

1 SB426
2 95420-3
3 By Senators Beason, Orr, Marsh, Butler, Dixon, Pittman, Smith,
4 Preuitt, Bishop, Mitchem, Erwin, Glover, Little (T), Coleman,
5 McClain, Griffith, Holley, Bedford, Waggoner, Little (Z),
6 Smitherman, French, Brooks, Means, Mitchell, and Denton
7 RFD: Fiscal Responsibility and Accountability
8 First Read: 21-FEB-08

2
3
4
5
6
7
8 SYNOPSIS: This bill would relate to illegal
9 immigration and would: Make it a crime for a person
10 to transport, conceal, harbor, or in any way
11 protect an illegal alien from detection from state
12 or federal authorities; regulate the creation of
13 identification cards and define who may issue the
14 cards, who may be issued the cards, and any
15 exemptions; require that a reasonable effort be
16 made to determine the citizenship status of a
17 person charged with a felony or driving under the
18 influence; create a new form of identification
19 called the Alabama verified employee identification
20 card; require employers to verify the proof of
21 legal status of an employee through one of three
22 ways and provide penalties for violating this
23 requirement; make it a discriminatory practice for
24 an employer to discharge an employee working in
25 this state who is a United States citizen or
26 permanent resident alien while retaining an
27 employee who the employer knows or reasonably

1 should have known is an unauthorized alien and who
2 is working in a job category requiring equal skill,
3 effort, and responsibility, and which is performed
4 under similar working conditions as the job
5 category held by the discharged employee; require
6 all agencies or political subdivisions to verify
7 the citizenship status of all 14-year-old persons
8 or older who apply for state or federal benefits;
9 require all employers contracting with other
10 employers to provide to the employer with which the
11 contract is made proof of its employees' employment
12 authorization; authorize the Attorney General to
13 draft and sign a Memorandum of Understanding
14 between the State of Alabama and the United States
15 Department of Justice or United States Department
16 of Homeland Security concerning the enforcement of
17 federal immigration and customs laws, detentions,
18 removals, and investigations that take place within
19 the state; restrict the eligibility requirements
20 for scholarships, financial aid, and resident
21 tuition to lawfully present aliens and United
22 States citizens; establish a Fraudulent Documents
23 Identification Unit, subject to the availability of
24 funding, to investigate and apprehend persons or
25 entities that participate in the sale or
26 distribution of fraudulent documents used for
27 identification purposes; provide for a fine on any

1 person caught creating or possessing a falsified
2 Alabama verified employee identification card;
3 require a law officer to transport a person to the
4 nearest magistrate if the law officer arrests the
5 person for driving without a license and the law
6 officer cannot verify the person has a valid
7 driver's license; require the verification of legal
8 status of every person charged with a crime for
9 which bail is required; and deny bond of any person
10 whose lawful immigration status cannot be verified.

11 This bill also provides penalties for
12 violating the provisions of this act.

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

26 The purpose or effect of this bill would be
27 to require a new or increased expenditure of local

1 funds within the meaning of the amendment. If this
2 bill is not enacted by a 2/3 vote, it will not
3 become effective with regard to a local entity
4 unless approved by the local entity or until, and
5 only as long as, the Legislature appropriates funds
6 or provides for a local source of revenue.

7
8 A BILL
9 TO BE ENTITLED
10 AN ACT

11
12 Relating to illegal immigration; to make it a crime
13 for a person to transport, conceal, harbor, or in any way
14 protect an illegal alien from detection from state or federal
15 authorities; to regulate the creation of identification cards
16 and define who may issue the cards, who may be issued the
17 cards, and any exemptions; to require that a reasonable effort
18 be made to determine the citizenship status of a person
19 charged with a felony or driving under the influence; to
20 create a new form of identification called the Alabama
21 verified employee identification card; to require employers to
22 verify the legal status of employees in one of three ways and
23 to provide penalties for violating this requirement; to make
24 it a discriminatory practice for an employer to discharge, in
25 certain circumstances, an employee who is a United States
26 citizen or permanent resident alien while retaining an
27 employee who the employer knows or reasonably should have

