

1 HB412
2 115654-1
3 By Representatives Hammon, Davis, Grimes, Oden, Hurst, Barton,
4 McMillan, McClendon, Clouse, Faust, Williams (P), Mask,
5 Shiver, Hubbard, Allen, Love, Bentley, McCutcheon, Ball,
6 Drake, Sanderford, Treadaway, Letson, White, Irons, Bridges,
7 Gipson, Fields, Beck, Canfield, Moore (P), Hill, Morrow, Ford,
8 Spicer, Laird and Collier
9 RFD: Judiciary
10 First Read: 21-JAN-10

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8 SYNOPSIS: Under existing law, the property of a
9 person present in this state who is in violation of
10 the immigration laws of the United States may not
11 be subject to forfeiture.

12 This bill would provide that the property of
13 a person present in this state who is in violation
14 of the immigration laws of the United States would
15 be subject to forfeiture.

16 This bill would provide for an exception.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT
21

22 To provide for forfeiture of certain property of a
23 person present in this state who is in violation of the
24 immigration laws of the United States.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Property of a person present in this
27 state who is in violation of the immigration laws of the

1 United States, except property needed for the basic living
2 necessities of the person as determined by the local law
3 enforcement agency, acquired by the person directly or
4 indirectly while in violation of the immigration laws of the
5 United States shall be subject to forfeiture in the same
6 manner as provided in Section 20-2-93 of the Code of Alabama
7 1975. The forfeiture shall be governed by and shall conform to
8 the procedures set out in Section 28-4-286 through 28-4-290,
9 Code of Alabama 1975, except as modified by Section 20-2-(h),
10 Code of Alabama 1975.

11 Section 2. Nothing in this act shall be construed as
12 creating a cause of action against the state or any of its
13 agencies, officials, employees, or political subdivisions
14 based on the good faith performance of any duty imposed by
15 this act or good faith failure to perform any duty imposed by
16 this act.

17 Section 3. This act shall become effective on the
18 first day of the third month following its passage and
19 approval by the Governor, or its otherwise becoming law.