

1 HB56
2 126156-1
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8 RFD: Public Safety and Homeland Security
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8 SYNOPSIS: Under existing law, the determination of who
9 is an alien lawfully present in the United States
10 and the enforcement of immigration laws are
11 generally functions administered by the federal
12 government.

13 This bill would preclude any state or local
14 government or official from refusing to enforce
15 federal immigration laws. The bill would create
16 specific crimes relating to the entry, presence,
17 and involvement in economic activity of
18 unauthorized aliens in this state and provide
19 penalties therefor. The bill would require the
20 verification of the legal status of persons by law
21 enforcement officers under certain circumstances.
22 The bill would prohibit the knowing or intentional
23 hiring of unauthorized aliens and provide for
24 penalties. The bill would require participation in
25 the federal e-verify program for businesses
26 receiving specified economic incentives as a
27 condition for continued receipt of the incentives.

1 This bill would provide procedures for the
2 immobilization or impoundment of a vehicle under
3 certain conditions.

4 This bill would provide that an unauthorized
5 alien who willfully affirms to false voter
6 registration information or an individual who
7 assists an unauthorized alien in willfully
8 procuring false voter registration commits a Class
9 C felony. This bill would also provide that an
10 unauthorized alien who willfully votes commits a
11 Class C felony.

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

15 Amendment 621 of the Constitution of Alabama
16 of 1901, now appearing as Section 111.05 of the
17 Official Recompilation of the Constitution of
18 Alabama of 1901, as amended, prohibits a general
19 law whose purpose or effect would be to require a
20 new or increased expenditure of local funds from
21 becoming effective with regard to a local
22 governmental entity without enactment by a 2/3 vote
23 unless: it comes within one of a number of
24 specified exceptions; it is approved by the
25 affected entity; or the Legislature appropriates
26 funds, or provides a local source of revenue, to
27 the entity for the purpose.

1 The purpose or effect of this bill would be
2 to require a new or increased expenditure of local
3 funds within the meaning of the amendment. However,
4 the bill does not require approval of a local
5 governmental entity or enactment by a 2/3 vote to
6 become effective because it comes within one of the
7 specified exceptions contained in the amendment.

8
9 A BILL
10 TO BE ENTITLED
11 AN ACT

12
13 Relating to immigration laws; to provide for the
14 enforcement of immigration laws on the state and local level;
15 to make the entry, presence, and involvement in economic
16 activity of unauthorized aliens illegal in the state and to
17 provide penalties; to require the verification of the legal
18 status of persons; to prohibit the knowing or intentional
19 hiring of unauthorized aliens and to provide penalties; to
20 require participation in the federal e-verify program; to
21 provide procedures for the immobilization or impoundment of a
22 vehicle under certain conditions; to prohibit certain
23 practices related to voting and registration for voting and to
24 provide criminal penalties; to require proof of citizenship or
25 legal residency in order to access government benefits; and in
26 connection therewith would have as its purpose or effect the
27 requirement of a new or increased expenditure of local funds

1 within the meaning of Amendment 621 of the Constitution of
2 Alabama of 1901, now appearing as Section 111.05 of the
3 Official Recompilation of the Constitution of Alabama of 1901,
4 as amended.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

18 (b) When there is any lawful stop, detention, or
19 arrest made by a law enforcement officer or agency of this
20 state or a county, city, town, or other political subdivision
21 of this state in the enforcement of any other law or ordinance
22 of a county, city, town, or other political subdivision of
23 this state where reasonable suspicion exists that a person is
24 an unauthorized alien, a reasonable attempt shall be made to
25 determine the immigration status of the person, except if the
26 determination may hinder or obstruct an investigation. The
27 immigration status of the person shall be verified with the

1 federal government pursuant to 8 U.S.C. § 1373(c). Any person
2 who is arrested shall have his or her immigration status
3 determined before the person is released. A law enforcement
4 official or agency of this state or a county, city, town, or
5 other political subdivision of this state may not consider
6 race, color, or national origin in implementing the
7 requirements of this subsection except to the extent permitted
8 by the United States Constitution or the Constitution of
9 Alabama of 1901. A person is presumed not to be an
10 unauthorized alien in the United States if the person provides
11 to the law enforcement officer or agency any of the following:

12 (1) A valid Alabama driver's license.

13 (2) A valid Alabama nondriver identification card.

14 (3) A valid tribal enrollment card or other form of
15 tribal identification.

