatory vehicle immobilization or impoundment pursuant to this act. A person who violates this section is guilty of a Class A misdemeanor except that a violation of this section that involves 10 or more unauthorized aliens is a Class C felony.

(c) A law enforcement official or agency of this state or a county, city, town, or other political subdivision
of this state may not consider race, color, or national origin
in the enforcement of this section except to the extent
permitted by the United States Constitution or the
Constitution of Alabama of 1901.

(d) In the enforcement of this section, the
immigration status of an alien may be determined by:
(1) A law enforcement officer who is authorized by
the federal government to verify or ascertain the immigration
status of an alien.
(2) The United States Immigration and Customs
Enforcement or the United States Customs and Border Protection
pursuant to 8 U.S.C. § 1373(c).

(e) This section does not apply to a child
protective services worker acting in the official capacity of
the worker or a person who is acting in the capacity of a
first responder, an ambulance attendant, or an emergency
medical technician and who is transporting or moving an alien
in this state pursuant to state law.

Section 7. (a) An employer may not knowingly or
intentionally employ an unauthorized alien. An employer
knowingly or intentionally contracts with an unauthorized
alien or with a person who employs or contracts with an
unauthorized alien to perform the labor, if the employer uses
a contract, subcontract, or other independent contractor
agreement to obtain the labor of an unauthorized alien in this
state.
(b) (1) On receipt of an allegation on a prescribed complaint form that an employer knowingly or intentionally employs an unauthorized alien, the Attorney General or district attorney of the judicial circuit in which the employer is located shall investigate whether the employer has violated subsection (a).

(2) If a complaint is received but is not submitted on a prescribed complaint form, the Attorney General or appropriate district attorney may investigate whether the employer has violated subsection (a).

(3) The immigration status or work authorization status of an alien shall be verified with the federal government pursuant to 8 U.S.C. § 1373(c).

(c) A person who knowingly or intentionally files a false or frivolous complaint under this section is guilty of a Class C misdemeanor.

(d) The Attorney General or appropriate district attorney, after a determination that the complaint is not false or frivolous, shall do the following:

(1) Notify the United States Immigration and Customs Enforcement Agency of the unauthorized alien.

(2) Notify the local law enforcement agency of the unauthorized alien.

(3) The Attorney General shall notify the appropriate district attorney to bring an action pursuant to this section if the compliant was originally filed with the Attorney General.
(e) An action for a violation of this section shall be brought against the employer by the district attorney in the county where the unauthorized alien is or was employed by the employer.

(f) For any action in circuit court under this section, the court shall expedite the action, including assigning a hearing at the earliest practicable date.

Section 8. (a) On a finding of a first violation of Section 7, the court shall do all of the following:

1. Order the employer to terminate the employment of all unauthorized aliens.
2. Subject the employer to a three-year probationary period for the business location where the unauthorized alien performed work. During the probationary period, the employer shall file quarterly reports with the district attorney of each new employee who is hired by the employer at the business location where the unauthorized alien performed work.
3. Order the employer to file a signed, sworn affidavit with the district attorney within three days after the order is issued stating that the employer has terminated the employment of all unauthorized aliens and the employer will not knowingly or intentionally employ an unauthorized alien in this state.

(b) The court shall order the appropriate agencies to suspend for up to 10 days all licenses subject to this section that are held by the employer if the employer fails to
file a signed, sworn affidavit with the appropriate district attorney within three business days after the order is issued.

(c) The court shall send a copy of the order to the Attorney General who shall maintain the copy pursuant to this section.

(d)(1) All licenses that are suspended under this section shall remain suspended until the employer files a signed sworn affidavit with the appropriate district attorney. Notwithstanding any other law, on the filing of the affidavit, the suspended licenses shall be reinstated immediately by the appropriate agencies.

(2) For the purposes of this section, the licenses subject to suspension are all licenses held by the employer specific to the business location where the unauthorized alien performed work.

(e) For a second violation, the court shall order the appropriate agencies to permanently revoke all licenses held by the employer specific to the business location where the unauthorized alien performed work. On receipt of the order, and notwithstanding any other law, the appropriate agencies shall immediately revoke the licenses held by the employer.

(f) It is an affirmative defense to a violation of subsection (a) of this section that the employer was entrapped.
To claim entrapment, the employer must admit by testimony or other evidence the substantial elements of the violation.