1 known is an unauthorized alien; to require all agencies or
2 political subdivisions to verify the citizenship status of all
3 14-year-old persons or older who apply for state or federal
4 benefits; to require all employers contracting with other
5 employers to provide to the employer with which the contract
6 is made proof of its employees' employment authorization; to
7 authorize the Attorney General to negotiate terms of a
8 Memorandum of Understanding with the federal government; to
9 restrict resident tuition, financial aid, and scholarship
10 opportunities to lawfully present aliens and United States
11 citizens; to establish a Fraudulent Documents Identification
12 Unit, subject to the availability of funding, to investigate
13 and apprehend persons or entities that participate in the sale
14 or distribution of fraudulent documents used for
15 identification purposes; to provide for a fine on any person
16 caught creating or possessing a falsified Alabama verified
17 employee identification card; to amend Section 32-6-9, Code of
18 Alabama 1975, relating to driver's licenses, to require a law
19 officer to transport a person to the nearest magistrate if the
20 law officer arrests the person for driving without a license
21 and the law officer cannot verify the person has a valid
22 driver's license; to require the verification of legal status
23 of every person charged with a crime for which bail is
24 required; to deny bond of any person whose lawful immigration
25 status cannot be verified; and in connection therewith would
26 have as its purpose or effect the requirement of a new or
27 increased expenditure of local funds within the meaning of

1 Amendment 621 of the Constitution of Alabama of 1901, now
2 appearing as Section 111.05 of the Official ReCompilation of
3 the Constitution of Alabama of 1901, as amended.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. This act shall be known and may be cited
6 as the Alabama Taxpayer and Citizen Protection Act of 2008.

7 Section 2. The State of Alabama finds that illegal
8 immigration is causing economic hardship and lawlessness in
9 this state and that illegal immigration is encouraged when
10 public agencies within this state provide public benefits
11 without verifying immigration status. The State of Alabama
12 further finds that when illegal immigrants have been harbored
13 and sheltered in this state and encouraged to reside in this
14 state through the issuance of identification cards that are
15 issued without verifying immigration status, these practices
16 impede and obstruct the enforcement of federal immigration
17 law, undermine the security of our borders, and impermissibly
18 restrict the privileges and immunities of the citizens of
19 Alabama. Therefore, the people of the State of Alabama declare
20 that it is a compelling public interest of this state to
21 discourage illegal immigration by requiring all agencies
22 within this state to fully cooperate with federal immigration
23 authorities in the enforcement of federal immigration laws.
24 The State of Alabama also finds that other measures are
25 necessary to ensure the integrity of various governmental
26 programs and services.

1 Section 3. For the purposes of this act, the
2 following words shall have the following meanings:

3 (1) EMPLOYER. Any person, firm, corporation,
4 partnership, joint stock association, agent, manager,
5 representative, foreman, or other person having control or
6 custody of any employment, place of employment, or of any
7 employee.

8 (2) SUBCONTRACTOR. A subcontractor, contract
9 employee, staffing agency, or any contractor, regardless of
10 its tier.

11 (3) UNAUTHORIZED ALIEN. An alien as defined in 8
12 U.S.C. Section 1324a(h) (3).

13 Section 4. (a) It shall be unlawful for any person
14 to transport, move, or attempt to transport in this state any
15 alien in furtherance of the illegal presence of the alien in
16 the United States, knowing, or in reckless disregard of the
17 fact, that the alien has come to, entered, or remained in the
18 United States in violation of law.

19 (b) It shall be unlawful for any person to conceal,
20 harbor, or shelter from detection any alien in any place
21 within this state, including any building or means of
22 transportation, knowing, or in reckless disregard of the fact,
23 that the alien has come to, entered, or remained in the United
24 States in violation of law.

25 (c) Nothing in this section shall be construed so as
26 to prohibit or restrict the provision of any state or local
27 public benefit described in 8 U.S.C. Section 1621(b), or

1 regulated public health services provided by a private charity
2 using private funds.

3 (d) Any person violating the provisions of
4 subsection (a) or (b) shall, upon conviction, be guilty of a
5 Class C felony.

6 Section 5. (a) Any of the following entities may
7 create, publish, or otherwise manufacture an identification
8 document, identification card, or identification certificate
9 and may possess an engraved plate or other device for the
10 printing of the identification provided the name of the
11 issuing entity is clearly printed upon the face of any
12 identification:

13 (1) Businesses, companies, corporations, service
14 organizations, and federal, state, and local governmental
15 agencies for employee identification which is designed to
16 identify the bearer as an employee.