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

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

26 (d) Notwithstanding any other law, a law enforcement
27 agency may transport an alien who is verified as present in

1 the United States unlawfully and who is in the custody of the
2 agency to a federal facility in this state or to any other
3 point of transfer into federal custody that is outside of the
4 jurisdiction of the law enforcement agency. A law enforcement
5 agency shall obtain judicial authorization before transporting
6 an alien who is present in the United States unlawfully to a
7 point of transfer that is outside of this state.

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

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

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

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

25 (1) Determining eligibility for any public benefit,
26 service, or license provided by the federal government, the

1 state, or a county, city, town, or other political subdivision
2 of this state.

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

7 (3) Confirming the identify of any person who is
8 detained.

9 (4) If the person is an alien, determining whether
10 the person is in compliance with the federal registration laws
11 prescribed by Title II, Chapter 7 of the Federal Immigration
12 and Nationality Act pursuant to 8 U.S.C. § 1373 and 8 U.S.C. §
13 1644.

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

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

23 (2) That the entity pay a civil penalty of not less
24 than five hundred dollars (\$500) and not more than five
25 thousand dollars (\$5,000) for each day that the policy has
26 remained in effect after the filing of an action pursuant to
27 this subsection.

1 (h) A court shall collect the civil penalty
2 prescribed in subsection (g) and remit the civil penalty to
3 the Department of Public Safety which shall establish a
4 special account for the monies for the purpose of enforcement
5 of this act.

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

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

19 (k) This section does not implement, authorize, or
20 establish and shall not be construed to implement, authorize,
21 or establish the REAL ID Act of 2005 (P.L. 109-13, division B;
22 119 Stat. 302), including the use of a radio frequency
23 identification chip.

24 Section 3. (a) In addition to any violation of
25 federal law, an alien is guilty of trespassing if the alien is
26 both (1) present on any public or private land in this state

1 and (2) in violation of 8 U.S.C. § 1304(e) or § 1306(a),
2 relating to the registration of aliens.

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

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

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

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

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

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

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

24 (e) A court shall collect the assessments prescribed
25 in subsection (d) and remit the assessments to the Department
26 of Public Safety which shall establish a special account for
27 the monies for the purpose of enforcement of this act.

1 (f) This section does not apply to an alien who
2 maintains authorization from the federal government to remain
3 in the United States.

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

8 (1) A controlled substance, as defined in Section
9 20-2-2, Code of Alabama 1975.

10 (2) An immediate precursor, a substance as defined
11 in Section 20-2-2(12), Code of Alabama 1975, that is used in
12 the manufacturing of a controlled substance in violation of
13 Section 13A-12-217 or 13A-12-218, Code of Alabama 1975.

14 (3) A deadly weapon or a dangerous instrument as
15 defined in Section 13A-1-2, Code of Alabama 1975.

16 (4) Property that is used as material support or
17 resources, as defined in Section 13A-10-151, Code of Alabama
18 1975, for the purpose of committing or aiding in the
19 commission of an act of terrorism as prescribed in Sections
20 13A-10-152 and 13A-10-153, Code of Alabama 1975.

21 (h) Any record that relates to the immigration
22 status of a person is admissible in any court without further
23 foundation or testimony from a custodian of records if the
24 record is certified as authentic by the government agency that
25 is responsible for maintaining the record.

1 Section 4. (a) It is unlawful for a person to
2 intentionally engage in the smuggling of human beings for
3 profit or commercial purposes.

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

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

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

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

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

26 (c) It is unlawful for a person who is an
27 unauthorized alien to knowingly apply for work, solicit work

1 in a public place, or perform work as an employee or
2 independent contractor in this state.

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

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

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

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

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

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

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

24 (2) UNAUTHORIZED ALIEN. An alien who does not have
25 the legal right or authorization under federal law to work in
26 the United States as specified in 8 U.S.C. § 1324a(h)(3).

1 Section 6. (a) It is unlawful for a person to do any
2 of the following:

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

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

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

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

26 (c) A law enforcement official or agency of this
27 state or a county, city, town, or other political subdivision

1 of this state may not consider race, color, or national origin
2 in the enforcement of this section except to the extent
3 permitted by the United States Constitution or the
4 Constitution of Alabama of 1901.

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

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

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

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

19 Section 7. (a) An employer may not knowingly or
20 intentionally employ an unauthorized alien. An employer
21 knowingly or intentionally contracts with an unauthorized
22 alien or with a person who employs or contracts with an
23 unauthorized alien to perform the labor, if the employer uses
24 a contract, subcontract, or other independent contractor
25 agreement to obtain the labor of an unauthorized alien in this
26 state.