An employer who asserts an entrapment defense has the burden of proving by clear and convincing evidence the following:

a. The idea of committing the violation started with law enforcement officers or their agents rather than with the employer.

b. The law enforcement officers or their agents urged and induced the employer to commit the violation.

c. The employer was not already predisposed to commit the violation before the law enforcement officers or their agents urged and induced the employer to commit the violation.

Section 9. (a) For the purposes of this section, the following words shall have the following meanings:

(1) ECONOMIC DEVELOPMENT INCENTIVE. Any grant, loan, or performance-based incentive from any governmental entity that is awarded after September 30, 2011. Economic development incentive does not include any tax provision.

(2) GOVERNMENTAL ENTITY. This state and any political subdivision of this state that receives and uses tax revenues.

(b) Beginning January 1, 2012, every employer, after hiring an employee, shall verify the employment eligibility of the employee through the e-verify program and shall keep a
record of the verification for the duration of the employment
of the employee or at least three years, whichever is longer. This requirement shall be in addition to any other requirement
for an employer to receive an economic development incentive
from a governmental entity. Before receiving any economic
development incentive, the employer shall provide proof to the
governmental entity that the employer is registered with and
is participating in the e-verify program.

(d) Every three months, the Attorney General shall
request from the U.S. Department of Homeland Security a list
of employers from this state who are registered with the
e-verify program. On receipt of the list of employers, the
Attorney General shall make the list available on the Attorney
General's website.

Section 10. (a) A law enforcement officer shall
cause the removal and either the immobilization or impoundment
of a vehicle if the officer determines that a person is
driving the vehicle while in violation of a criminal offense
and is knowingly transporting, moving, concealing, harboring,
or shielding or attempting to transport, move, conceal,
harbor, or shield an unauthorized alien in this state.

(b) A law enforcement officer may not cause the
removal and either the immobilization or impoundment of a
vehicle pursuant to subsection (a) if all of the following
apply:

(1) The officer determines that the vehicle is
currently registered and properly insured.
(2) The spouse of the driver is with the driver at the time of the arrest.

(3) The officer has reasonable grounds to believe that the spouse of the driver has a valid driver's license, is not impaired by intoxicating liquor, any drug, a vapor-releasing substance containing a toxic substance, or any combination of liquor, drugs, or vapor-releasing substances, and, does not have any spirituous liquor in his or her system if the spouse is under 21 years of age.

(4) The offending spouse notifies the officer that his or her spouse will drive the vehicle from the place of arrest to the driver's home or other place of safety.

(5) The spouse drives the vehicle as prescribed by subdivision (4).

(c) Except as otherwise provided in this section, a vehicle that is removed and either immobilized or impounded pursuant to this section shall be immobilized or impounded for 30 days.

(d) The spouse of the owner of the vehicle that is removed and either immobilized or impounded and each person identified by appropriate documentation as having a legal interest in the vehicle shall be provided with an opportunity for a hearing for retrieval of the vehicle upon which payment of storage and impoundment fees is payable as condition of release of the vehicle.

Section 11. (a) No unauthorized alien may register to vote or attempt to register to vote.
(b) No person may knowingly assist or conspire to allow an unauthorized alien to vote.

(c) No person may knowingly assist or conspire with an unauthorized alien to register the unauthorized alien for voting.

(d) A violation of this act is a Class C felony.

Section 12. (a) Notwithstanding any other state law and to the extent permitted by federal law, any natural person who applies for a federal public benefit that is administered by this state or a political subdivision of this state and that requires participants to be citizens of the United States, legal residents of the United States, or otherwise lawfully present in the United States shall submit at least one of the following documents to the entity that administers the federal public benefit demonstrating lawful presence in the United States:

(1) An Alabama driver's license or an Alabama nondriver identification card.

(2) A birth certificate or delayed birth certificate issued in any state, territory, or possession of the United States.

(3) A United States certificate of birth abroad.

(4) A United States passport.

(5) A foreign passport with a United States visa.

(6) An I-94 form with a photograph.

(8) A United States certificate of naturalization.

(9) A United States certificate of citizenship.

(10) A tribal certificate of Indian blood.

(11) A tribal or Bureau of Indian Affairs affidavit of birth.