17 (2) Businesses, companies, corporations, and service
18 organizations for customer identification which is designed to
19 identify the bearer as a customer or member.

20 (3) Federal, state, and local government agencies
21 for purposes authorized or required by law, or any legitimate
22 purpose consistent with the duties of the agency, including,
23 but not limited to, voter identification cards, driver's
24 licenses, nondriver identification cards, passports, birth
25 certificates, and Social Security cards.

1 (4) Any public school or state or private
2 educational institution to identify the bearer as an
3 administrator, faculty member, student, or employee.

4 (5) Any professional organization or labor union to
5 identify the bearer as a member of the professional
6 organization or labor union.

7 (6) Businesses, companies, or corporations which
8 manufacture medical-alert identification for the wearer
9 thereof.

10 (b) All identification documents as provided for in
11 subdivision (3) or (4) of subsection (a) shall be issued only
12 to United States citizens, nationals, and legal permanent
13 resident aliens.

14 (c) The provisions of subsection (b) shall not apply
15 when an applicant presents, in person, valid documentary
16 evidence of any of the following:

17 (1) A valid, unexpired immigrant or nonimmigrant
18 visa status for admission into the United States.

19 (2) A pending or approved application for asylum in
20 the United States.

21 (3) Admission into the United States in refugee
22 status.

23 (4) A pending or approved application for temporary
24 protected status in the United States.

25 (5) Approved deferred action status.

1 (6) A pending application for adjustment of status
2 to legal permanent resident status or conditional resident
3 status.

4 (d) Upon approval, the applicant may be issued an
5 identification document provided for in subdivision (3) or (4)
6 of subsection (a). The identification document shall be valid
7 only during the period of time of the authorized stay of the
8 applicant in the United States, or if there is not a definite
9 end to the period of authorized stay, a period of one year.
10 Any identification document issued pursuant to this subsection
11 shall clearly indicate that it is temporary and shall state
12 the date that the identification document expires. The
13 identification document may be renewed only upon presentation
14 of valid documentary evidence that the status by which the
15 applicant qualified for the identification document has been
16 extended by the United States Citizenship and Immigration
17 Services or other authorized agency of the United States
18 Department of Homeland Security.

19 (e) The provisions of subsection (b) shall not apply
20 to an identification document described in subdivision (4) of
21 subsection (a) that is only valid for use on the campus or
22 facility of that educational institution and includes a
23 statement of that restricted validity clearly and
24 conspicuously printed upon the face of the identification
25 document.

26 (f) Any driver's license issued to a person who is
27 not a United States citizen, national, or legal permanent

1 resident alien for which an application has been made for
2 renewal, duplication, or reissuance shall be presumed to have
3 been issued in accordance with the provisions of subsection
4 (c) provided that, at the time the application is made, the
5 driver's license has not expired, been cancelled, suspended,
6 or revoked. The requirements of subsection (c) shall apply to
7 a renewal, duplication, or reissuance if the Department of
8 Public Safety is notified by a local, state, or federal
9 government agency of information in the possession of the
10 agency indicating a reasonable suspicion that the individual
11 seeking renewal, duplication, or reissuance is present in the
12 United States in violation of law. The provisions of this
13 subsection shall not apply to United States citizens,
14 nationals, or legal permanent resident aliens.

15 Section 6. (a) When a person charged with a felony
16 or with driving under the influence pursuant to Section
17 32-5A-191, Code of Alabama 1975, is confined, for any period,
18 in the jail of the county, any municipality, or a jail
19 operated by a regional jail authority, a reasonable effort
20 shall be made to determine the citizenship status of the
21 person so confined.

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

1 prisoner, verification shall be made within 48 hours through a
2 query to the Law Enforcement Support Center of the United
3 States Department of Homeland Security or other office or
4 agency designated for that purpose by the United States
5 Department of Homeland Security. If the lawful immigration
6 status of the prisoner cannot be verified, the keeper of the
7 jail or other officer shall notify the United States
8 Department of Homeland Security.

