

**SB320 INTRODUCED**



1 RXORMY-1

2 By Senators Bell, Smitherman, Elliott, Scofield, Givhan,  
3 Roberts, Gudger, Allen, Butler, Barfoot, Melson, Carnley,  
4 Sessions, Livingston, Shelnuttt, Figures, Stewart, Chambliss,  
5 Jones, Hatcher, Beasley, Reed, Waggoner, Weaver, Chesteen,  
6 Orr, Hovey, Williams, Stutts, Price

7 RFD: Judiciary

8 First Read: 11-May-23

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10 2023 Regular Session



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SYNOPSIS:

This bill would require law enforcement agencies to collect fingerprints and DNA from any illegal alien in the agency's custody and submit the fingerprints and DNA for testing or cataloging.

Section 111.05 of the Constitution of Alabama of 2022, 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. If this bills is not enacted by a 2/3 vote, it will not become effective with regard to a local entity unless approved by the local entity or until, and only as long as, the Legislature appropriates funds or provides for a local source of revenue.



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29 A BILL  
30 TO BE ENTITLED  
31 AN ACT

32  
33 Relating to criminal procedure; to require law  
34 enforcement agencies to collect fingerprints and DNA from any  
35 illegal alien in the agency's custody and submit the  
36 fingerprints and DNA for testing or cataloging; and in  
37 connection therewith would have as its purpose or effect the  
38 requirement of a new or increased expenditure of local funds  
39 within the meaning of Section 111.05 of the Constitution of  
40 2022.

41 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

42 Section 1. (a) Whenever a law enforcement agency in  
43 this state has an illegal alien in its custody, the law  
44 enforcement agency may not release the illegal alien until the  
45 law enforcement agency has collected a full set of  
46 fingerprints and a DNA sample from the individual.

47 (b) Following the collection of any fingerprints or DNA  
48 pursuant to this section, a law enforcement agency shall  
49 submit the fingerprints or DNA for testing or cataloging.

50 Section 2. The purpose or effect of this bill would be  
51 to require a new or increased expenditure of local funds  
52 within the meaning of Section 111.05 of the Constitution of  
53 Alabama of 2022. If this bill is not enacted by a 2/3 vote, it  
54 will not become effective with regard to a local entity unless  
55 approved by the local entity or until, and only as long as,  
56 the Legislature appropriates funds or provides for a local



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57 source of revenue.

58 Section 3. This act shall become effective immediately  
59 following its passage and approval by the Governor, or its  
60 otherwise becoming law.