

1 HB38
2 134747-4
3 By Representatives Clouse, Galliher, Hubbard (M), Wood,
4 Bridges, Brown, Johnson (W), Fincher, Hammon, Love, Collins,
5 Baughn, Vance, Boothe, Long, McClurkin, Gaston, Treadaway,
6 Patterson, Sanderford, Williams (P), McCutcheon, Moore (B),
7 Ball, Nordgren, Baker, Farley, Tuggle, Poole, Henry, Weaver,
8 Chesteen, Shiver, Lee, Williams (D), McMillan, Greer,
9 Millican, Jones, Wren, Roberts, Williams (J), Merrill, Ison,
10 Johnson (K) and Carns
11 RFD: Public Safety and Homeland Security
12 First Read: 07-FEB-12
13 PFD: 12/01/2011

1 "(b) An alien not lawfully present in the United
2 States shall not enter into or attempt to enter into a
3 business transaction with the state or a political subdivision
4 of the state and no person shall enter into a business
5 transaction or attempt to enter into a business transaction on
6 behalf of an alien not lawfully present in the United States.

7 "(c) Any person entering into a business transaction
8 or attempting to enter into a business transaction with this
9 state or a political subdivision of this state shall be
10 required to demonstrate his or her United States citizenship,
11 or if he or she is an alien, his or her lawful presence in the
12 United States to the person conducting the business
13 transaction on behalf of this state or a political subdivision
14 of this state. United States citizenship shall be demonstrated
15 by presentation of one of the documents listed in subsection
16 (k) of Section 31-13-28. An alien's lawful presence in the
17 United States shall be demonstrated by this state's or a
18 political subdivision of this state's verification of the
19 alien's lawful presence through the Systematic Alien
20 Verification for Entitlements program operated by the
21 Department of Homeland Security, or by other verification with
22 the Department of Homeland Security pursuant to 8 U.S.C. §
23 1373(c). In lieu of providing a document listed in subdivision
24 (k) of Section 31-13-28, verification through the Systematic
25 Alien Verification for Entitlements program, or other
26 verification by the Department of Homeland Security pursuant

1 to 8 U.S.C. § 1373(c), a person may demonstrate eligibility to
2 enter into a business transaction with this state or a
3 political subdivision of this state by presenting a valid
4 Uniformed Services Identification and Privilege Card to the
5 person conducting the business transaction on behalf of this
6 state or a political subdivision of this state.

7 "(d) A violation of this section is a Class C
8 felony.

9 "(e) An agency of this state or a county, city,
10 town, or other political subdivision of this state may not
11 consider race, color, or national origin in the enforcement of
12 this section except to the extent permitted by the United
13 States Constitution or the Constitution of Alabama of 1901.

14 "(f) ~~In~~ Except as provided in this section,
15 ~~in the enforcement of this section,~~ an alien's immigration
16 status shall be determined by verification of the alien's
17 immigration status with the federal government pursuant to 8
18 U.S.C. § 1373(c). An official of this state or political
19 subdivision of this state shall not attempt to independently
20 make a final determination of whether an alien is lawfully
21 present in the United States."

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

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Public Safety
and Homeland Security..... 07-FEB-12

Read for the second time and placed
on the calendar 1 amendment 08-FEB-12

Read for the third time and passed
as amended..... 23-FEB-12

Yeas 92, Nays 0, Abstains 0

Greg Pappas
Clerk