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

14 Section 7. (a) (1) Beginning January 1, 2009, the
15 Department of Public Safety shall begin issuing the Alabama
16 verified employee identification card, with the fee for the
17 card to be set by the Department of Public Safety.

18 (2) Beginning January 1, 2010, every person employed
19 in this state who is not a legal resident of this state shall
20 have a verified employee identification card for proof of
21 legal status to obtain employment.

22 (3) To obtain a verified employee identification
23 card, a person shall show documentation from his or her state
24 of residence or from the United States government indicating
25 his or her legal status in the United States.

26 (b) Every employer shall verify proof of legal
27 status of each of its employees through one of the following

1 three ways and shall keep a copy of the proof of
2 identification in the file of the employee:

3 (1) A valid, unexpired Alabama driver's license.

4 (2) A valid, unexpired Alabama nondriver
5 identification card.

6 (3) A valid, unexpired Alabama verified employee
7 identification card.

8 (c) Beginning January 1, 2010, an employer that
9 enters into a contract with another employer for the
10 performance of services within this state shall verify the
11 work eligibility status of all employees of the employer to
12 the employer with which the contract is made.

13 (d) It shall be a discriminatory practice for an
14 employer to discharge an employee working in Alabama who is a
15 United States citizen or permanent resident alien while
16 retaining an employee who the employer knows, or reasonably
17 should have known, is an unauthorized alien hired after
18 January 1, 2010, and who is working in Alabama in a job
19 category that requires equal skill, effort, and
20 responsibility, and which is performed under similar working
21 conditions, as defined in 29 U.S.C. Section 206(d)(1), as the
22 job category held by the discharged employee.

23 (e)(1) Beginning January 1, 2010, an employer
24 charged with a violation of this section shall be subject to a
25 civil penalty of five hundred dollars (\$500) for each person
26 employed that the employer does not have a file containing

1 proof of legal status through one of the three forms of
2 identification in subsection (b).

3 (2) For a second charge, the employer shall be fined
4 five thousand dollars (\$5,000) for each person employed that
5 the employer does not have a file containing proof of legal
6 status through one of the three forms of identification in
7 subsection (b).

8 (3) For a third charge, the employer shall be fined
9 five thousand dollars (\$5,000) for each person employed that
10 the employer does not have a file containing proof of legal
11 status through one of the three forms of identification in
12 subsection (b) and shall have its business license revoked for
13 one year.

14 (f) The civil penalties imposed in subsection (d)
15 shall be distributed 75 percent to the local law enforcement
16 authorities in the area where the violation occurred and 25
17 percent to state law enforcement.

18 Section 8. (a) Except as provided in subsection (c)
19 or where exempted by federal law, every agency or a political
20 subdivision of this state shall verify the lawful presence in
21 the United States of any natural person 14 years of age or
22 older who has applied for state or local public benefits, as
23 defined in 8 U.S.C. Section 1621, or for federal public
24 benefits, as defined in 8 U.S.C. Section 1611, that is
25 administered by an agency or a political subdivision of this
26 state.

1 (b) The provisions of this section shall be enforced
2 without regard to race, religion, gender, ethnicity, or
3 national origin.

4 (c) Verification of lawful presence under the
5 provisions of this section shall not be required for any of
6 the following:

7 (1) For any purpose for which lawful presence in the
8 United States is not restricted by law, ordinance, or
9 regulation.

10 (2) For assistance for health care items and
11 services that are necessary for the treatment of an emergency
12 medical condition, as defined in 42 U.S.C. Section
13 1396b(v)(3), of the alien involved and are not related to an
14 organ transplant procedure.

15 (3) For short-term, noncash, in-kind emergency
16 disaster relief.

17 (4) For public health assistance for immunizations
18 with respect to diseases and for testing and treatment of
19 symptoms of communicable diseases whether or not the symptoms
20 are caused by a communicable disease.

21 (5) For programs, services, or assistance such as
22 soup kitchens, crisis counseling and intervention, and
23 short-term shelter specified by the United States Attorney
24 General, in the sole and unreviewable discretion of the United
25 States Attorney General after consultation with appropriate
26 federal agencies and departments which:

1 a. Deliver in-kind services at the community level,
2 including through public or private nonprofit agencies.

3 b. Do not condition the provision of assistance, the
4 amount of assistance provided, or the cost of assistance
5 provided on the income or resources of the individual
6 recipient.