1 (b) (1) On receipt of an allegation on a prescribed
2 complaint form that an employer knowingly or intentionally
3 employs an unauthorized alien, the Attorney General or
4 district attorney of the judicial circuit in which the
5 employer is located shall investigate whether the employer has
6 violated subsection (a).

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

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

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

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

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

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

24 (3) The Attorney General shall notify the
25 appropriate district attorney to bring an action pursuant to
26 this section if the complaint was originally filed with the
27 Attorney General.

1 (e) An action for a violation of this section shall
2 be brought against the employer by the district attorney in
3 the county where the unauthorized alien is or was employed by
4 the employer.

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

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

10 (1) Order the employer to terminate the employment
11 of all unauthorized aliens.

12 (2) Subject the employer to a three-year
13 probationary period for the business location where the
14 unauthorized alien performed work. During the probationary
15 period, the employer shall file quarterly reports with the
16 district attorney of each new employee who is hired by the
17 employer at the business location where the unauthorized alien
18 performed work.

19 (3) Order the employer to file a signed, sworn
20 affidavit with the district attorney within three days after
21 the order is issued stating that the employer has terminated
22 the employment of all unauthorized aliens and the employer
23 will not knowingly or intentionally employ an unauthorized
24 alien in this state.

25 (b) The court shall order the appropriate agencies
26 to suspend for up to 10 days all licenses subject to this
27 section that are held by the employer if the employer fails to

1 file a signed, sworn affidavit with the appropriate district
2 attorney within three business days after the order is issued.

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

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

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

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

23 (f) It is an affirmative defense to a violation of
24 subsection (a) of this section that the employer was
25 entrapped.

1 (1) To claim entrapment, the employer must admit by
2 testimony or other evidence the substantial elements of the
3 violation.

4 (2) An employer who asserts an entrapment defense
5 has the burden of proving by clear and convincing evidence the
6 following:

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

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

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

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

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

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

25 (b) Beginning January 1, 2012, every employer, after
26 hiring an employee, shall verify the employment eligibility of
27 the employee through the e-verify program and shall keep a

1 record of the verification for the duration of the employment
2 of the employee or at least three years, whichever is longer.
3 This requirement shall be in addition to any other requirement
4 for an employer to receive an economic development incentive
5 from a governmental entity. Before receiving any economic
6 development incentive, the employer shall provide proof to the
7 governmental entity that the employer is registered with and
8 is participating in the e-verify program.

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

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

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

26 (1) The officer determines that the vehicle is
27 currently registered and properly insured.

1 (2) The spouse of the driver is with the driver at
2 the time of the arrest.

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

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

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

15 (c) Except as otherwise provided in this section, a
16 vehicle that is removed and either immobilized or impounded
17 pursuant to this section shall be immobilized or impounded for
18 30 days.

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

26 Section 11. (a) No unauthorized alien may register
27 to vote or attempt to register to vote.

1 (b) No person may knowingly assist or conspire to
2 allow an unauthorized alien to vote.

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

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

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

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

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

22 (3) A United States certificate of birth abroad.

23 (4) A United States passport.

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

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

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

4 (8) A United States certificate of naturalization.

5 (9) A United States certificate of citizenship.

6 (10) A tribal certificate of Indian blood.

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

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

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

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

25 (e) Failure to report discovered violations of
26 federal immigration law by an employee of an agency of this
27 state or a political subdivision of this state that

1 administers any federal public benefit is a Class B
2 misdemeanor. If a supervisor of the employee knew of the
3 failure to report and failed to direct the employee to make
4 the report, the supervisor is guilty of a Class B misdemeanor.

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

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

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

20 (i) For the purposes of this section, "federal
21 public benefit" has the same meaning prescribed in 8 U.S.C.
22 §1611.

23 Section 13. (a) Notwithstanding any other state law
24 and to the extent permitted by federal law, any agency of this
25 state or a political subdivision of this state that
26 administers any state or local public benefit shall require
27 each natural person who applies for the state or local public

1 benefit to submit at least one of the following documents to
2 the entity that administers the state or local public benefit
3 demonstrating lawful presence in the United States:

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

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

9 (3) A United States certificate of birth abroad.

10 (4) A United States passport.

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

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

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

16 (8) A United States certificate of naturalization.

17 (9) A United States certificate of citizenship.

18 (10) A tribal certificate of Indian blood.

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

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

1 related federal guidance in lieu of the documentation required
2 by this section.

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

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

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

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

24 (g) The court may award court costs and reasonable
25 attorney fees to any person or any official or agency of this
26 state or a county, city, town, or other political subdivision

1 of this state that prevails by an adjudication on the merits
2 in a proceeding brought pursuant to this section.

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

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

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

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