(b) For the purposes of administering the Alabama Medicaid Program, documentation of citizenship and legal residence shall conform with the requirements of Title XIX of the Social Security Act.

(c) To the extent permitted by federal law, an agency of this state or political subdivision of this state may allow tribal members, the elderly, and persons with disabilities or incapacity of the mind or body to provide documentation as specified in section 6036 of the federal deficit reduction act of 2005 (P.L. 109-171; 120 Stat. 81) and related federal guidance in lieu of the documentation required by this section.

(d) Any person who applies for federal public benefits shall sign a sworn affidavit stating that the documents presented pursuant to subsection (a) are true under penalty of perjury.

(e) Failure to report discovered violations of federal immigration law by an employee of an agency of this state or a political subdivision of this state that
administers any federal public benefit is a Class B misdemeanor. If a supervisor of the employee knew of the failure to report and failed to direct the employee to make the report, the supervisor is guilty of a Class B misdemeanor.

(f) This section shall be enforced without regard to race, color, religion, sex, age, disability, or national origin.

(g) Any person who is a resident of this state has standing in any court of record to bring suit against any agent or agency of this state or its political subdivisions to remedy any violation of any provision of this section, including an action for mandamus. Courts shall give preference to actions brought under this section over other civil actions or proceedings pending in the court.

(h) The court may award court costs and reasonable attorney fees to any person or any official or agency of this state or a county, city, town, or other political subdivision of this state that prevails by an adjudication on the merits in a proceeding brought pursuant to this section.

(i) For the purposes of this section, "federal public benefit" has the same meaning prescribed in 8 U.S.C. §1611.

Section 13. (a) Notwithstanding any other state law and to the extent permitted by federal law, any agency of this state or a political subdivision of this state that administers any state or local public benefit shall require each natural person who applies for the state or local public benefit to
benefit to submit at least one of the following documents to
the entity that administers the state or local public benefit
demonstrating lawful presence in the United States:

(1) An Alabama driver's license or an Alabama
nondriver identification card.

(2) A birth certificate or delayed birth certificate
issued in any state, territory, or possession of the United
States.

(3) A United States certificate of birth abroad.

(4) A United States passport.

(5) A foreign passport with a United States visa.

(6) An I-94 form with a photograph.

(7) A United States Citizenship and Immigration
Service employment authorization document or refugee travel
document.

(8) A United States certificate of naturalization.

(9) A United States certificate of citizenship.

(10) A tribal certificate of Indian blood.

(11) A tribal or Bureau of Indian Affairs affidavit
of birth.

(b) To the extent permitted by federal law, an
agency of this state or political subdivision of this state
may allow tribal members, the elderly, and persons with
disabilities or incapacity of the mind or body to provide
documentation as specified in Section 6036 of the federal
deficit reduction act of 2005 (P.L. 109-171; 120 Stat. 81) and
related federal guidance in lieu of the documentation required
by this section.

(c) Any person who applies for state or local public
benefits shall sign a sworn affidavit stating that the
documents presented pursuant to subsection (a) are true under
penalty of perjury.

(d) Failure to report discovered violations of
federal immigration law by an employee of an agency of this
state or a political subdivision of this state that
administers any state or local public benefit is a Class B
misdemeanor. If a supervisor of the employee knew of the
failure to report and failed to direct the employee to make
the report, the supervisor is guilty of a Class B misdemeanor.

(e) This section shall be enforced without regard to
race, color, religion, sex, age, disability, or national
origin.

(f) Any person who is a resident of this state has
standing in any court of record to bring suit against any
agent or agency of this state or its political subdivisions to
remedy any violation of any provision of this section,
including an action for mandamus. Courts shall give preference
to actions brought under this section over other civil actions
or proceedings pending in the court.

(g) The court may award court costs and reasonable
attorney fees to any person or any official or agency of this
state or a county, city, town, or other political subdivision
of this state that prevails by an adjudication on the merits in a proceeding brought pursuant to this section.

(h) For the purposes of this section, "state or local public benefit" has the same meaning prescribed in 8 U.S.C. § 1621, except that it does not include commercial or professional licenses, benefits provided by the public retirement systems and plans of this state, or services widely available to the general population as a whole.

Section 14. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 15. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621 because the bill defines a new crime or amends the definition of an existing crime.

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