7 c. Are necessary for the protection of life or
8 safety.

9 (d) Verification of lawful presence in the United
10 States by the agency or political subdivision required to make
11 the verification shall require that the applicant execute an
12 affidavit under penalty of perjury that has met either of the
13 following requirements:

14 (1) He or she is a United States citizen.

15 (2) He or she is a qualified alien under the federal
16 Immigration and Nationality Act and is lawfully present in the
17 United States. The agency or political subdivision providing
18 the state or local public benefits shall provide notary public
19 services at no cost to the applicant.

20 (e) For any applicant who has executed the affidavit
21 described in subdivision (2) of subsection (d), eligibility
22 for benefits shall be verified through the Systematic Alien
23 Verification for Entitlements (SAVE) Program operated by the
24 United States Department of Homeland Security or an equivalent
25 program designated by the United States Department of Homeland
26 Security. Until eligibility verification is made, the

1 affidavit may be presumed to be proof of lawful presence for
2 the purposes of this section.

3 (f) Any person who knowingly and willfully makes a
4 false, fictitious, or fraudulent statement of representation
5 in an affidavit executed pursuant to subsection (d) shall be
6 subject to criminal penalties applicable in this state for
7 fraudulently obtaining public assistance program benefits. If
8 the affidavit constitutes a false claim of United States
9 citizenship under 18 U.S.C. Section 911, a complaint shall be
10 filed by the agency requiring the affidavit with the United
11 States Attorney General for the applicable district based upon
12 the venue in which the affidavit was executed.

13 (g) Agencies or political subdivisions of this state
14 may adopt variations to the requirements of the provisions of
15 this section which demonstrably improve the efficiency or
16 reduce delay in the verification process, or to provide for
17 adjudication of unique individual circumstances where the
18 verification procedures in this section would impose unusual
19 hardship on a legal resident of Alabama.

20 (h) It shall be unlawful for any agency or a
21 political subdivision of this state to provide any state,
22 local, or federal benefit, as defined in 8 U.S.C. Section
23 1621, or 8 U.S.C. Section 1611, in violation of this section.

24 (i) Each state agency or department which
25 administers any program of state or local public benefits
26 shall provide an annual report to the Governor, the President
27 Pro Tempore of the Senate, and the Speaker of the House of

1 Representatives with respect to its compliance with the
2 provisions of this section. Each agency or department shall
3 monitor the Systematic Alien Verification for Entitlements
4 Program for application verification errors and significant
5 delays and shall provide an annual public report on errors and
6 significant delays and recommendations to ensure that the
7 application of the Systematic Alien Verification of
8 Entitlements Program is not erroneously denying benefits to
9 legal residents of this state. Errors shall also be reported
10 to the United States Department of Homeland Security by each
11 agency or department.

12 Section 9. (a) If an employer, contracting for the
13 performance of services in this state with another employer,
14 fails to provide to the employer the documentation required by
15 Section 7(c) the employer with which the contract is made
16 shall withhold state income tax at the top marginal income tax
17 rate as provided by Alabama law as applied to compensation
18 paid to an individual for the performance of services within
19 this state which exceeds the minimum amount of compensation
20 the employer is required to report as income on United States
21 Internal Revenue Service Form 1099.

22 (b) Any employer who fails to comply with the
23 withholding requirements of this section shall be liable for
24 the taxes required to have been withheld unless the employer
25 is exempt from federal withholding with respect to the
26 individual pursuant to a properly filed Internal Revenue
27 Service Form 8233 or its equivalent.

1 (c) Nothing in this section is intended to create,
2 or should be construed as creating, an employer-employee
3 relationship between two employers.

4 Section 10. (a) The Attorney General shall negotiate
5 the terms of a Memorandum of Understanding between the State
6 of Alabama and the United States Department of Justice or the
7 United States Department of Homeland Security, as provided in
8 8 U.S.C. Section 1357(g), concerning the enforcement of
9 federal immigration and customs laws, detention and removals,
10 and investigations in the State of Alabama.

11 (b) The Memorandum of Understanding negotiated
12 pursuant to subsection (a) shall be signed on behalf of this
13 state by the Attorney General and the Governor or as otherwise
14 required by the appropriate federal agency.

15 (c) No local government, whether acting through its
16 governing body or by an initiative, referendum, or any other
17 process, shall enact any ordinance or policy that limits or
18 prohibits a law enforcement officer, local official, or local
19 government employee from communicating or cooperating with
20 federal officials with regard to the immigration status of any
21 person within this state.

22 (d) Notwithstanding any other provision of law, no
23 government entity or official within this state may prohibit,
24 or in any way restrict, any government entity or official from
25 sending to, or receiving from, the United States Department of
26 Homeland Security, information regarding the citizenship or
27 immigration status, lawful or unlawful, of any individual:

1 (1) Sending information to or requesting or
2 receiving information from the United States Department of
3 Homeland Security.

4 (2) Maintaining the information.

5 (3) Exchanging the information with any other
6 federal, state, or local government entity.

7 (f) The provisions of this section shall allow for a
8 private right of action by any natural or legal person
9 lawfully domiciled in this state to file for a writ of
10 mandamus to compel any noncooperating local or state
11 governmental agency to comply with the reporting laws.

12 Section 11. (a) Except as otherwise provided by law,
13 an individual who is not lawfully present in the United States
14 shall not be eligible on the basis of residence within the
15 state for either of the following:

16 (1) Any postsecondary education benefit, including,
17 but not limited to, scholarships or financial aid.

18 (2) Resident tuition.

19 (b) The provisions of subsection (a) shall not apply
20 to a student enrolled in a degree program at a postsecondary
21 educational institution in this state during the 2007-2008
22 school year or any prior year who received a resident tuition
23 benefit pursuant to state law.

24 Section 12. (a) Subject to the availability of
25 funding, the Department of Public Safety shall establish a
26 Fraudulent Documents Identification (FDI) Unit for the primary
27 purpose of investigating and apprehending persons or entities

1 that participate in the sale or distribution of fraudulent
2 documents used for identification purposes. The unit shall
3 additionally specialize in fraudulent identification documents
4 created and prepared for persons who are unlawfully residing
5 within this state. The department shall employ sufficient
6 employees to investigate and implement the unit.

7 (b) Any person caught creating or possessing
8 falsified Alabama verified employee identification cards shall
9 be fined five thousand dollars (\$5,000) for every card he or
10 she creates or possesses.

11 Section 13. Section 32-6-9, Code of Alabama 1975, is
12 amended to read as follows:

13 "§32-6-9.

14 "(a) Every licensee shall have his or her license in
15 his or her immediate possession at all times when driving a
16 motor vehicle and shall display the same, upon demand of a
17 judge of any court, a peace officer or a state trooper.
18 However, no person charged with violating this section shall
19 be convicted if he or she produces in court or the office of
20 the arresting officer a driver's license theretofore issued to
21 him or her and valid at the time of his or her arrest.

22 "(b) Notwithstanding the provisions of Section
23 32-1-4, if a law officer arrests a person for a violation of
24 this section and the officer is unable to determine by any
25 other means that the person has a valid driver's license, the
26 officer shall transport the person to the nearest or most
27 accessible magistrate."

1 Section 14. (a) When a person charged with a crime
2 for which bail is required, is confined for any period in a
3 county or municipal jail, a reasonable effort shall be made to
4 determine the citizenship status of the person.

5 (b) If the person is a foreign national, the jailor
6 or other officer having custody of the person shall make a
7 reasonable effort to verify that the person has been lawfully
8 admitted to the United States and, if lawfully admitted, that
9 the lawful status has not expired. If verification of lawful
10 status cannot be made from documents in the possession of the
11 person, verification shall be made within 14 days through a
12 query to the Law Enforcement Support Center of the United
13 States Department of Homeland Security or other office or
14 agency designated for that purpose by the United States
15 Department of Homeland Security. If the lawful immigration
16 status of the person cannot be verified, the jailor or other
17 officer having custody of the person shall notify the United
18 States Department of Homeland Security and the person shall
19 not be entitled to bond.

20 Section 15. The provisions of this act are
21 severable. If any part of this act is declared invalid or
22 unconstitutional, that declaration shall not affect the part
23 which remains.

24 Section 16. This act shall become effective on
25 January 1, 2009, following its passage and approval by the
26 Governor, or its otherwise becoming law.